



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**AGENDA  
(Public Document)**

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

**13 March 2013**

# AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 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 13 March 2013 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Frank Ludovico  
**A/CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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### 1. DECLARATION OF OPENING

### 2. ANNOUNCEMENT OF VISITORS

### 3. ATTENDANCE

#### 3.1 PRESENT

Ronald Yuryevich	Commissioner of the Shire of Ashburton
Mr F Ludovico	A/Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Ms F Keneally	Executive Manager, Operations
Mr R Paull	Principal Town Planner
Ms M Tovey	Relieving Officer
Ms L Rickert	Community Liaison Coordinator
Ms L Hannagan	A/Executive Manager, Corporate Services
Mr K Pearson	A/Executive Manager, Technical Services

#### 3.2 APOLOGIES

#### 3.3 APPROVED LEAVE OF ABSENCE

### 4. QUESTION TIME

#### 4.1 PUBLIC QUESTION TIME

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

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

Dawn McAullay, from Onslow, tabled the following question.

**Q1.        “Could you please advise what and when is something going to happen regarding the burnt out Shire Offices, Library and Hall in Onslow.**

***Although only four weeks have passed since this tragic loss occurred, time is getting on and that question is being asked by many a concerned citizen in Onslow.***

***In the meantime could the safety barrier in front of the Hall be moved back to at least the footpath so people don't have to walk right out onto, what at times is a busy road?”***

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### **Response**

The Onslow Shire Office/Hall/Library has been inspected by a structural engineer and found to be structurally unsound. A tender will be issued for the demolition of the remains of this building as a priority.

The Shire has formed a working group to consider options for the location of a temporary solution to house the Office/Hall/Library as reinstatement of our premises is expected to take between 12-24 months.

The safety barrier in front of the building has been put in place by experts and is required to protect pedestrians from falling debris/building collapse and cannot be relocated.

Mercedes Fox, SAFE (Saving Animals From Euthanasia) Coordinator Tom Price, tabled the following question.

- Q2a.** *“Does the Shire have plans to increase the capacity at the Tom Price Kennels / Pound? during school holiday periods especially xmas its at capacity which leaves little room for stray / impounded dogs and of course for people to book their own dog into kennels whilst they are on holiday. Therefore they have to leave their dog with friends, or in its yard alone, and this can lead to dog escaping and causing problems, and open to the possibility of injury by snakes, and heat problems during the summer months.*”

### **Response**

The kennels facilities in Tom Price and Paraburdoo have evolved over time as boarding kennels. They were, however, originally established as Pounds under the Local Government Miscellaneous Provisions Act 1960 and that is their primary purpose.

While the Shire acknowledges that Christmas time, in particular, gets very busy and bookings can be at premium, very rarely during the rest of the year do they operate at full capacity in either town.

For these reasons there are no immediate plans to increase the size or capacity of either pound facility in the near future.

- Q2b.** *Also in relation to kennels run by the Shire, the Paraburdoo kennels/pound does have smaller pens than Tom Price, and the exercise area on the green grass when they are let out of pen to be cleaned is much smaller, there is also no shade over the facility aprt (sic) from a hot tin roof. Is the Shire able to consider a complete overhaul of this facility?*

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*In relation to previous meeting and question 4 asked, just to note that the wording is not quite correct. : "SAFE Karratha & SAFE Tom Price have concerns for the welfare of an animal when entrusted to the ranger" – meaning –when he says he will take it to SAFE and it doesn't arrive. Otherwise we have no problem with the ranger/s and the work they do but if they do think an animal will not be suitable to be rehomed and/or they can't get it to SAFE then its best to tell the concerned resident this up front."*

### **Response**

While it is less expansive than the Tom Price facility, the Paraburdoo Pound meets the Shire's needs in terms of space The possible installation of shade will be considered when the budget for the new financial year is considered.

## **5. APPLICATIONS FOR LEAVE OF ABSENCE**

## **6. PETITIONS / DEPUTATIONS / PRESENTATIONS**

### **6.1 PETITIONS**

### **6.2 DEPUTATIONS**

### **6.3 PRESENTATIONS**

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

### **7.1 ORDINARY MEETING OF COUNCIL HELD ON 13 FEBRUARY 2013**

Officer's Recommendation

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

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

## **9. DECLARATION BY MEMBERS**

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

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### 9.1 DECLARATION OF INTEREST

#### Councillors to Note

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

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
  - (b) At the Meeting, immediately before the matter is discussed.
- A member, who makes a disclosure in respect to an interest, must not:
- (c) Preside at the part of the Meeting, relating to the matter or;
  - (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

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

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

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

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



**10. CHIEF EXECUTIVE OFFICER REPORTS**

**10.1 PROHIBITED AREAS - WITTENOOM AND YAMPIRE GORGE**

**FILE REFERENCE:** AS.WI.00005.000

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

**NAME OF APPLICANT/RESPONDENT:** Nil

**DATE REPORT WRITTEN:** 25 February 2013

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

**PREVIOUS MEETING REFERENCE:** Ordinary Meeting of Council 18 November 1997  
Ordinary Meeting of Council 11 February 2003

**Summary**

In accordance with Council Policy ADM01 – Policy Manual Review – a review of Employment Policies has commenced. From this review EMP 02 Prohibited Areas – Wittenoom and Yampire Gorge was identified as requiring significant amendment.

Council Policy EMP 02 has not been reviewed since 2009 and is deficient in its responsibility regarding volunteer Bush Fire Brigade officers and employees entering the prohibited areas of Wittenoom and Yampire Gorge.

A review of government agencies with related policies has provided important information that has been incorporated into the proposed policy. This policy is now presented to Council for adoption.

**Background**

In 2002, the Western Australian Government established the Wittenoom Steering Committee, to develop a strategy to deal with asbestos contamination in and around Wittenoom and to accelerate the phase down of activities in the former town. The Government position is that exposure to asbestos should be kept as low as possible.

In 2006, the Government endorsed the following recommendation by the Wittenoom Steering Committee as one of the most appropriate long term solutions for Wittenoom:

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*“Pending the town’s closure, organisations with regulatory responsibilities should put in place a level of regulation which more appropriately balances their obligations for the health and safety of their staff and contractors with the significant health, safety and legal risks attendant upon their not discharging their regulatory responsibilities to residents of, and visitors to, the township.”*

### ATTACHMENT 10.1

#### Comment

The current policy fails to clearly outline responsibilities of staff including those who also act in the capacity of volunteer Bush Fire Brigade officers. It is also particularly nebulous in its terminology regarding the health implications of visitors to the area. The proposed policy plainly outlines the states findings regarding asbestos.

*“Asbestos is a hazardous material, which poses a health risk when airborne fibres are inhaled. Asbestos exposure is known to cause mesothelioma, asbestosis and lung cancer”*

Also added to the policy providing further clarification is a map delineating Wittenoom “Hot Zones”, areas which represent a danger to life or health.

#### Consultation

A/Chief Executive Officer  
A/Executive Manager - Technical Services  
Supervisor Emergency Services  
Government of Western Australia  
FESA

#### Statutory Environment

OSH Act 1984 Sect 19, 20

#### Financial Implications

There are no financial impacts on Council as a result of the review.

#### Strategic Implications

Shire of Ashburton Community Strategic Plan 2012 – 2022  
*Goal 4 - Distinctive and Well Serviced Places; Objective 2 – Accessible and Safe towns*  
(Assess and mitigate potential public health risks)

#### Policy Implications

This item has been prepared in accordance with Council Policy ADM01 – Review of Council Policies.

#### Voting Requirement

Simple Majority Required

#### Recommendation

That Council adopt the reviewed policy EMP 02 Prohibited Areas – Wittenoom and Yampire Gorge as per **ATTACHMENT 10.1**.

<b>Author:</b> Felicia Mudge	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

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### 11. CORPORATE SERVICES REPORTS

#### 11.1 2011/2012 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS

<b>FILE REFERENCE:</b>	FI.RE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Lisa Hannagan A/Executive Manager - Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	25 February 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The Local Government Act requires that Council accept the draft Annual Report for 2011/2012, including the Financial and Auditors Reports within two months of the Auditor's Report becoming available.

The Council is also required to select a date, time and venue for the Annual General Meeting of Electors.

#### **Background**

Under Section 5.53 of the *Local Government Act* 1995, the Shire is required to prepare an Annual Report for each financial year. The report is to contain:

- A report from the Commissioner and A/Chief Executive Officer;
- An overview of the plan for the future, including any major initiatives that are proposed to commence or continue in the next financial year;
- The 2011/2012 Financial Report;
- The 2011/2012 Auditor Report;
- Prescribed information in relation to payments made to employees; and
- Any other prescribed information.

The draft Annual Report for 2011/2012 is attached.

**ATTACHMENT 11.1**

Council is also requested to give consideration to determining the date, time and location of the Annual General Meeting. The meeting must be held within 56 days from the date Council accepts the Annual Report and Financial Statements. If Council accepts the Annual Report at this meeting, the latest date for the next meeting is 8 May 2013.

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### Comment

The Audit Committee meeting will be held during the March 2013 Council Meeting and a report from that Committee will be presented at the Council Meeting.

Last year the Annual Electors meeting was held on 16 May 2012 at the Ashburton Hall in Paraburdoo in conjunction with the Ordinary Meeting of Council.

It is recommended that the Annual Report be considered by the electors of the Shire at the Annual General Meeting to be held in the Council Chambers, Tom Price on the 10 April 2013 commencing at 7.00pm, which is within the 56 day period from the date of Council adopting the draft Annual Report.

### Consultation

A/ Chief Executive Officer  
Executive Management Team

### Statutory Environment

Sections 5.27, 5.53 and 5.54 of the *Local Government Act 1995*.

### Financial Implications

There is a governance cost associated with travel and accommodation for Councillors to attend the Annual General Meeting and possibly for the subsequent Elector Information meeting.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan, Goal 5 Inspiring Governance

### Policy Implications

There is no Council Policy relative to this issue.

### Voting Requirement

Absolute Majority required for the acceptance of the Annual Report.

Simple Majority required for the selection of date, times and venue for the Annual General Meeting of Electors.

### Recommendation

That Council:

1. Accepts the draft Annual Report for 2011/2012 as per **ATTACHMENT 11.1**; and
2. That Council hold an Annual General Meeting of Electors at the Council Chambers, Tom Price commencing at 7.00pm on Wednesday 10 April 2013.

<b>Author:</b> Lisa Hannagan	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 11.2 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF JANUARY 2013 & FEBRUARY 2013

<b>FILE REFERENCE:</b>	FI.RE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Leah M John Senior Finance Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	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:

##### January 2013

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

**ATTACHMENT 11.2A**

##### February 2013

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

**ATTACHMENT 11.2B**

#### Consultation

A/Executive Manager - Corporate Service  
Other Executive Managers  
Finance Manager  
Finance Officers  
Consultant Accountant

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### **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**

Nil

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council receives the Financial Reports for November 2012 and Schedule of Accounts and Credit Cards paid in December 2012.

<b>Author: Leah M John</b>	<b>Signature:</b>
<b>Manager: Lisa Hannagan</b>	<b>Signature:</b>

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### 11.3 ADOPTION OF THE SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY LOCAL LAW 2013

<b>FILE REFERENCE:</b>	LE.LL.01.00 LE.LL.08.00 LE.LL.11.00
<b>AUTHOR'S NAME AND POSITION:</b>	Leanne Lind Project Officer (Local Laws)
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 February 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Ordinary Meeting of Council 17 February 2010 Agenda Item 11.2 Minute Number 12,02.08 Ordinary Meeting of Council 18 July 2012 Agenda Item 11.1 Minute Number 11229 Ordinary Meeting of Council 17 October 2012 Agenda Item 11.1 Minute Number 11310

#### **Summary**

The purpose of this report is to:

1. Consider the submissions received on the proposed Shire of Ashburton Local Government Property Local Law 2013;
2. Give notice to the purpose and effect of the Shire of Ashburton Local Government Property Local Law 2013;
3. Make the Shire of Shire of Ashburton Local Government Property Local Law 2013;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Local Government Property Local Law 2013;
6. Authorise the affixing of the Common Seal to this local law.

#### **Background**

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws.

The existing By-Laws Relating to Aerodromes gazetted on 6 December 1996 and the Local Law Relating to the Management and Control of Public Swimming Pools gazetted on 3 June 1998 will be repealed and replaced with the Local Government Property Local Law 2013.

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It is recommended that the Aerodromes and Control of Public Swimming Pools Local Laws be repealed and replaced with a Local Government Property Local Law.

The proposed local law will provide for the regulation, control and management of activities and facilities on all local government-managed property, including aerodromes and public swimming pools.

Under the proposed Property Local Law, some activities are permitted only under a permit or under a determination of Council and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

**ATTACHMENT 11.3A**  
**ATTACHMENT 11.3B**

### **Comment**

**Purpose:** This Local Law is to regulate the care, control and management of all property of the local government except thoroughfares.

**Effect:** This Local Law is to control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

**ATTACHMENT 11.3C**

### **Consultation**

As required by the Local Government Act the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 23 October 2012 with a closing date for submissions of 6 December 2012. No submissions were received.

The Department of Local Government, Legislation Section, provided comments on the proposed local law and these recommendations have been included in the local law and are attached for reference.

**ATTACHMENT 11.3D**  
**ATTACHMENT 11.3E**

Manager, Building Services  
Executive Manager - Technical Services  
Manager Governance, WALGA  
DL Consulting

### **Statutory Environment**

*Local Government Act 1995, Section 3.12*

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan Goal 5 Inspiring Governance  
Objective 3 Council Leadership.

### **Policy Implications**

Nil



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### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. Adopt the Shire of Ashburton Local Government Property Local Law 2013 as per **ATTACHMENT 11.3C** in accordance with the provisions of the Local Government Act.
2. Authorise the Shire of Ashburton Local Government Property Local Law 2013 gazettal in the *Government Gazette*.
3. Authorise the public notice advertisement, (after gazettal), of the date of the Shire of Ashburton Local Government Property Local Law 2013.
4. Authorise the Commissioner and the A/Chief Executive Officer to affix the Common Seal to the Shire of Ashburton Local Government Property Local Law 2013.

<b>Author:</b> Leanne Lind	<b>Signature:</b>
<b>Manager:</b> Lisa Hannagan	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 11.4 ADOPTION OF THE SHIRE OF ASHBURTON PARKING AND PARKING FACILITIES LOCAL LAW 2013

<b>FILE REFERENCE:</b>	LE.LL.09.00
<b>AUTHOR'S NAME AND POSITION:</b>	Leanne Lind Project Officer (Local Laws)
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 February 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Ordinary Meeting of Council 17 February 2010 Agenda Item 11.2 Minute Number 12.02.08 Ordinary Meeting of Council 18 July 2012 Agenda Item 11.1 Minute Number 11229 Ordinary Meeting of Council 19 September 2012 Agenda Item 11.2 Minute Number 11278

#### Summary

The purpose of this report is to:

1. Consider the submissions received on the proposed Shire of Ashburton Parking and Parking Facilities Local Law 2013;
2. Give notice to the purpose and effect of the Shire of Ashburton Parking and Parking Facilities Local Law 2013;
3. Make the Shire of Shire of Ashburton Parking and Parking Facilities Local Law 2013;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Parking and Parking Facilities Local Law 2013;
6. Authorise the affixing of the Common Seal to this local law.

#### Background

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws.

This local law was adopted on 20 June 1995 and gazetted on 6 December 1996 and as a consequence references outdated terminologies (i.e. Shire Clerk, Road Traffic Act rather than Road Traffic Code 2000). It also fails to address the Parking (Disabled) Regulations and there is a need to update the prescribed Offences Schedule to increase penalties.

**ATTACHMENT 11.4A**

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### Comment

Purpose: This Local Law is to:

- constitute parking regions within townsites;
- enable the local government to regulate the parking of vehicles within parking regions;
- provide for the management and operation of parking facilities occupied by the local government; and
- update penalties

Effect: This Local Law is to ensure persons parking a vehicle within the parking region comply with the provisions of this local law.

**ATTACHMENT 11.4B**

### Consultation

As required by the Local Government Act the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 23 October 2012 with a closing date for submissions of 6 December 2012. No submissions were received.

The Department of Local Government, Legislation Section, provided comments on the proposed local law and these recommendations have been included in the local law and are attached for reference.

**ATTACHMENT 11.4C**  
**ATTACHMENT 11.4D**  
**ATTACHMENT 11.4E**

Executive Manager - Community Development  
Executive Manager - Technical Services  
Manager - Building Services  
Senior Ranger/Supervisor Emergency Services  
Manager Governance, WALGA  
DL Consulting

### Statutory Environment

*Local Government Act 1995, Section 3.12*

### Financial Implications

Nil

### Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan Goal 5 Inspiring Governance  
Objective 3 Council Leadership.

### Policy Implications

Nil

### Voting Requirement

Absolute Majority Required

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### Recommendation

That Council:

1. Adopt the Shire of Ashburton Parking and Parking Facilities Local Law 2013 as per **ATTACHMENT 11.4B** in accordance with the provisions of the Local Government Act.
2. Authorise the Shire of Ashburton Parking and Parking Facilities Local Law 2013 gazettal in the Government Gazette.
3. Authorise the public notice advertisement, (after gazettal), of the date of the Shire of Ashburton Parking and Parking Facilities Local Law 2013.
4. Authorise the Commissioner and the Acting Chief Executive Officer to executive the relevant documentation and affix the Common Seal to the Shire of Ashburton Parking and Parking Facilities Local Law 2013.

<b>Author: Leanne Lind</b>	<b>Signature:</b>
<b>Manager: Lisa Hannagan</b>	<b>Signature:</b>

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### 11.5 AFFIXING OF THE SHIRE OF ASHBURTON COMMON SEAL - POLICY NO. ELM13

<b>FILE REFERENCE:</b>	ELM13 OR.CM.01.00 (superseded) OR.DA.00.00 (superseded)
<b>AUTHOR'S NAME AND POSITION:</b>	Leanne Lind Project Officer (Local Laws)
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Ordinary Meeting of Council 18 July 2012 Minute Number 11234

#### **Summary**

Policy ELM13 Affixing of the Shire of Ashburton Common Seal is established to address the circumstances under which the official Council Common Seal may be affixed to documents.

#### **Background**

Best practice is for Local Government to adopt a policy that clarifies which types of documents are to be executed with the common seal under S9.49A(1)(a) of the Local Government Act 1995.

Section 9.49A(3) of the Act specifies that the Common Seal is to be affixed in the presence of the President and Chief Executive Officer (CEO) and that they are to sign the document. This section also states that the CEO may authorize a senior employee to sign on his/her behalf. Therefore a local government cannot delegate authority to the Shire President and CEO to sign a document affixed with the common seal as the Local Government Act already contains this specification. Similarly, Section 9.49A(3) of the Act clearly specifies the CEO may authorise a senior employee to sign the document on their behalf. This is an authorisation, not a power of delegation. Section 5.34 Act already permits the Deputy President to act on behalf of the President in his/her absence

#### **ATTACHMENT 11.5B**

#### **Comment**

The Shire of Ashburton has a Common Seal that is to be affixed to certain documents as proof that the document in question has been attested to by the Shire. Documents that require the Common Seal are to be presented to Council for consideration within the Reports of Officers section at the appropriate meeting of Council. The attachment of the Common

## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013**

Seal requires attesting by both the Shire President (or in their absence the Deputy Shire President) and Chief Executive Officer or the person acting in that position.

Policy ELM13 Affixing of the Shire of Ashburton Common Seal has been developed to establish protocols for the affixing of the Common Seal. The Policy sets out the conditions that apply to the use of the Common Seal.

### **ATTACHMENT 11.5A**

#### **Consultation**

A/Chief Executive Officer  
A/Executive Manager Corporate Services  
DL Consulting  
WALGA

#### **Statutory Environment**

*Local Government Act 1995*

#### **Financial Implications**

Nil

#### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan Goal 5 Inspiring Governance  
Objective 3 Council Leadership.

#### **Policy Implications**

Nil

#### **Voting Requirement**

Simple Majority Required

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### Recommendation

That Council:

1. Adopt Policy ELM13 Affixing of the Shire of Ashburton Common Seal to clarify which documents are to be affixed with the Common Seal under Section 9.49A of the Local Government Act 1995.

**ATTACHMENT 11.5A**

2. Rescind the Delegation Register DA042 Common Seal of the Shire for any purpose associated with the common seal; and

**ATTACHMENT 11.5B**

3. Resolve for the Local Government to authorise the Chief Executive Officer under Section 9.49A(4) of the Local Government Act 1995 to sign all other documents that are not to be affixed with the Common Seal.

**ATTACHMENT 11.5A**

<b>Author:</b> Leanne Lind	<b>Signature:</b>
<b>Manager:</b> Lisa Hannagan	<b>Signature:</b>

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### 11.6 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR 2012

<b>FILE REFERENCE:</b>	OR.IG.02.13
<b>AUTHOR'S NAME AND POSITION:</b>	Lisa Hannagan A/Executive Manager - Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	22 February 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.03.13 Ordinary Meeting of Council 21 March 2012 Agenda Item 12.13.13 Ordinary Meeting of Council 16 March 2011 Agenda Item 12.03.21 Ordinary Meeting of Council 15 March 2010

#### **Summary**

Each Local Government is to carry out a Compliance Audit annual for the period of 1 January 2012 to 31 December 2012.

The Return for the year 2012 is present to Council for adoption.

#### **Background**

The 2012 Local Government Compliance Audit Return for the period 1 January 2012 to 31 December 2012 is attached.

#### **ATTACHMENT 11.6**

The Compliance Audit Return is to assist Councils in monitoring their organization functions. Council is required to note the areas of non-compliance and endorse remedial action.

During the course of 2012 a Probity Audit was conducted at the Shire of Ashburton by the Department of Local Government. Some 41 Recommendations were made as a result of this Audit and many relate directly to the Shire's management of compliance issues.

The Shire of Ashburton's Executive Team are responding to respond to and are making the necessary changes identified in the 2012 Probity Audit.

All of the issues identified in the Compliance Audit Return 2012 are being dealt with through the work associated with the 2012 Probity Audit.



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### Comment

The Return is required to be presented to Council for adoption before its submission to the Department of Local Government and Regional Development.

### Consultation

A/Chief Executive Officer  
Executive Managers  
Administration Manager

### Statutory Environment

Section 7.13(i) of the Local Government Act 1995, and  
Regulations 13, 14 & 15 of the Local Government (Audit) Regulations 1996.

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan  
Goal 5 – Inspiring Governance.

### Policy Implications

There is no Council Policy relative to this issue.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Adopts the Compliance Return, as per **ATTACHMENT 11.6**, for the period 1 January 2012 to 31 December 2012 and submit a certified copy to the Executive Director of the Department of Local Government and Regional Development.

<b>Author: Lisa Hannagan</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 11.7 COMMUNITY SATISFACTION SURVEY

<b>FILE REFERENCE:</b>	OR.CR.01.00
<b>AUTHOR'S NAME AND POSITION:</b>	Lisa Hannagan A/Executive Manager - Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	10 November 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Nil

#### Summary

The Shire of Ashburton conducted a benchmark Community Satisfaction Survey in August/September 2012. The Survey was made available online and in print (delivered to every letterbox or post office box in the Shire).

The Survey was designed to measure the views, ideas and suggestions and community members across the whole Shire.

The objectives of the Community Survey were to:

- Provide the community with the opportunity to communicate openly and candidly with the Management Team & Council staff at the Shire of Ashburton;
- Identify key issues for Shire of Ashburton residents;
- Measure performance across key areas for the Shire of Ashburton; and
- Use the information from the community survey in a meaningful way to build a stronger and more satisfied community.
- Allow for comparative longitudinal analyses of the Council's performance over time.

The attached report summarises the findings from the 2012 Shire of Ashburton Community Satisfaction Survey.

#### Background

The Shire of Ashburton Strategic Plan (2007-2011) was the result of extensive community consultation. Feedback received from all communities requested increased communication between the Shire and the community.

This resulted in Strategic Objective 6 – A Well Managed and Contemporary Corporation. Under this heading, Business Plan Activity 3. was to – *Undertake a Customer Service Audit of Standards.*

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The Customer Satisfaction Survey was not undertaken until 2012 due to operational constraints.

Councillors were informed, via the Information Bulletin and consulted in relation to the scope of the Customer Satisfaction Survey.

### ATTACHMENT 11.7

#### Comment

This report was originally prepared for the November 2012 Council Meeting but was delayed and is now belatedly provided for Council review.

The Survey Summary Report has been provided to Executive Managers and results have been reviewed and, where improvement areas have been identified, activities designed to improve our standing will be incorporated into and addressed by the Corporate Business Plan of the relevant organizational area.

#### Consultation

A/Chief Executive Officer  
Executive Managers  
InSync Surveys

#### Statutory Environment

Local Government Act 1995 S.5.56 Planning for the Future

#### Financial Implications

InSync Surveys conducted the initial (benchmark) survey and will conduct a follow up survey in the 2012/ 2013.

Provision has been made in the budget.

#### Strategic Implications

10 Year Community Strategic Plan 2012-2022, Goal 1 "Vibrant & Active Communities", Objective 1 – Connected, Caring and Engaged Communities and Goal 5 "Inspiring Governance", Objective 3 – Council Leadership

#### Policy Implications

Nil

#### Voting Requirement

Simple Majority Required

#### Recommendation

That Council:

1. Receive the Shire of Ashburton Community Satisfaction Survey Report October 2012, as per **ATTACHMENT 11.7**, and acknowledge that where areas of improvement were identified, that strategies to address these issues will be included in the Corporate Business Plan.

<b>Author:</b> Lisa Hannagan	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

## 12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

### 12.1 SKYWEST FUEL FACILITY LICENCE AGREEMENT

<b>FILE REFERENCE:</b>	TR.AT.01.01
<b>AUTHOR'S NAME AND POSITION:</b>	Emma Heys Acting Economic & Land Development Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Skywest Airlines (Australia) Pty Ltd is the contracted charter operator for the Wheatstone Project and currently utilises a portion of the Onslow temporary terminal for their airline operations out of Onslow. Skywest have requested the use of more land at the Onslow Airport for the use of an Aviation fuel storage facility.

A proposed licence agreement has been drafted outlining the conditions of use of the required land which has been approved by Skywest. Council's approval of the Licence is now sought in order that the agreement may be finalised.

#### Background

Skywest is currently supplying charter services to both the Macedon and Wheatstone Construction Crews through its temporary (donga-style) terminals at Onslow Airport. Skywest has been provided with a License to operate this terminal in order to provide adequate arrival and departure services. Given the frequency of flights, Skywest have requested the use of more land at the Onslow Airport for the purposes of an Aviation fuel storage facility to allow refuelling of the planes.

#### ATTACHMENT 12.1

#### Comment

The proposed License to Skywest Airlines (Australia) Pty Ltd has been drafted by the Strategic and Economic Development Department and provides the following:

- An area measuring 16m x 21m at Lot 16 Onslow Road, Onslow as indicated on the attached plan
- The term of the License is 6 months
- Proposed License Fee is \$1000.00 per month, paid a month in advance.
- The fuel facility will be securely fenced with cyclonic fencing, compliant with "Region D Terrain Category 2" building requirements at Skywest's expense.

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Copies of the lease plan and proposed License are attached.

The License is proposed as a short-term solution to Skywest's fueling requirements at the aerodrome whilst the new airstrip, terminal and permanent fuelling facilities are under construction.

### **Consultation**

Executive Manager - Strategic and Economic Development  
Aerodrome Services Project Manager  
Business Development Executive Skywest Airlines

### **Statutory Environment**

As stated in "The Complete Guide to the Local Government Act" April 2005:

"The Department of Local Government and Regional Development in its Update Magazine No 41 2002 provides advice on the increasing use of Licence Agreements to use Council controlled land. The Department says - "Does the grant of a licence to use council controlled land constitute a disposal for the purposes of s 3.58 of the *Local Government Act 1995* (the Act)? Section 3.58(1) of the Act provides the following definitions:

A key issue is whether the licence agreement disposes of a local government's interest in land. According to legal advice received by the Department a licence is a permission given by the owner or occupier of land which allows the licensee to do something that would otherwise be unlawful.

When a licence is granted for valuable consideration it is known as a contractual licence, but it does not confer any estate or interest in the land in favour of the licensee.

As such the granting of a licence does not constitute the disposal of property under s 3.58 and is not subject to the processes of that section. Nevertheless, in some circumstances, local governments may wish to observe the processes of s 3.58 when granting a licence to use land particularly when there is likely to be significant public interest in acquiring the right to use the land".

The Strategic and Economic Development Department does not deem it necessary to publicly advertise the proposed license agreement as it is not creating competition or reducing the rights of other local business and therefore is not of public interest.

### **Financial Implications**

The total value of the License is likely to net Council \$ 6000.00.

### **Strategic Implications**

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

Goal 02 'Economic Prosperity': Objective 01 'Strong Local Economies':

Goal 04: 'Distinctive and Well Serviced Places': Objective 01: 'Quality Public Infrastructure'

### **Voting Requirement**

Absolute Majority Required

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### Recommendation

That Council:

1. Approves a licence for Skywest Airlines (Australia) Pty Ltd to utilise an aviation fuel storage facility at Onslow Airport for the period 3 March 2013 until 1 September 2013, being six (6) only, for the monthly rental of \$1000.00 paid in advance.
2. Authorise the Commissioner and the Acting Chief Executive Officer to execute the licence agreement and affix the Shire's Common Seal to the licence agreement.

<b>Author: Emma Heys</b>	<b>Signature:</b>
<b>Manager: Amanda O'Halloran</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 12.2 RIO TINTO AND SHIRE OF ASHBURTON PARTNERSHIP - TERMS OF REFERENCE FOR PARTNERSHIP GOVERNING COMMITTEE AND PARTNERSHIP MANAGEMENT GROUP

<b>FILE REFERENCE:</b>	CORP4
<b>AUTHOR'S NAME AND POSITION:</b>	Anika Serer Acting Partnership/Revitalisation Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 10.2 Ordinary Meeting of Council 18 April 2012

#### Summary

Rio Tinto and the Shire of Ashburton signed a Memorandum of Understanding on 1 July 2012 to form a Community Infrastructure and Services Partnership. A governance framework has been formed which is inclusive of a Partnership Governing Committee, a Partnership Management Group and the Partnership Management Team to manage the MOU. Endorsement is sought of the proposed Terms of Reference (TOR) for the Partnership Governing Committee (PGC) and Partnership Management Group (PMG).

#### Background

In March 2011 an Engagement Framework was formulated between the Shire and Rio Tinto (RTIO). The framework provided an impetus for a closer and more fruitful relationship between the parties to enable the delivery of a number of solutions to issues including the development of the townsite strategies for Tom Price, Paraburdoo and Pannawonica.

In April 2012 a proposed MOU for a Community Infrastructure and Services Partnership between the Shire and RTIO was endorsed by Council and subsequently executed on 1 July 2013. Under the terms of the Partnership, a governance framework has been developed that sets out how the Parties will engage at various levels to implement, monitor and evaluate the Partnership.

#### Comment

The governance framework consists of a Partnership Governing Committee (PGC), a Partnership Management Group (PMG) and the Partnership Management Team (PMT) who have specific roles and responsibilities in:

- a) Developing and implementing the Partnership;
- b) Tracking strategies against milestones, budgets and expected outcomes;
- c) Establishing and promoting key messages; and
- d) The evaluation of the Partnership and its associated projects and activities.

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The PGC will provide the strategic direction and approvals process for the overall implementation, management and monitoring of the Partnership and its associated activities and projects. The Committee is formed by representatives of RTIO (General Manager Communities, General Manager Operations Greater Paraburdoo, General Manager Accommodation and Towns Management, General Manager Operations Tom Price) and the Shire (Shire President, Chief Executive Officer)

The PMG works closely with the Partnership Management Team to provide project guidance and tracking of the Partnership and its associated activities and projects. The Group is formed by representatives of RTIO (Manager Communities Inland; Manager Strategy; Superintendent Community Services) and the Shire (Executive Manager Community Development; Executive Manager Strategic and Economic Development; Facilities Manager; Community Development Manager East).

The PGC and the PMG will be guided by Terms of Reference (TOR) agreed to by both parties and reviewed annually. The TOR's set out the roles and responsibilities, outcomes, reporting, membership and processes for decision making specific to the PGC and the PMG. The proposed TOR's for the PGC and PMG have been reviewed by the PMG and Partnership Management Team, and are now attached for Council's review and endorsement.

**ATTACHMENT 12.2A**  
**ATTACHMENT 12.2B**

### **Consultation**

Rio Tinto and Shire of Ashburton Partnership Management Group (PMG)  
Executive Manager - Community Development  
Executive Manager - Strategic and Economic Development

### **Statutory Environment**

Not Applicable

### **Financial Implications**

The proposed Terms of Reference have no financial implications

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:  
Goal 1 – Vibrant and Active Communities  
Goal 2 – Enduring Partnerships  
Goal 4 – Distinctive and Well Serviced Places  
Goal 5 – Inspiring Governance

### **Policy Implications**

Not applicable

### **Voting Requirement**

Simple Majority Required



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### Recommendation

That Council:

1. Endorses the proposed Terms of Reference (TOR) for the Partnership Governing Committee and Partnership Management Group formed by the Rio Tinto and Shire of Ashburton Community Infrastructure and Services Partnership; and
2. Delegates authority to the Shire President and Chief Executive Officer to sign the proposed Terms of Reference documents.

<b>Author: Anika Serer</b>	<b>Signature:</b>
<b>Manager: Amanda O'Halloran</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 13. TECHNICAL SERVICES REPORTS

#### 13.1 PREPARATION OF OUTLINE DEVELOPMENT PLAN (EASTERN PORTION ASHBURTON NORTH GENERAL INDUSTRIAL AREA)

**FILE REFERENCE:** PS.TP.7.18

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

**NAME OF APPLICANT/RESPONDENT:** Landcorp /URBIS Planning Consultants

**DATE REPORT WRITTEN:** 2 March 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable, However Council Reports concerning the ANSIA and draft Scheme Amendment No. 18 have been numerous.

#### **Summary**

LandCorp is seeking the approval of a draft 'Outline Development Plan' (ODP) at Part Lot 152 CL56-1967 on Deposited Plan No. 220265 for industrial purposes within the Ashburton North Strategic Industrial Area (ANSIA).

The planning framework relating to the ANSIA is well established in the 'LandCorp ANSIA Industrial Development Plan' (ANSIA Development Plan), provisions of Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and draft Amendment 18 to the Scheme. Although Amendment No. 18 is still to be Gazetted, Council adopted the ANSIA Development Plan in February 2013.

The draft ODP provides the information required by the ANSIA Development Plan and Scheme provisions.

Subject to the modifications outline in the Report, the information provided by the proponent is considered sufficient for Council to adopt draft 'Outline Development Plan (Eastern Portion Ashburton North General Industrial Area)' for advertising (for 21 days) in accordance with the Scheme.

If no adverse comments are received during advertising, the development plan be adopted and the WAPC be requested to endorse it. Should any adverse comments be received during advertising the Chief Executive Officer be requested to prepare a further report to Council on the matter.

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### Background

Council, at its Special Meeting of 5 October 2011 meeting gave final approval to the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and draft Amendment No. 10 to the Shire's Town Planning Scheme No 7 ('Scheme').

The ANSIA Structure Plan facilitates the development of an industrial hydro-carbon precinct south west of the town of Onslow and Amendment 10 essentially provides the opportunity to develop the Wheatstone LNG plant, access road and Chevron's Transient Workforce Accommodation (TWA) camp for the construction workforce (only). The ANSIA Structure Plan and Amendment No. 10 have been approved by the Western Australian Planning Commission (WAPC) and the Minister for Planning respectively.

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

It is also proposed that additional land be developed for use by, as yet to be identified, hydro carbon related industries. The whole of the ANSIA will be serviced by a common port facility, managed by the Dampier Port Authority, and by a Multi User Access and Infrastructure Corridor (MUAIC), a shared transport and infrastructure corridor.

The ANSIA Structure Plan divides the ANSIA into several stages. Stage 1 consists of a Future Industry Area (FIA) incorporating downstream gas processing industries and other uses. Land with no current development intention in the short to medium term and therefore set aside for future strategic industrial expansion is referred to as Stage 2.

Stage 1 is further divided into sub-stages with Stage 1A comprising the Wheatstone project, a common port facility, a Multi User Access and Infrastructure Corridor (MUAIC) for the purpose of shared transport and infrastructure and Chevron's TWA camp. Stage 1B comprises the potential development site of the Scarborough LNG and the Macedon Domestic Gas Projects, portions of land associated with the FIA and TWA. Stage 1C comprises the balance of Stage 1 identified for 'Industry' development.

The development of land reflected by Amendments No. 17 and 18 to the Scheme has already been identified in the *ANSIA Development Plan* as adopted by Council in February 2013. The role of the *ANSIA Development Plan* is to provide detailed information associated with the development of the land associated with the above Amendments.

Council has supported for final approval, draft Scheme Amendment No. 18 which seeks to zone land (Stage 1C) to 'Industry' zone. The draft Amendment also includes a statutory linkage to the *Development Plan* which ensures that any proponent that develops in Stage 1B must first achieve environmental approval and address social infrastructure contributions associated with Onslow.

### Proposal

LandCorp is seeking the approval of a draft '*Outline Development Plan (Eastern Portion Ashburton North General Industrial Area) (ODP)*' at Part Lot 152 CL56-1967 on Deposited Plan No. 220265 for industrial purposes within the Ashburton North Strategic Industrial Area (ANSIA).

**ATTACHMENT 13.1**

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

The planning framework relating to the ANSIA is well established in the *'LandCorp ANSIA Industrial Development Plan'* (*ANSIA Development Plan*), provisions of Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and draft Amendment 18 to the Scheme. Although Amendment No. 18 is still to be Gazetted, Council adopted the *ANSIA Development Plan* in February 2013.

The land is currently Unallocated Crown Land (UCL). LandCorp has requested that the land be transferred from UCL to freehold to enable LandCorp to progress the development of the site for industrial purposes. Due to servicing constraints in the area and the need to provide a short term supply of general industrial land to the market, LandCorp intends to initially make land available on a leasehold basis, for appropriate industrial uses. Once services can be extended to the site freehold titles will be offered.

The release of industrial land will provide support services to the large proponents during construction and operation phases and service the future growth of the Onslow Townsite.

### **Comment**

The draft ODP provides the information required by the *ANSIA Development Plan* and Scheme provisions and, in particular, Condition 6 of the *ANSIA Development Plan*:

#### *"6. General Industrial Areas (GIA's)*

*The GIA's are to be developed in accordance with the Zoning Table in TPS7. Should subdivision within the GIA's be envisaged, an Outline Development Plan shall be prepared and adopted by the Shire and the WAPC, in accordance with the provisions of TPS7, prior to the submission of an application for subdivision."*

As Council adopted the *ANSIA Development Plan* for final approval (along with draft Amendment 18), advertising of the draft *'Outline Development Plan (Eastern Portion Ashburton North General Industrial Area)'* can commence. It should be noted that the draft *'Outline Development Plan* will need to have some editing to remove typographical errors which will not modify the strategic direction of the document.

However, one area of modification relates to the inclusion as a condition of the draft *'Outline Development Plan* reference to all land uses requiring clearance under Section 38 of the Environmental Protection Act. This is a similar requirement to the land under Amendment 17 that is intended to be zoned 'Strategic Industry' (Stage 1B). Given the land subject of the draft *'Outline Development Plan* is intended to be zoned 'Industry', reference to land use being subject to Section 38 of the Environmental Protection Act is considered onerous and not necessary. In addition, the draft conditions refer to Stage 1B which is not relevant to this land.

### **Conclusion**

Subject to the modifications referred above, the information provided by the proponent is considered sufficient for Council to adopt draft *'Outline Development Plan (Eastern Portion Ashburton North General Industrial Area)'* for advertising (for 21 days) in accordance with the Scheme.

If no adverse comments are received during advertising, the development plan be adopted and the WAPC be requested to endorse. Should any adverse comments be received during advertising the A/Chief Executive Officer be requested to prepare a further report on the matter.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### Consultation

A/Chief Executive Officer  
A/Executive Manager - Engineering Services  
Executive Manager - Strategic and Economic Development  
LandCorp/URBIS Town Planning Consultants

Referral of the draft Outline Development Plan will be provided to the following agencies and other interested parties:

- Department of State Development
- Department for Planning
- Dampier Port Authority
- Department of Environment and Conservation
- Environment Protection Authority
- Main Roads WA
- Department of Water
- Department of Mines and Petroleum
- Department of Transport
- Water Corporation
- Horizon Power
- Department of Indigenous Affairs
- Department of Health
- Onslow Solar Salt Pty Ltd
- Buurabalayji Thanlanyji Association Inc
- Forrest and Forrest Pty Ltd

Advertising will be for 21 days.

### Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Under the Scheme, the subject area is zoned *'Rural'*.

### Financial Implications

The Shire has calculated the fees charged for assessing the outline development plan fees in accordance with those set out in the Planning Regulations in order to meet the administrative and other costs it incurs as a result of it processing LandCorp's draft plan.

### Strategic Implications

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

### Policy Implications

Adoption of a Development Plan for this area will provide the policy direction for Council in relation to the subdivision and development of the land.

### Voting Requirement

Simple Majority Required

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### Recommendation

That Council:

1. Subject to the modifications as outlined in the Report to Council, adopts draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' as prepared by URBIS town planning consultants for LandCorp (modified to the satisfaction of the Chief Executive Officer) for the purpose of advertising for 21 days in accordance with subclauses 5.7.3 and 5.7.4 of the Scheme.
2. Subject to no adverse comments being received during the advertising period, Council adopt draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' in accordance with provisions of the Scheme and request the Western Australian Planning Commission endorse the development plan as the basis for development and subdivision within the area covered by the plan and appropriately advise Council of adoption of the plan.
3. Should any adverse comments be received during advertising of draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' the A/Chief Executive Officer be requested to prepare a further report to Council on the matter.

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 13.2 CHEVRON AUSTRALIA - REQUEST TO REVIEW THE WHEATSTONE PROJECT CONSTRUCTION WORKFORCE MANAGEMENT PLAN AND WORKFORCE MANAGEMENT DEED

<b>FILE REFERENCE:</b>	PS.TP.7.10
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Chevron Australia Pty Ltd
<b>DATE REPORT WRITTEN:</b>	3 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.3 (Minute: 11221), Ordinary Meeting of Council 20 June 2012 Agenda Item 13.9 (Minute: 11120), Ordinary Meeting of Council 15 February 2012 Agenda Item 13.1, (Minute 11090) Ordinary Meeting of Council 14 December 2011

#### **Summary**

Council, at its 20 June 2012 Meeting resolved to adopt for final approval, the *Wheatstone Development Plan (Development Plan)* prepared by Chevron Australia Pty Ltd which established a detailed planning direction and development conditions associated with common use land and infrastructure corridors, Wheatstone LNG and domestic gas facilities and accommodation for the construction workforce.

Associated with the *Development Plan* was the *Wheatstone Project Construction Workforce Management Plan (Workforce Management Plan)* and *Chevron Australia Workforce Management Deed (Deed)*, agreed to between the Shire and Chevron, that essentially established the company's corporate responsibility for the housing of Chevron's staff, contractors and sub-contractors.

Chevron has now requested that due to establishment issues unforeseen at the time of signing the preparation and *Workforce Management Plan and Deed*, that the documents be modified to allow greater flexibility for the company to house staff and contractors.

It is the Shire Administration's view that any such changes should be accompanied by a revised Social Impact Assessment undertaken by Chevron along with information outlining Chevron's changing needs and clarification as to the anticipated workforce numbers.

The purpose of this Report is to advise Council of the request and to seek direction on whether Council is prepared to agree to modifications to the *Workforce Management Plan and Deed*.

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### Background

Council, at its 20 June 2012 Meeting resolved to adopt for final approval, the *Wheatstone Development Plan (Development Plan)* prepared by Chevron Australia Pty Ltd which established a detailed planning direction and development conditions associated with common use land and infrastructure corridors, Wheatstone LNG and domestic gas facilities and accommodation for the construction workforce.

Associated with the *Development Plan* was the *Wheatstone Project Construction Workforce Management Plan (Workforce Management Plan)* and *Chevron Australia Workforce Management Deed (Deed)* between the Shire and Chevron that essentially established the company's corporate responsibility for the housing of Chevron's staff, contractors and sub-contractors. The documents specify the sites and locations where and how a general employment number of 5000 staff, contractors and subcontractors is to be accommodated.

### ATTACHMENT 13.2A

When an Application to use Thevenard Island for transient workforce accommodation (for Chevron contractors) was lodged with the Shire shortly after the *Workforce Management Plan* and *Deed* were signed, it was apparent that Chevron was unlikely to meet its obligations under the *Workforce Management Plan* and *Deed*.

Council when considering the Thevenard Island for transient workforce accommodation Application (December 2012) resolved in part as follows:

"3. Request the Acting Chief Executive Officer to write to Chevron Australia requesting that it openly clarify its accommodation needs for Wheatstone and if they are different to the adopted *Wheatstone Construction Workforce Management Plan (WCWMP)* that it seek to revise the *WCWMP* accordingly."

The issue of accommodation was again highlighted when Council considered draft '*Local Planning Policy - Mooring of 'Boatels' at Beadon Creek and waters off Onslow*' where submissions clearly indicated that Chevron and Bechtel (contractor to Chevron) were seeking the use of boatels for accommodation purposes.

### Proposal

Chevron has now requested that due to establishment issues unforeseen at the time of signing the preparation and *Workforce Management Plan and Deed*, that the documents be modified to allow greater flexibility for the company to house staff and contractors.

Shire Executive staff met with Chevron representatives in relation to Chevron's request. Chevron's record of the meeting outcomes is generally accepted however, it fails to fully acknowledge discussion had over the role of Council and the need for community consultation in the process of modifying the *Workforce Management Plan and Deed*.

### ATTACHMENT 13.2B

### Comment

The purpose of this Report is to advise Council of the request and to seek direction on whether Council is prepared to agree to modifications to the *Workforce Management Plan and Deed*.

It is understood that the Wheatstone project has been the subject to certain delays and unexpected difficulties associated with housing the workforce, hence, Chevron and Bechtel



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have sought to use accommodation options (e.g. Thevenard Island and boatels) that fall outside accommodation identified in the Workforce Management Plan and Deed.

It is noted, however both these accommodation options have been accepted by Council, the first as a five year planning approval issued for the transient workforce accommodation at Thevenard Island and the second in the form of support for the second boatel at Beadon Creek for a six month period.

There would be merit in reviewing the Workforce Management Plan and Deed (as generally outlined in Chevron's correspondence as attached to this Report) and for Council to determine how it can be modified in such a manner that it doesn't result in unreasonable impacts on the community of Onslow or negatively impact 'legacy' developments for Onslow.

However, it is considered necessary that any such changes should be accompanied by a revised Social Impact Assessment undertaken by Chevron along with information outlining Chevron's changing needs and clarification as to the anticipated workforce numbers.

### **Consultation**

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager - Strategic and Economic Development

### **Statutory Environment**

*Planning and Development Act 2005*

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

*ANSIA Structure Plan*

### **Financial Implications**

There are no financial implications relevant to this matter.

### **Strategic Implications**

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

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

### **Policy Implications**

The Workforce Management Plan and Deed provides the policy direction for Council in relation to accommodation issues for the Wheatstone Development.

### **Voting Requirement**

Simple Majority Required

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### Recommendation

That Council:

1. Advise Chevron Australia Pty Ltd that Council is prepared to review the *Wheatstone Project Construction Workforce Management Plan (Workforce Management Plan)* and *Chevron Australia Workforce Management Deed (Deed)* as generally outlined in Chevron's correspondence (**ATTACHMENT 13.2A**) provided:
  - i. In the opinion of Council, the outcome does not result in unreasonable impacts on the community of Onslow or negatively impact the development of 'legacy' developments for Onslow; and where
  - ii. Chevron prepares a revised Social Impact Assessment and revised *Workforce Management Plan* and *Deed* that outlines Chevron's changing needs and clarification as to the anticipated workforce numbers.

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

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### 13.3 PLANNING APPLICATION - PROPOSED 12 UNIT MULTIPLE DWELLING AT LOT 245 (NO. 41) SECOND AVENUE, ONSLOW

<b>FILE REFERENCE:</b>	ON.SE.0245.00 20120377
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	RPD Nylund (Owner) Andrew McLiver (Applicant) with additional support from Greg Rowe and Associates
<b>DATE REPORT WRITTEN:</b>	3 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Application has been submitted on behalf of the owner of Lot 245 (No. 41) Second Avenue, Onslow to construct a 'multiple dwelling' comprising twelve (12) multiple dwellings in a centrally positioned three (3) storey building on the subject site. The ground floor is to contain under-croft parking, storerooms, pedestrian and driveway entries, communal open space and bin stores.

Access to the parking area is provided by way of a 6.0m driveway located along the eastern boundary of the site. No vehicle access is proposed from the rear laneway. An total of eighteen (18) car parking bays are provided within the development; with twelve (12) car parking bays for each of the proposed single bedroom units and six (6) bays for visitor parking.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Commercial and Civic and within the 'Onslow Coastal Hazard Area' under the Scheme. The minimum finished floor level for the first level Multiple Dwellings is 5.9mAHD which is consistent with draft Planning Scheme Amendment No. 24.

Residential development in Western Australia is primarily controlled through the R-Codes. The Scheme defines 'multiple dwellings' as a discretionary use that cannot be considered unless advertising has been undertaken. Advertising of the application (notice to all adjoining and opposite land owners and sign on site) has taken place in accordance with the Scheme provisions and no submissions (objection) received.

The Western Australian Planning Commission has established a Multi-Unit Housing Code (MUHC) to provide for greater housing diversity, affordability and flexibility. The MUHC provides guidelines for the design of multiple unit and mixed-use developments. The Application generally reflects the MUHC provides guidelines.

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The Application has been assessed in accordance with the relevant provisions of the RCodes and the Scheme.

It is considered that the Application is generally in accordance with the relevant planning provisions however, the open space areas as proposed rely on the Shire's draft "Draft Local Planning Policy - Regional Residential Design Code Variations". (LPP)

The draft LPP requires the consent of the Western Australian Planning Commission (WAPC) before it can take effect. It is understood that the WAPC will be considering the draft LPP on 12 March 2013 and that the recommendation to the WAPC is to approve the LPP. It is not considered appropriate to approve the Application without the WAPC decision and in this regard, any Approval would need to reflect the possibility that the WAPC does not support the provisions of the draft LPP.

It is recommended that Council approve the Application subject to conditions.

### Background

Lot 245 (No. 41) Second Avenue, Onslow has an area 1,012m<sup>2</sup> with a frontage of 20m and is occupied by a 12m by 6m shed located in the eastern portion of the site fronting Second Avenue. The balance of the site remains predominantly cleared. Survey information provided by the Application indicates the subject site is relatively flat ranging from between 2.3m AHD in the western portion and 3.0m AHD in the east.

### Multi Unit Housing Code

Residential development in Western Australia is primarily controlled through the *Residential Design Codes* (R-Codes).



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### Proposal

It is proposed to construct a 'multiple dwelling' comprising twelve (12) multiple dwellings in a centrally positioned three (3) storey building on Lot 245 (No. 41) Second Avenue, Onslow. The ground floor is to contain under-croft parking, storerooms, pedestrian and driveway entries, communal open space and bin stores. The roof height is proposed at 10.9m.

Access to the parking area is provided by way of a 6.0m driveway located along the eastern boundary of the site. No vehicle access is proposed from the rear laneway. A total of eighteen (18) car parking bays are provided within the development; with twelve (12) car parking bays for each of the proposed single bedroom units and six (6) bays for visitor parking.

The first floor contains units 1 to 9, while the second floor contains units 10 to 12. Access to the upper floors is provided by way of an enclosed stair-case, a central platform lift servicing the ground and first floors, as well as elevated walkways.

The twelve (12) units consist of identical internal layouts measuring 42m<sup>2</sup> in area. The units are provided with a bedroom, bathroom/laundry facilities, living and dining areas and a covered outdoor living deck. Each unit also has access to a communal drying court located on the ground floor.

External walls of the development are to comprise painted fibre cement scored sheet cladding. Expanded metal mesh screen in painted steel frames will screen the walkways, while there will be colorbond metal roofing.

### ATTACHMENT 13.3A

### Statutory Comment

*'Commercial and Civic' zone:*

The Scheme provision relevant to the Commercial and Civic zone is as follows:

#### *"6.10 Commercial Zones*

*6.10.1 Development in the Commercial and Civic and Tourism Zones should be generally in accordance with the strategic statements contained in the Scheme Report, or strategic statements contained in the Scheme Report, or policy in the policy manual.*

*6.10.2 In the absence of strategic or policy statements for land within the zones referred to in subclause 6.10.1 Local Government, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures.*

*6.10.3 The density of residential development in the Commercial and Civic and Tourism zones shall not exceed R50, with the exception of land located within the Onslow Hazard Special Control Areas, where residential development shall not exceed R30."*

As the subject land is located within the Onslow Hazard Special Control Areas, residential development is limited to R30.

*Onslow Coastal Hazard Area Special Control Area'*

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

*"7.3 Onslow Coastal Hazard Area*

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

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

*7.3.3 Applications for planning approval not in conformity with the plan shall be referred to the Ministry for Planning and the Registrar of Aboriginal Sites for advice.*

*7.3.4 In areas not subject to clause 7.3, and Local Government considers the form of development the subject of a planning application to be potentially incompatible with and prone to flood and storm surge events, it may have regard for information about these events and may approve, with or without conditions, or refuse proposals at its discretion.*

*7.3.5 Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.*

*7.3.6 Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.*

*7.3.7 After receipt of advice or recommendations from the agencies referred to in subclause 7.3.3, the Local Government may, notwithstanding any other provision of the Scheme:*

*(a) approve the development proposal,*

*(b) refuse the development proposal, or*

*(c) approve the development proposal subject to conditions, which may include the requirement to prepare and implement a foreshore management plan.*

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

*(a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west*

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*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 Cl 7.3.3 is considered to be typographical error in the Scheme).*

### Definition of Multiple Dwelling

The Scheme defines a 'Multiple Dwelling' as *"a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."*

This definition is different to that of the RCodes which states:

*"a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other but:*

- *does not include a group dwelling; and*
- *includes any dwellings above the ground floor in a mixed use development."*

Multiple dwelling is an 'A' use within the Commercial and Civic zone and is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice.

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.*

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- (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*
  - (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, and*
- (w) any relevant submissions or objections received or sought on the application;*
- (x) any other planning consideration that Local Government considers relevant.”*

Where relevant, the above will be referenced in the ‘Planning Assessment’ section of this report.

### State Government Policies

- Statement of Planning Policy No. 1 - State Planning Framework Policy

The Western Australian Planning Commission (WAPC) prepared and adopted the ‘State Planning Strategy’ in 1997. It sets out the key principles relating to environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made.

It also provides a range of strategies and actions that support these principles generally and for each of the ten regions of Western Australia.



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The State Planning Strategy provides the overall vision and will be further articulated and applied by policies and plans dealing with particular planning issues or regions of the State. SPP1 – State Planning Framework Policy unites existing State and regional policies, strategies and guidelines within a central framework that provides a context for decision-making on land use and development in Western Australia.

It informs the WAPC, local government and others involved in the planning process on those aspects of State level planning policy that are to be taken into account, and given effect to, in order to ensure integrated decision making across all spheres of planning. In relation to the proposed Scheme Amendment, and the subject land generally, the following WAPC Policies and Regional Strategies should be addressed:

- State Planning Policy No. 2 - Environment and Natural Resources;
- State Planning Policy No. 2.6 - State Coastal Planning;
- State Planning Policy 3.1 - Residential Design Codes; and
- State Planning Policy No. 3.4 - Natural Hazards and Disasters.

Of particular relevance to the Application are State Planning Policy 2.6 - State Coastal Planning, State Planning Policy 3.1 - Residential Design Codes and State Planning Policy No. 3.4 - Natural Hazards and Disasters.

### *State Planning Policy 2.6 - State Coastal Planning*

In June 2003, the Western Australian State Government released Statement of Planning Policy No. 2.6 - The State Coastal Planning Policy (SCPP). The SCPP provides guidance for new development, including subdivision and strata subdivision, on the Western Australian coastline. The SCPP outlines the recommended criteria for use in determining the appropriate Physical Processes Setback (PPS). The PPS should provide a low level of risk to the development from coastal erosion over a 100 year planning horizon.

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

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

In 2010 a Position Statement (WAPC 2010) was released to update the requirements of the SCPP. This position statement related solely to the required allowances for climate change

### *State Planning Policy 3.1 - Residential Design Codes*

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The purpose of the *Residential Design Codes* (RCodes) is to provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes outline the 'rules' which apply to residential development and are intended to minimise the need for local government to introduce additional planning policies to control residential development. The RCodes were amended on 22 November 2010 to include additional multiple dwelling provisions.

The WAPC has included a new Multi Unit Housing Code (MUHC) to provide for greater housing diversity, affordability and flexibility. The MUHC provides guidelines for the design of multiple unit and mixed-use developments and applies to development applications across the State including areas zoned R30 or higher. The MUHC does not have a minimum site area requirement for applicable developments.

Instead, other factors will serve to control the number of potential dwellings on a lot, including, but not limited to plot ratio, building setbacks and height controls (see the following sections for details). The minimum unit size is also set at 40 square metres per dwelling.

### *Site Coverage*

The MUHC acceptable development standard for site coverage in R30 is a maximum of 50%.

### *Overshadowing*

No multiple dwelling is to overshadow more than 50 percent of the outdoor living area of an adjoining property.

### *Privacy*

Privacy standards remain as per the existing R-Codes for developments adjoining lots zoned R60 and below, including minimum privacy setbacks and screening requirements.

### *Outdoor Living Areas*

Each dwelling is to have at least one balcony, courtyard or the equivalent, with a minimum area of 10 square metres and minimum dimension of 2.4 metres. The outdoor living area is to be directly accessible from a habitable room (such as a living area or bedroom).

### *On-Site Car Parking Standards*

The MUHC has lower minimum car parking requirements than the group dwelling provisions of the R-Codes. The reduced MUHC car parking standards recognise that smaller dwellings and developments close to public transport options generally need fewer cars per household. Clearly however, no public transport is available to Onslow. The on-site car parking standards for the MUHC are as follows:

### *MUHC On-Site Car Parking Standards*

<b>Dwelling Type</b>	<b>Parking</b>
<b>Small Dwelling</b> 1 bedroom or less than 75m <sup>2</sup>	1 bay per dwelling

In relation to non-compliance with the R Codes, these matters are discussed further in the Report under 'Comment'.

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### *State Planning Policy No. 3.4 - Natural Hazards and Disasters*

The purpose of this Policy is to encourage local governments to adopt a systematic approach to the consideration of natural hazards and disasters when performing their statutory or advisory functions. Relevant to the Application before the JDAP, SPP 3.4 states:

*“100-year average recurrence interval flood should be used as the defined flood event. The floodplain of a defined flood event should be used as the area over which controls on land use and development need to recognise the impacts of flooding. All habitable, commercial and industrial buildings should have their floor levels above the level of the defined flood event.”*

### Local Planning Framework

- Onslow Townsite Strategy 2010

The Onslow Townsite Strategy was adopted by Council in July 2010 and endorsed by the WAPC in March 2011. As a consequence of the ANSIA development, Onslow will experience significant population growth and significant reorientation of Onslow's urban structure will be required to accommodate the residential, community and civic needs of the anticipated residential population expansion.

### Local Planning Policies

The Scheme is supported by a number of Local Planning Policies. A summary of the relevant policies is outlined below.

#### *Local Planning Policy - Social Impact Assessment*

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

- *“All development proposals that are subject to community consultation or advertising processes, pursuant to the Zoning Table of the Scheme;*
- *All proposals for rezoning or amending the Scheme; and*
- *All proposals for strategic level development planning.”*

The Policy states that the primary purpose of the SIS is to bring about better planning decisions and a more sustainable and equitable ecological and human environment. This is achieved by describing the potential impacts of a proposed project, demonstrating how issues and concerns raised during the community consultation will be addressed.

#### *Local Planning Policy - Onslow Interim Town Centre Design Guidelines*

Between 26-28 July 2011 the Shire hosted a LandCorp inspired 'enquiry by design' process (also referred to as a 'Charette') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential developments including residential expansion, parks and recreation and development issues in the town centre. One of the clear outcomes from the 'Charette' was the need for design guidelines (in the form of a local Planning Policy (LPP) for the land in Onslow zoned 'Commercial and Civic' under the Scheme.

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The purpose of this policy is to ensure that the character of Onslow's built form is reflected in any future growth of the Town Centre. The preparation and adoption of Interim Design Guidelines for development within the Town Centre is seen as a priority to ensure the pressures of growth are managed and that community expectations are met.

It is intended that these Interim Design Guidelines will be reviewed and updated, if required, within a period of no less than 12 months from the date of adoption.

### *Local Planning Policy - Interim Car Parking Provisions (Onslow)*

The objectives of this Policy is to ensure that within the *Onslow Car Parking Provision Area* the Policy:

- Provides an interim direction for car parking until a parking study is undertaken that investigates a range of parking options. Provides sufficient on-site parking for all developments. Any negative impacts of car parking on the streetscape are minimised.
- Ensure that developments are provided with an acceptable standard of car parking that is safe, convenient and practical for the operation of the site and the community in general.
- Defines the circumstances whereby reciprocal or shared parking or reduced parking arrangements may be permitted in order for developments to utilise existing public areas as a means of efficient result in the construction of attractive car parking areas.
- Provides reasonable access, circulation and maneuverability conditions.
- Provides adequate number of parking bays to meet the needs of new development. Ensures vehicular and pedestrian safety. The following provisions are assessed pursuant to Clause 6.17.5 of the Scheme.

Where the development area is 2000m<sup>2</sup> NLA or less:

- Where a development area is 2000m<sup>2</sup> NLA or less, Council may accept up to a maximum of 20% of the car parking requirement to be located within the Shire's road reserve, as directed by Council.

Where the development area is 2001m<sup>2</sup> NLA or more:

- For developments above 2000m<sup>2</sup> NLA, Council may accept a maximum of 10% of the parking requirement to be located within the Shire's road reserve, as directed by Council.

### *Local Planning Policy - Consultation for Planning Proposals*

The over-arching principle of this policy is that the Shire will advise and consult with the community about initiatives involving proposed new or extended land uses and developments, in an endeavour to ensure openness and accountability in the decision-making processes and to gauge public opinion.

### *Local Planning Policy - Shire Requirements for Planning Applications within the Onslow Coastal Hazard Area - Scheme Control Area (SCA).*

The Shire is aware that some modification to the minimum AHD is likely due to a review undertaken by LandCorp and other State Agencies (note Agenda Item 13.8 "*Onslow Townsite Planning Coastal Setbacks & Development Levels*").

This review is still to be finalised however the Shire is becoming increasingly aware of numerous proposals looming with the SCA. Clause 6.20.4 of the Scheme provides:

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*“Council may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.”*

In light of the review of AHD levels and Clause 6.20.4, a draft Local Planning Policy has been prepared requiring the applicant to undertake an assessment in accordance with Clause 6.20.4.

### **Comment**

The Shire’s Local Planning Scheme No. 7 (‘Scheme’) zones the land Commercial and Civic and within the ‘Onslow Coastal Hazard Area’ under the Scheme. The minimum finished floor level for the first level Multiple Dwellings is 5.9mAHD which is consistent with draft Planning Scheme Amendment No. 24.

The assessment undertaken above reveals that the proposed development does not strictly satisfy Acceptable Development (AD) Criteria of the R-Codes for the following provisions:

- 7.1.1 Building size
- 7.1.4 Side and rear boundary setbacks
- 7.1.5 Open space

The proposed development has therefore been considered against the Performance Criteria (PC) of the R-Codes, as outlined below.

#### 7.1.1 Building size

Required (Acceptable Development Criteria)	Proposed
Maximum plot ratio of 0.5:1 (506m <sup>2</sup> )	0.54:1 (545m <sup>2</sup> )

Applicant’s justification:

*“Whilst the development marginally exceeds the maximum plot ratio area, the increase will not generate any adverse impacts on adjoining properties or the surrounding area given the following:*

- *The development proposes a significant vertical rhythm, with regular vertical design elements to break up the bulk and scale;*
- *The development presents a significant advancement in Multiple Dwelling development within the Onslow Town Centre through its unique design; and*
- *As the height of the building complies with Local Planning Policy - Onslow Interim Town Centre Design Guidelines, the design reflects the Shire's expectations.*
- *Lot 308 Onslow was recently approved by the Pilbara Joint Development Assessment Panel (JDAP) for Multiple Dwellings with a plot ratio of approximately 0.6: 1. The applicant for this application proposed plot ratio in line with the R50 density code. The Justification for this relates to the fact that under TPS7 the density of residential development shall not exceed R50 within the 'Commercial and Civic' zone, with the exception of land located within the Onslow Hazard Special Control Area, where residential development shall not exceed R30. There is no evidence on file at the Shire of Ashburton indicating why the change in density is applied for areas within the Onslow Hazard Special Control Area, Technical Officers at the Shire of Ashburton believe this change in density was applied on the basis that a larger building footprint would be provided at the R50 density, meaning in the event of storm surge and flooding water would not flow appropriately between buildings. The JDAP approved the application at Lot 308 on the basis that the proposed built form was "permeable" meaning there was appropriate space between the buildings*

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*onsite to allow water to flow through the site during the storm surge and flooding events. In this regard, the proposed built form on the subject site is considered to be "permeable" with a central vehicle access point to Second Avenue and pedestrian access point along the northern boundary allowing water to traverse the site in severe storm surge and flooding events."*

Shire Comment:

The Shire agrees the Applicant's justification associated with the Performance Criteria and a plot ration of 0.54:1 (545m<sup>2</sup>) is supported.

### 7. 1.4 Side and Rear Boundary Setbacks

Required (Acceptable Development Criteria)	Proposed
Minimum side and/or rear boundary setback requirements: <ul style="list-style-type: none"> <li>• Northern Elevation: Units 7 and 10 2.3m without major openings</li> <li>• Balance 2.5m without major openings</li> <li>• Southern Elevation: Units 9 and 12 2.2m without major openings</li> <li>• Balance 5.7m with major openings</li> <li>• Western Elevation: 1.9m without major openings</li> </ul>	<ul style="list-style-type: none"> <li>• Northern Elevation: Units 7 and 10 1.6m - 2.8m</li> <li>• Balance 1.6m</li> <li>• Southern Elevation: Units 9 and 12 = 0.86m 1.61m</li> <li>• Balance = 4.8m</li> <li>• Western Elevation: 1.6m</li> </ul>

Applicant's justification:

*"Despite some points of the development marginally exceeding the maximum setback areas along the northern, southern and western boundaries, the development will not generate any adverse impacts on adjoining properties or the surrounding area, given the following:*

- *The proposed setbacks ensure sunlight is able to penetrate into buildings and areas of open space;*
- *The majority of major openings have been sufficiently screened at a height of 1.6m. This provides adequate privacy between properties, whilst also supporting 'eyes on the street' neighbourhood safety measures;*
- *The major openings do not impact on the cone of vision or present any significant overlooking issues and do not present overshadowing impacts on neighbouring properties.*
- *The Western Elevation abuts a rear access way of approximately 5.0m, meaning the proposed dwellings will be setback a sufficient distance from buildings on the adjoining property to the west of the site."*

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Shire Comment:

The Shire agrees the Applicant's justification associated with the Performance Criteria and the setbacks is supported.

### 7.1.5 Open Space

Required (Acceptable Development Criteria)	Proposed
Minimum open space required is 45% of site	43% (inclusive of balconies) 34% (exclusive of balconies)

Applicant's justification:

*"Whilst the development does not provide the minimum open space required the reduced area of open space provided is considered appropriate given the following:*

- It was the clients original intention to un-cover the balconies on the proposed development. As LPP DG stipulates that all balconies should be covered, the balconies have since been designed to reflect these provisions.*
- If the balconies for units 1-6 and 10- 12 are included In the calculations then 43% of open space is provided.*
- The balcony cover proposed comprises a semi-permeable material to encourage an open environment, whilst maximising internal sunlight.*
- The development is within 400m walking distance to a number of parks and recreation reserves (e.g. Sunrise Beach and recreation park on Third Avenue) meaning the reduced open space on site will not affect the amenity of residents.*

*Furthermore, the Shire has recently released "DRAFT Local Planning Policy - Regional Residential Design Code Variations" for public comment. This draft policy varies the open space provisions under Part 6 of the R-Code. Specifically, it proposes to vary the open space provisions by allowing covered open space to be included in the open space calculations. This is permitted based on climatic conditions of North West of Western Australia and residents wanting to cover outdoor living areas to make them useable. Whilst Part 7 of the R-Codes is relevant to this application the same principle applies."*

Shire comment

The Performance Criteria for Open Space of the RCodes states:

*"Open Space respects existing or preferred neighbourhood character and responds to the features of the site."*

In the opinion of the Administration, the Application as submitted does not reflect the existing character of the neighbourhood. This is understandable given the limited development within Onslow over the last 20 or so years. Importantly however, at this stage the Application does not reasonably reflect the preferred neighbourhood character. However this will change if the open space areas as proposed in the Shire's draft *"Local Planning Policy - Regional Residential Design Code Variations"* is approved by the WAPC. It is understood that the WAPC will be considering the draft LPP on 12 March 2013 and that the staff recommendation to the WAPC is to approve the LPP.

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It is not considered appropriate to approve the Application without the WAPC decision on the draft LPP and in this regard, any Approval would need to reflect the possibility that the WAPC does not support the provisions of the draft LPP. On the possibility of the WAPC not supporting the draft LPP, the Applicant has prepared concept plans that show how it can be achieved.

### ATTACHMENT 13.3B

Should the WAPC support the draft LPP, the Performance Criteria for Open Space would be supported. The Shire Administration will update Council on the WAPC decision at the Council meeting.

#### Location

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

#### Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking.

#### Water Supply

Clause 5.9 of the scheme defines the matters that Council needs to have 'due regard' when determining an application. One such matter is Clause 5.9 (h):

*"the capacity of the site and surrounding locality to support the development including: (iv) public and utility infrastructure and community services;"*

The Shire is aware that the provision of water supply services to Onslow is at capacity. In this regard, it is possible that there could be some servicing issues with the proposal (as well as all other proposals in Onslow). It is not clear how Council should address the issue of infrastructure, especially water supply when dealing with planning applications. It would be possible to refuse applications and require the applicant to take the matter further to the State Administrative Tribunal where the application could be determined.

However, this is not considered to be a reasonable approach as the Shire would incur considerable appeal costs and the provision of such services is not the responsibility of the Shire nor the applicant. It is suggested that Council continue to consider applications in Onslow on planning merit but where an approval is issued, the applicant be advised that the provision of a reticulated water supply may be limited and that they may need to supplement or provide alternate means for such supply. The Applicant is aware of the issue of water supply in Onslow and has discussed the matter with Water Corp.

#### Traffic Implications

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

#### Landscaping

Should Planning Approval issue, it is appropriate that landscaping be a condition of any Approval. It is clear that there would be opportunities within the parking areas and adjacent to the units.

#### Bin Storage

Bin storage and disposal will need to be reviewed as a management arrangement as a condition of any Planning Approval.



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### Disability access

Although not a direct planning matter, the development will need to reflect necessary disability access as part of the issue of Building Permit. It is appropriate that the plans endorsed as any planning approval reflect access for disabled.

### Amenity/Miscellaneous

Information and assessment is required that addresses the air-conditioning systems whereby the Shire is seeking to ensure that numerous cassette and/or split air-conditioning systems are not simply placed on balconies as an afterthought thus resulting 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 as a condition of planning approval.

### **Conclusions**

The Shire's assessment of the development pursuant to the Scheme, RCodes and Local Planning Polices is that it is generally acceptable subject to conditions of any approval and clarification from the WAPC with respect to open space provisions draft "*Local Planning Policy - Regional Residential Design Code Variations*".

The use and development sought can be reasonably conditioned to be in keeping with the Scheme and State Planning Polices. Accordingly, it is recommended that Planning Approval be issued for multiple dwelling at Lot 245 Second Avenue Onslow, Shire of Ashburton.

### **Consultation**

A/Chief Executive Officer

A/Executive Manager - Technical Services

Advertising of the application (notice to all adjoining and opposite land owners and sign on site) has taken place in accordance with the Scheme provisions and no submissions were received.

### **Statutory Environment**

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

### **Financial Implications**

There are no financial implications relative to this issue.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Served 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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### Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20120377 (P) for multiple dwelling at Lot 245 Second Avenue Onslow to construct a 'multiple dwelling' comprising up to twelve (12) residential units 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 to the requirements of the Water Corporation and to the satisfaction of the responsible authority.
  2. The development is to be generally modified to the requirements of the responsible authority as follows:
    - i. The ultimate number of residential units approved will depend upon whether the WAPC approve the open space provisions draft "*Local Planning Policy - Regional Residential Design Code Variations*". Should the WAPC approve the LPP, then the maximum number of units will be twelve (12) and in accordance with plans originally submitted with the Application and referenced A1.1, A1.2 and A1.3 (all dated September 2012). Should the LPP not be approved by the WAPC, the maximum number of units will be ten (10) and in accordance with plans originally submitted with the Application and referenced A1.1, A1.2 and A1.3 (all dated February 2013).
    - ii. All parking/access must be designed in accordance with the provisions of the Scheme and reversing areas designed to avoid building 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 13 March 2016 and/or a reticulated water supply is not available to service the development by this date.
4. Prior to commencement of the development, a Construction Management Plan shall be prepared to the satisfaction of the responsible authority and endorsed to this Planning Approval. This plan is to address:
  - i. noise;
  - ii. hours of construction;
  - iii. traffic management;
  - iv. parking management to allow operation of the existing commercial development;
  - v. access management;
  - vi. management of loading and unloading of vehicles;
  - vii. heavy vehicle access;
  - viii. dust;
  - ix. protection of trees; and
  - x. any other relevant matters.

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

5. Prior to occupation of the development, the landowner shall enter into an agreement with the Shire of Ashburton (with the landowner responsible for all associated legal and title costs) that ensures that in perpetuity a land owner:
  - i. is made is aware of the potential impact from sea level rise, potential flood and tidal surge on the land;
  - ii. that development on the land may be detrimentally impacted by such sea level rise, potential flood and tidal surge; and
  - iii. the State of Western Australia and local government is absolved from any liability in the event of damage caused by such events.
6. 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. 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 approved details prior to the occupation of the development hereby approved, and thereafter maintained.
  - ii. Full details of the colour, design and installation of the metal screens to be provided to the balconies and windows of the development. All screens are to be installed in accordance with the approved details and thereafter maintained.
  - iii. A stormwater management plan prepared by a certified practising Hydraulic Engineer and includes an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal of ground water for the disposal and management of stormwater. All methods for the disposal and management of stormwater are to be contained on site unless expressly permitted by the responsible authority.
  - iv. 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.
  - v. 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.

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7. The design, materials and colours of the proposed development are to be to the satisfaction of the responsible authority.
8. 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 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.
9. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
  - the location and type of fencing to be installed; and
  - the location and type of reticulation to be installed; and the location and type of paving to be installed.

The Plan should also include:

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

The Plan should identify and include the road verge.

10. 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.
  - 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. An emergency response plan/s (i.e. fire escape route maps, evacuation contingency associated with cyclone threat etc).
  - iv. The landscaping and reticulation as identified 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.
  - v. The development shall be connected to a reticulated water supply and sewerage system to the requirements of Water Corporation.
  - vi. All external fixtures, 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.

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### Advice Notes

- i. The Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- ii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. 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 Indigenous Affairs on 9235 8000 or at the following website:  
<http://www.dia.wa.gov.au/Heritage/default.aspx>.

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

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### 13.4 PLANNING APPLICATION - PROPOSED PLACE OF ANIMAL CARE (VETERINARY CLINIC), LOT 842 JACARANDA DRIVE, TOM PRICE

<b>FILE REFERENCE:</b>	TP.ST.0842.000 20130054
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Rio Tinto (Owner and Applicant)
<b>DATE REPORT WRITTEN:</b>	3 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Application has been submitted by RTIO, owner of Lot 842 Jacaranda Drive, Tom Price, to construct a place of animal care (veterinary clinic). The clinic is to comprise an office/surgery kennels (six (6) bays), along with parking for a mobile veterinary clinic (in the form of an articulated vehicle which will service Tom Price, Paraburdoo and other areas) and six (6) car bays. Access to the parking area is provided by way of a 6.0m driveway to Jacaranda Drive.

The place of animal care is to be sited on the eastern portion of the Tom Price drive-in site. The land is zoned 'Commercial and Civic' under the Shire of Ashburton Local Planning Scheme ('Scheme') and the use is discretionary. Advertising of the Application is not mandatory under the Scheme.

The Applicant advises in part:

*"Currently there is a lack of veterinary services available within Paraburdoo. Residents are required to drive from Paraburdoo to Tom Price to access veterinary services. An efficient and cost effective mobile facility solution is proposed to service both Paraburdoo and Tom Price towns. The purpose built mobile facility will accommodate a complete veterinary surgery fit out."*

With the exception of the provision of parking, it is unlikely that the development in the form proposed is consistent with the objectives of the Shire's Local Planning Policy - Design Guidelines for the Tom Price Town Centre. More particular, the office component of the development should look less like a 'donger' which could be achieved through the inclusion of a veranda to the Jacaranda Drive frontage.

However, the proposal does reflect a community need with the town and site availability for such uses (which is prohibited in the residential zone) is limited. The location of the kennels is set some 120m from residences all of which are owned by RTIO.

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In order for the Shire Administration to support such use, it would be necessary to treat the proposal as a temporary use such that RTIO and the Shire can seek to establish a more appropriate longer term site. In this regard, a 3 year period should be considered.

It is also appropriate that the layout of the site be reviewed as it is considered to be inefficient and could be located on considerably less area than sought.

It is recommended that Council approve the Application subject to conditions. In addition, it is appropriate that RTIO ensure that it notifies its tenants of the intention to site the place of animal care (veterinary clinic) on a portion of the drive-in site.

### Background

Lot 842 Jacaranda Drive, Tom Price has an area of 1.73ha with frontage to Jacaranda Drive and Stadium Road. The site is owned by RTIO and used for the purposes of 'drive-in' theatre. The Clem Thompson oval adjoins to the south and vacant (undeveloped) land (Lot 843 and also owned by RTIO) to the immediate east. RTIO also has its transient workforce accommodation to the north and residential accommodation further to the east (over East Street).



### Proposal

Application has been submitted by RTIO, owner of Lot 842 Jacaranda Drive, Tom Price to construct a place of animal care (veterinary clinic). The clinic is to comprise an office/surgery kennels (six (6) bays), along with parking for a mobile veterinary clinic (in the form of an articulated vehicle which will service Tom Price, Paraburdoo and other areas) and six (6) car bays. Access to the parking area is provided by way of a 6.0m driveway to Jacaranda Drive

The place of animal care is to be sited on the eastern portion of the Tom Price drive-in site.

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The Applicant advises:

*“Currently there is a lack of veterinary services available within Paraburdoo. Residents are required to drive from Paraburdoo to Tom Price to access veterinary services. An efficient and cost effective mobile facility solution is proposed to service both Paraburdoo and Tom Price towns. The purpose built mobile facility will accommodate a complete veterinary surgery fit out.”*

**ATTACHMENT 13.4A**

### **Comment**

The land is zoned ‘Commercial and Civic’ under the Shire of Ashburton Local Planning Scheme (‘Scheme’) and the use is discretionary. Advertising of the Application is not mandatory under the Scheme.

The Scheme provision relevant to the ‘Commercial and Civic’ zone is as follows:

#### *“6.10 Commercial Zones*

*6.10.1 Development in the Commercial and Civic and Tourism Zones should be generally in accordance with the strategic statements contained in the Scheme Report, or strategic statements contained in the Scheme Report, or policy in the policy manual.*

*6.10.2 In the absence of strategic or policy statements for land within the zones referred to in subclause 6.10.1 Local Government, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures.*

*6.10.3 The density of residential development in the Commercial and Civic and Tourism zones shall not exceed R50, with the exception of land located within the Onslow Hazard Special Control Areas, where residential development shall not exceed R30.”*

#### Local Planning Policy - Design Guidelines for the Tom Price Town Centre

The design guidelines were developed to complement the Tom Price Town Centre Townscape Enhancement Plan. The guidelines are used to assist the Shire in making decisions under the Scheme however do not bind the local government in respect of any application for planning approval. The Objectives of the Local Planning Policy are as follows:

- *The scale, height and orientation of development within the town centre should combine in such a way that each business or activity is appropriately located in relation to each other, and the spaces between buildings are attractive, interesting, comfortable, safe and well maintained;*
- *Buildings within the town centre should be compatible in scale and form, and designed appropriately for the Pilbara climate. Refurbishment and new development should contribute positively to the principal functions and visual quality of the town centre;*
- *New development and internal fit-outs of existing buildings should be designed in a flexible manner to facilitate/encourage changes in use, and to ensure that desirable, alternative uses of buildings in the future are not prevented by inappropriate design;*



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- *Public and private spaces around buildings should be developed in an integrated and attractive way, with attention paid to seating, lighting, signage, planting, colours, artworks and paving, with the additional effect of clearly defining the scope of the town centre, its various activity spaces and its thoroughfares;*
- *Adequate car parking should be provided in appropriate, convenient locations, with clear, safe and direct pedestrian connections to the businesses and activities. Servicing of businesses by vehicles should take place in such a way that pedestrian safety and amenity is not compromised.*

The Applicant has provided the following comment with respect to the Scheme provisions and 'Local Planning Policy 10 - Design Guidelines for the Tom Price Town Centre as follows:

*“Clause 6.10 Commercial Zones TPS objectives and the 'Local Planning Policy 10 - Design Guidelines for the Tom Price Town Centre' (Policy 10) have been taken into account as follows:*

- *the proposed veterinary facility is a small scale modular development;*
- *the colours of the building facade vary from light green to dark green which is considered to be compatible with Windarwarri Lodge green roofing and facades to the north of the subject site;*
- *adequate access/egress and car parking including disabled car parking has been provided;*
- *adequate front, side and rear setbacks are proposed, e.g. a 16.2m front setback is proposed to the closest facility; and*
- *a new pathway will facilitate safe pedestrian movement and access from vehicles to the proposed office and mobile facility.*

*Given adequate setbacks are proposed, the development is relatively small in nature and the development is considered to comply with the aspects of the TPS and Policy 10 objectives, it is recommended the Shire support this development.”*

### **Conclusions**

With the exception of the provision of parking, it is unlikely that the development in the form proposed is consistent with the objectives of the Local Planning Policy. More particular, the the office component of the development should look less like a ‘donger’ which could be achieved through the inclusion of a verandah to the Jacarandah Drive frontage.

However, the proposal does reflect a community need with the town and site availability for such uses (which is prohibited in the residential zone) is limited. The location of the kennels is set some 120m from residences all of which are owned by RTIO.

In order for the Shire Administration to support such use, it would be necessary to treat the proposal as a temporary use such that RTIO and the Shire can seek to establish a more appropriate longer term site. In this regard, a 3 year period should be considered.

It is also appropriate that the layout of the site be reviewed as it is considered to be inefficient and could be located on considerably less area than sought.

### **ATTACHMENT 13.4B**

It is recommended that Council approve the Application subject to conditions. In addition, it is appropriate that RTIO ensure that it notifies its tenants of the intention to site the place of animal care (veterinary clinic) on a portion of the drive-in site.

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### Consultation

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

Advertising of the application is not required under the Scheme (and has not taken place).

### Statutory Environment

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

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

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

### Policy Implications

*Local Planning Policy - Design Guidelines for the Tom Price Town Centre.*

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20130054 (P) for a place of animal care (veterinary clinic) at Lot 842 Jacaranda Drive, Tom Price in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and the following conditions:
  1. The development is to be generally carried out in accordance with the plan attached to the Approval and modified to the requirements of the responsible authority as follows:
    - i. All parking/access must be designed in accordance with the provisions of the Scheme and reversing areas designed to avoid building structures;
    - ii. The office is to have a verandah to the Jacaranda Street frontage;
    - iii. Details of soundproofing of the kennels in such a manner that it does not result in a nuisance to neighbors from the use and operation.

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.
2. This Planning Approval lapses on 13 March 2016. The place of animal care (Veterinary Clinic) shall cease on 13 March 2016 and structures removed on or before 13 March 2016.
3. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and

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when endorsed by the responsible authority shall become the amended plans:

- i. 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 approved details prior to the occupation of the development hereby approved, and thereafter maintained.
  - ii. Methods for the disposal and management of stormwater are to be contained on site unless expressly permitted by the responsible authority.
4. The design, materials and colours of the proposed development are to be to the satisfaction of the responsible authority.
  5. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
    - the location and type of fencing to be installed; and
    - the location and type of reticulation to be installed; and the location and type of paving to be installed.

The Plan should also include:

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

The Plan should identify and include the road verge.

6. 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.
  - i. The landscaping and reticulation as identified 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.
  - ii. The development shall be connected to a reticulated water supply and sewerage system to the requirements of Hamersley Iron Infrastructure.

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### Advice Notes

- i. The Shire notes that any potential impacts from the use and development may affect tenants of RTIO on and surrounding. In this regard, it is strongly recommended that RTIO undertake to notify tenants prior to commencement of the development.
- ii. The Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision, 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).

<b>Author: Rob Paul</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

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### 13.5 PLANNING APPLICATION - PROPOSED ST JOHN AMBULANCE FACILITY, LOT 630 MCRAE AVENUE, PARABURDOO

<b>FILE REFERENCE:</b>	PA.MC.0630 20130055
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Rio Tinto (Owner and Applicant)
<b>DATE REPORT WRITTEN:</b>	3 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Application has been submitted by RTIO, owner of Lot 630 McRae Avenue, Paraburdoos to construct a St John ambulance facility with access to Maguire Avenue. The facility shares the site with the Paraburdoos fire station. Land opposite (in Maguire Avenue) is owned by RTIO. The Applicant advises in part:

*"Currently there is no existing volunteer St John Ambulance facility at Paraburdoos townsite. To cater for the community's health needs and provide an emergency service an ambulance facility is proposed to be installed adjacent to the existing fire station. St John Ambulance has been liaising with Rio Tinto to base a paramedic facility inland to service Paraburdoos and Tom Price. The aim is to form a volunteer medical team, including ambulance drivers, at Paraburdoos. Appropriate training will be provided for volunteers.*

*St John Ambulance has agreed to provide an ambulance vehicle to this Paraburdoos facility. A group of residents have formed a working group to seek funding through sponsorship from local companies, including Rio Tinto, to construct this facility."*

The proposed facility is approximately 300m from Rocklea Road (which is the main entrance to the Paraburdoos town) and the location is considered to be central, close to residential and commercial precincts.

The land is zoned 'Community' under the Shire of Ashburton Local Planning Scheme ('Scheme') and the facility land use is considered to be associated to 'Emergency Services' which is a discretionary use under the Scheme. Advertising of the Application is not mandatory under the Scheme.

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Given the existing fire station facility is on the same lot and the proposed use is similar to what already exists on site, the potential impact of the proposal on the surrounding locality will likely be minimal.

It is recommended that Council approve the Application subject to conditions.

### Background

Lot 630 McRae Avenue, Paraburdoo has an area of 1797m<sup>2</sup> and is occupied by the Paraburdoo fire station. Land opposite (in Maguire Avenue) is residential owned by RTIO. A substantial tree is located within the site and another tree is located within the McRae Avenue road reserve.



### Proposal

Application has been submitted by RTIO, owner of Lot 630 McRae Avenue, Paraburdoo to construct a St John ambulance facility with access to Maguire Avenue.

### ATTACHMENT 13.5

The works subject to this application for planning approval are as follows

- construction of 11.68m x 15.54m x 3.78m ambulance facility with two ambulance bays, an office, kitchen and store room;
- relocation of existing shipping container and shed to the rear of the lot;
- removal of three existing trees;
- construction of 12.4m wide new crossover on Maguire Avenue;

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- construction of concrete hard stand for two car parking bays;
- installation of 1.8m high fence adjacent to existing fire station and proposed
- ambulance facility; and
- installation of 1.8m high fence and gate adjacent to Maguire Avenue and proposed ambulance facility.

It is intended that Colorbond and custom orb materials will be used with the colour scheme of the building proposed to be Surfmist and Windspray on the roof and facade of the building respectively.

The hours of operation at the proposed ambulance facility will be from 6AM - 5PM seven days a week. The Applicant advises that occasional after hours practical training sessions at the facility will be provided until 8.30PM during weekdays and on weekends. However, the majority of the training will be conducted in the State Emergency Operation Centre training room located to the east of the existing fire station building.

It is anticipated that one permanent employee, volunteer medics and drivers will be on site at anyone time to respond to emergencies. Two proposed car parking bays are provided on site and several existing car bays are provided off site to the south of the subject site.

The Applicant advises:

*“Currently there is no existing volunteer St John Ambulance facility at Paraburdoo townsite. To cater for the community's health needs and provide an emergency service an ambulance facility is proposed to be installed adjacent to the existing fire station. St John Ambulance has been liaising with Rio Tinto to base a paramedic facility inland to service Paraburdoo and Tom Price. The aim is to form a volunteer medical team, including ambulance drivers, at Paraburdoo. Appropriate training will be provided for volunteers.*

*St John Ambulance has agreed to provide an ambulance vehicle to this Paraburdoo facility. A group of residents have formed a working group to seek funding through sponsorship from local companies, including Rio Tinto, to construct this facility.”*

### **Comment**

The land is zoned 'Community' under the Shire of Ashburton Local Planning Scheme ('Scheme') and the facility land use is considered to be associated to 'Emergency Services' which is a discretionary use under the Scheme. Advertising of the Application is not mandatory under the Scheme.

The positioning of the facility will result in the removal of a substantial tree, however the positioning of the crossover to Maguire Avenue will result in the retention of the tree in the McRae Avenue road reserve.

### **Conclusions**

Given the existing fire station facility is on the same lot and the proposed use is similar to what already exists on site, the potential impact of the proposal on the surrounding locality will likely be minimal.

Based on these reasons, it is recommended the Shire support this development.

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### Consultation

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

Advertising of the application is not required under the Scheme (and has not taken place).

### Statutory Environment

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

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

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

### Policy Implications

There are no policy implications relative to this issue.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20130055 (P) for an ambulance facility at Lot 630 McRae Avenue, Paraburdoo in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and the following conditions:
  1. The development is to be generally carried out in accordance with the plans submitted with the Application to the satisfaction of the responsible authority.
  2. This Planning Approval lapses if the development is not substantially commenced by 13 March, 2015.
  3. 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. 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 approved details prior to the occupation of the development hereby approved, and thereafter maintained.
    - ii. Methods for the disposal and management of stormwater are to be contained on site unless expressly permitted by the responsible authority.
  4. The design, materials and colours of the proposed development are to be to the satisfaction of the responsible authority.



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5. Prior to occupation of the development a landscape plan shall be submitted to the satisfaction of the responsible authority. The Plan should indicate:

- the location and type of fencing to be installed; and
- the location and type of reticulation to be installed; and the location and type of paving to be installed.

The Plan should also include:

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

The Plan should identify and include the road verge.

6. 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.

- i. The landscaping and reticulation as identified 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.
- ii. The development shall be connected to a reticulated water supply and sewerage system to the requirements of Hamersley Iron Infrastructure.

### Advice Notes

- i. The Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision, 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).

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 13.6 PLANNING APPLICATION - 'TRANSIENT WORKFORCE ACCOMMODATION' AT GREGORY LOCATION 66 ON DIAGRAM 86857 (TOM PRICE TOURIST PARK), NAMELESS VALLEY ROAD, TOM PRICE

<b>FILE REFERENCE:</b>	RE.TP.R.38762 20130053
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Arther Drage (Kaussie Holdings Pty Ltd)
<b>DATE REPORT WRITTEN:</b>	3 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Confidential Agenda Item 16.04.07 Ordinary Meeting of Council 21 April 2009 Confidential Agenda Item 16.11.16 Ordinary Meeting of Council 18 November 2008 Confidential Agenda Item 16.02.02 Ordinary Meeting of Council 19 February 2008 Confidential Agenda Item 16.12.22 Ordinary Meeting of Council 18 December 2007

#### **Summary**

Application for Planning Approval has been lodged for transient workforce accommodation at the Tom Price Tourist Park in the form of:

- 88 person mobile camp with all accommodation, dining, kitchen, laundry and locker units mounted on wheels (caravan style); and
- waste treatment equipment and power generator.

The site is approximately 300m from the developed areas of the tourist park. The Applicant's representative (NRW) has advised that the purpose of transient workforce accommodation is to provide accommodation for RTIO and is for a period of 12 months.

Given the transient workforce accommodation does not impact upon existing tourist areas of the park and that the use is temporary, it is considered that subject to conditions as provide in the Report, the proposal is acceptable.

However, under the Lease, the Council needs to consent to the use and development within the Park. It should be noted that no formal request from the owner has been sought to seek Council consent under the Lease. This matter has been brought to Council's attention by Staff.

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It is recommended that Council:

1. Conditionally consent to the transient workforce accommodation in relation to the Lease; and
2. Issue temporary Planning Approval for the transient workforce accommodation subject to conditions.

### Background

#### Vesting and Lease

Gregory Location 66 on Diagram 86857 (Tom Price Tourist Park), Nameless Valley Road, Tom Price ('subject land') is a reserve under the Land Administration Act for the purpose of "Caravan Park and Chalets".

The Zoning of the land under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') is 'Tourism' with Part 4.1 (b)(ii) of the Scheme stating the Tourism zone is "*.....intended to accommodate development which has the primary focus on providing tourism services*".

Clause 6.10.1 of the Scheme states:

*"Development in the Commercial and Civic and Tourism Zones should be generally in accordance with the strategic statement contained in the Scheme Report, or strategic statements contained in the Scheme Report, or Policy in the policy manual."*

The Scheme Report states:

*"The Tourism Zone may or may not include holiday accommodation but is intended to accommodate development which has a primary focus on providing a tourism service"*.

In relation to 'Transient Workforce Accommodation, the Scheme Report states in part:

*"Transient Workforce Accommodation could feasibly be located in many zones or reservations. The zoning table includes transient workforce accommodation as a development category. Provisions in the Scheme text require planning applications in this instance to be accompanied by information and plans indicating how and when development will convert to the different use. Design of transient workforce accommodation could include components of the final use particularly in urban situations which would allow for easy transition. These arrangements do not preclude removal of accommodation facilities and rehabilitation of sites as part of this transition"*.

The land is vested with the Shire and the Shire has entered into a Lease with Arther Drage and Karen Drage (Kaussie Holdings Pty Ltd) who operate the Tom Price Tourist Park.

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Clause 4.7 of the Lease states:

*“Not with the prior written consent of the Lessor to:*

- (a) erect or suffer to be erected any building or structure on the Premises or to make or suffer to be made any alteration in or to any building or structure erected on the Premises or cut, maim or injure or suffer to be cut, maimed or injured any of the walls or timbers of such building or structure; and*
- (b) install any water, gas or electrical fixtures, equipment, appliance or apparatus for illuminating air conditioning, heating cooling or ventilating the premises*

*and that if any buildings and improvements are to be constructed, erected or made or works carried out or executed on the Premises or any such installation is to be made by the Lessee, it is agreed that they must be constructed, erected, made, carried out and executed under the supervision and to the satisfaction of the Lessor and not otherwise.”*

It should be noted that ‘Premises’ is defined in the Lease as the subject land.

The Lease also includes the following matters relevant to Council’s consideration:

*“Part 4 LESSEE’S AGREEMENTS WITH LESSOR*

*The Lessee agrees with the Lessor as follows:*

*Clause 4.10 Use” (in part):*

*“Not to:*

- (a) use or to permit to be used the Premises for any purpose whatsoever other than for the purpose and objects for which the Reserve was vested in and is held by the Lessor;*
- (b) use or permit to be used the Premises for any purpose other than that or those specified in item 8 of the Schedule; .....*

Schedule 8 states:

*“8 Purpose for which Leased Premises to be Used (Clause 4.10(b))*

*Caravan Park and Chalets and Convenience Store”*

*Previous Approvals and Council Considerations*

*December 2004*

The “four (4) accommodation units and proposed laundry” were subject of temporary Planning Approval issued by the Shire on 24 December 2004. Condition 1 of the Approval stated: “(a) *The structure shall be removed by 31 March 2005*”, but have never been removed. It is understood that the structures were covered by a Notice of Default dated 27 November 2008 for the removal of certain structures, including the structures subject of the 2004 Approval.

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In relation to the operation of the Tom Price Tourist Park, Council has considered various matters associated with the Park over recent years that include (but not restricted to) the future operations of the Park. The matters raised have since been resolved.

### May 2007

On 22 May, 2007 resolved:

*“That Council advise Kaussie Holdings P/L that while Council supports the expansion and upgrading of the Tom Price Tourist Park on Reserve 38762, in principal, this will need to be undertaken in a manner which is consistent with the provisions of the management order and within the timeframe set out in the existing lease”.*

### August 2007

In August 2007, the Shire granted Planning Approval to erect four 4 person ‘dongas’ and eight cabins on the Park site. It is understood that the cabins were subsequently erected on ‘bays’ 78 – 85 and not in the location approved by the Shire.

### December 2007

On 18 December 2007, Council resolved (in part):

- “2. Advise the prospective lease purchasers that the Shire is of the opinion that the Tom Price Tourist Park is an integral element of the local tourism infrastructure. Further, Council has a policy of not encouraging ‘transient workers accommodation’ in the vicinity of shire towns. These policies will be reflected in Council’s consideration of any proposal to expand the existing facilities on the subject land”.*

### April 2009

At the Council meeting of 21 April 2009, Council considered a Confidential Item with respect to the Tom price Tourist Park and resolved as follows:

- 1. Advise the Lessee of Gregory Location 66 on Diagram 86857 (Tom Price Tourist Park) that pursuant to Clause 4.7 of the Lease, the four (4) accommodation units („transient workforce accommodation) and proposed laundry is unacceptable to Council and is considered to be inconsistent with Clause 4.10 and Schedule 8 of the Lease, and*
- 2. Delegate the decision relating to the development application pursuant to the Shire’s Structure Scheme No 7, to use and develop four (4) accommodation units (‘transient workforce accommodation’) and proposed laundry” at Gregory Location 66 on Diagram 86857 (Tom Price Tourist Park) to the Chief Executive Officer.*

A week later, the Application for four (4) accommodation units were refused. An appeal was lodged by the Applicant to the State Administrative Tribunal but later withdrawn.

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### Proposal

Application for Planning Approval has been lodged for transient workforce accommodation at the Tom Price Tourist Park in the form of:

- 88 person mobile camp with all accommodation, dining, kitchen, laundry and locker units mounted on wheels (caravan style); and
- waste treatment equipment and power generator.

### ATTACHMENT 13.6

The site is approximately 300m from the developed areas of the tourist park and approximately 7m from the tourist park's effluent ponds. The Applicant's representative (NRW) has advised that the purpose of transient workforce accommodation is to provide accommodation for RTIO and is for a period of 18 months.

### Comment

The Applicant has a history of seeking to have areas established for tourist accommodation to be used for transient workforce accommodation. However, the proposal before Council is a portion of the reserve that has not been previously developed or used for tourist accommodation. In this regard, it is considered that it does not conflict with either the purpose of the zone or the direction of the Scheme Report.

In relation to the siting of the camp within 75m of the existing effluent ponds, the Applicant's representative has noted the following:

*"The distance is approximately 75m. If this is not sufficient, we can modify the proposal to a location further from the pond (perhaps on the north side of the Tourist Park Road). We will abide by the Council's and Health Departments set back requirements, we just don't know what they are at this stage. I am working on a Waste Management Plan which will further accompany a Waste Treatment Application Form and further elaborate on the details I provided you in Section 5 of our Development Application Report submitted this morning. In the meantime, please see the attached details of the waste treatment equipment that we would utilise."*

The Shire's Health Section notes that there is no any specific reference in Western Australian Health regulations to the necessary separation of on-site effluent ponds to sensitive uses on the same land. However, "The Design Criteria of Septic Tank Effluent Drainage Schemes " which was adopted by South Australia Health Department noted that the optimum distance for a sewerage pond servicing 5000 people is a minimum of 350m.

On this basis, the Shire's Health Section considers a 100m separation would be required. In addition, it is appropriate to have a mosquito management plan as a condition of any approval.

### Conclusions

Given the transient workforce accommodation does not impact upon existing tourist areas of the park and that the use is temporary, it is considered that subject to conditions as provide in the Report, the proposal is acceptable. However, under the Lease, the Council needs to consent to the use and development within the Park. It should be noted that no formal request from the owner has been sought to seek Council consent under the Lease. This matter has been brought to Council's attention by Staff.

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It is recommended that Council:

1. subject to specific performance conditions, consent to the transient workforce accommodation in relation to the Lease; and
2. issue temporary Planning Approval for the transient workforce accommodation subject to conditions.

Should Council not consent to the transient workforce accommodation in relation to the Lease, the Application for Planning Approval would need to be refused.

### **Consultation**

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

### **Statutory Environment**

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

### **Policy Implications**

There are no direct policy implications that relate to this matter however the decision of Council on the Lease will need to be determined before the Application for Planning Approval can be considered.

### **Financial Implications**

There are no financial implications that relate to this planning matter.

### **Strategic Implications**

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

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council:

1. Advise the Lessee of Gregory Location 66 on Diagram 86857 (Tom Price Tourist Park), Nameless Valley Road, Tom Price that pursuant to Clause 4.7 of the Lease, that subject to the following conditions and the written confirmation from the Lessee that the conditions will be carried out, the 88 person mobile transient workforce accommodation camp with all accommodation, dining, kitchen, laundry and locker units mounted on wheels (caravan style) and waste treatment equipment and power generator is acceptable to Council and is considered to be consistent with Clause 4.10 and Schedule 8 of the Lease.

Condition 1. The Lessee is responsible for ensuring that all necessary permits and approvals from the Department of Environment and Conservation for clearing is undertaken prior to any removal of vegetation or development taking place.

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- Condition 2. The Lessee is responsible to provide the Shire with a copy of permits approvals referred to in 1. above prior to any removal of vegetation or development taking place.
- Condition 3. The Lessee is responsible for ensuring that the written consent from Hamersley Iron Infrastructure in relation to the proximity of the transient workforce accommodation camp to the power line prior to the establishment of the camp.
- Condition 4. The Lessee is responsible to provide the Shire with a copy of the written consent from Hamersley Iron Infrastructure referred to in 3. above prior to any removal of vegetation or development taking place prior to the establishment of the camp.
- Condition 5. The Lessee is responsible for ensuring that the camp and all associated infrastructure is removed from the site on or before 13 March 2014.
- Condition 6. The Lessee is responsible to ensure that upon removal of the camp, the site is clear of any material or debris and that the site is revegetated to the satisfaction of the Shire.

Subject to the receipt of written confirmation referred to in 1 above,

That Council:

2. **APPROVE** Planning Application Shire Ref: 20130053 (P) for 88 person mobile transient workforce accommodation camp with all accommodation, dining, kitchen, laundry and locker units mounted on wheels (caravan style) and waste treatment equipment and power generator at Gregory Location 66 on Diagram 86857 (Tom Price Tourist Park), Nameless Valley Road, Tom Price in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and the following conditions:
1. The Planning Approval lapses on 13 March 2014. The Camp and associated infrastructure shall cease by 13 March 2014 and the structures be removed on or before 13 March 2014.
  2. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the Chief Executive Officer and when endorsed by the responsible authority shall become the amended plans:
    - i. All accommodation units and mess unit located not less than 100m from the onsite effluent ponds.
    - ii. Information and plans indicating how and when the transient workforce accommodation and associated works will be removed and the site rehabilitated.
    - iii. 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 approved details prior to the occupation of the development hereby approved, and thereafter maintained.



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- iv. Methods for the disposal and management of stormwater which are to be contained on site unless expressly permitted by the Chief Executive Officer.
  - v. A comprehensive effluent plan with all works to be constructed as per the approved plan.
  - vi. A fire management plan.
  - vii. A plan detailing parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)].
  - viii. A mosquito management plan.
3. 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.
    - i. The development shall be connected to a reticulated water supply to the requirements of Hamersley Iron Infrastructure.
    - ii. All works associated with plans/information associated with Condition 3(ii – vii) inclusive shall be implemented to the satisfaction of the Chief Executive Officer.
  4. Within 3 months or longer period as provided by the Chief Executive Officer, the rehabilitation plan referred to in Condition 3(i) shall be implemented to the satisfaction of the Chief Executive Officer.

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### Advice Notes

- i. The Shire notes that that the proposed transient workforce accommodation camp will require the removal of vegetation. Permits and approvals from the Department of Environment and Conservation (DEC) will be required for such clearing. Such approval will need to be sought and issued prior to any removal of vegetation or development taking place. Accordingly, this Planning Approval does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the DEC in accordance with the Environment Protection Act 1986. Further information can be obtained from the DEC or at the following website: [www.environment.wa.gov.au](http://www.environment.wa.gov.au).
- ii. The Shire notes that the proposed transient workforce accommodation camp is in close proximity of a Hamersley Iron Infrastructure power line. It is likely that the written consent from Hamersley Iron Infrastructure will be required prior to the establishment of the camp.
- 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 Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- iv. This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting: <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.
- v. The Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision, 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).

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 13.7 PLANNING APPLICATION - ENCLOSURE OF LOWER SECTION OF PROPOSED NEW TWO STOREY KITCHEN MESS AND RECREATION BUILDING ON LOTS 557 & 563 BEADON BAY VILLAGE, BEADON CREEK ROAD, ONSLOW

<b>FILE REFERENCE:</b>	RE.BD.R.34101 20130010
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Master Plan SA Pty Ltd
<b>DATE REPORT WRITTEN:</b>	4 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Item 13.8, Minute No. 11215 Ordinary Meeting of Council 20 June 2012 Item 13.08.378 Ordinary Meeting of Council 16 August 2005

#### **Summary**

At the Council meeting of 20 June, 2012, Council considered an Application for Planning Approval from Master Plan SA Pty Ltd on behalf of Discovery Parks for the construction of a new two storey, mess (dining) hall with associated kitchen and recreation room at Lot 563 and Lot 557 Beadon Creek Road, Onslow. In relation to the 'mess' application, Council authorised the Chief Executive Officer to determine the Application in accordance with the relevant provisions of the Scheme and Planning Approval was issued under delegation on 13 November 2012.

The Applicant now seeks to 'enclose' the lower portion of the development (recreation room) with removable glass wall panels. The Applicant notes (in part):

*"The informal recreation space will be created space which currently exists as an outdoor undercover area beneath the Mess Hall/Kitchen, will be created as a multi-function space through the installation of removable glass wall panels to the northern elevation of the ground floor. The removable glass wall will be in the form of counter weighted panel fold up doors so that the space can be opened up in the event of storm surge inundation."*

No objection is offered to the Application and it is recommended that conditional planning approval be issued.

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### Background

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

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

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

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

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

The existing caravan park comprises:

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

Planning Approvals issued by the Shire in 2012 for Lots 563 and 577 comprise:

- the construction of a new two storey, mess (dining) hall with associated kitchen and recreation room; and
- three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units

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

### Proposal

This application before Council seeks to 'enclose' the lower portion of the development (recreation room) with removable glass wall panels.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

The Applicant notes (in part):

*“The informal recreation space will be created space which currently exists as an outdoor undercover area beneath the Mess Hall/Kitchen, will be created as a multi-function space through the installation of removable glass wall panels to the northern elevation of the ground floor. The removable glass wall will be in the form of counter weighted panel fold up doors so that the space can be opened up in the event of storm surge inundation.”*

### ATTACHMENT 13.7

#### Comment

The zoning of the land is ‘Tourism’ under the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’) and Council is able to consider the ‘mess’ as use associated with the approved transient workforce accommodation.

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

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

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

The floor level of the proposed development of the ‘mess’ is 3.2m AHD and does not reflect the provisions of the Scheme. However, this lower level is used for non-habitable purposes such as storage.

Clause 7.3 of the Scheme specifies a minimum finished floor level of 4.0m AHD in the Coastal Zone or 5.0m AHD in the frontal dune areas for habitable structures. The Scheme notes that non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.

It is suggested that the ‘enclosure’ is not establishing a ‘habitable’ use but merely allowing for the recreation room to have some degree of enclosure.

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### Conclusions

No objection is offered to the Application and it is recommended that conditional planning approval be issued, with the conditions relating to the original planning approval and matters associated with Scheme provisions.

### Consultation

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

### Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

### Financial Implications

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

### Strategic Implications

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

### Policy Implications

Local Planning Policy *Transient Workforce Accommodation*  
Local Planning Policy *Interpretation of Onslow Coastal Hazard Area*

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20130010(P) to install removable glass wall panels to the northern elevation associated with the lower recreation room of Planning Approval 20120375(P) issued by the Shire of Ashburton dated 18 November, 2012 for two storey kitchen mess and recreation building on Lots 557 & 563 Beadon Creek Road Onslow in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and the following conditions:
  1. The development is to be generally carried out in accordance with the plans submitted with the Application to the satisfaction of the responsible authority.
  2. The glass wall panels will not be permanently fixed and shall remain hinged to allow for opening and closing.
  3. This Planning Approval lapses if the development is not substantially commenced by 12 November 2018.
  4. The Applicant is to establish a memorial or other instrument acceptable to the responsible authority on the title of Lots 557 & 563 Beadon Creek Road Onslow stating:

*"The land is within an area of potential coastal instability, flooding and storm surge. The developer undertakes to absolve the State of Western Australia and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events."*

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### Advice Notes

- i. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of the Shire, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- ii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. 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 Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- iii. This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting: <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

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### 13.8 OBJECTION TO MISCELLANEOUS LICENCES 08/109, 08/110, 08/111 & 08/112 - APPLICATIONS MADE ON BEHALF OF YARRI MINING PTY LTD WITHIN CLOSE PROXIMITY OF THE ONSLOW TOWNSHIP AND WITHIN THE SEAS OFF ONSLOW

<b>FILE REFERENCE:</b>	RD.MI.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Shire is in receipt of application under the Mining Act 1978 for Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112 on land generally located immediately south of the Onslow Township and within the waters off Onslow. At this stage, the Applications lack any detailed information as to what is specifically proposed. However the Shire understands that the Applicant (Yarri Mining Pty Ltd) is seeking to establish a range of mining associated uses including pipeline, powerline, storage or transport facility for minerals, conveyor system, jetty and roads.

Yarri Mining Pty Ltd has numerous mining and quarry activities in the region which presumably would utilise these Miscellaneous Licence facilities.

Mapping provided by the Applicant is minimal however it is clear that the location of the facilities would potentially have a severe impact on the lifestyle and amenity of the existing and residents of Onslow limit the existing and future development of Onslow, impact on the use of the Shire Common and impact the marine environment off Onslow. It is likely that the facilities would directly impact Onslow Salt and could impact the marine operations of Wheatstone and the Dampier Port Authority.

The Shire has notified relevant government agencies along with Onslow Salt and Chevron Australia.

The Application for Mining Tenement is made under the Mining Act and objections need to be lodged with the Wardens Court on or before 18 March 2013. It is recommended that an objection based on the above concerns be lodged with the Wardens Court.



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However, the Administration is concerned that it does not become solely responsible in addressing the implications of approving the Miscellaneous Licences which would result in significant time and financial costs to the Shire. It is also recommended that Council write to the Premier of Western Australia, the Honourable Leader of the Opposition and government agencies including the Department of State Development, Department of Mines and Petroleum and Department of Transport requesting that they undertake appropriate action to halt the proposal.

### Background

The Shire is in receipt of an application under the Mining Act 1978 Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112 on land generally located immediately south of the Onslow Township and within the waters off Onslow.

### ATTACHMENT 13.8



**Indicative location of Miscellaneous Licences 08/109, 08/110 & 08/112.  
Miscellaneous Licences 08/111 adjoins 08/109 and is not shown.**

At this stage, the Applications lack any detailed information as to what is specifically proposed. However the Shire understands that the Applicant (Yarri Mining Pty Ltd) is seeking to establish a range of mining associated uses including pipeline, powerline, storage or transport facility for minerals, conveyor system, jetty and roads.

Yarri Mining Pty Ltd has numerous mining and quarry activities in the region which presumably would utilise these Miscellaneous Licence facilities.

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### **Comment**

Mapping provided by the Applicant is minimal however it is clear that the location of the facilities would potentially have a severe impact on the lifestyle and amenity of the existing and residents of Onslow limit the existing and future development of Onslow, impact on the use of the Shire Common and impact the marine environment off Onslow. It is likely that the facilities would directly impact Onslow Salt and could impact the marine operations of Wheatstone and the Dampier Port Authority.

The Shire has notified relevant government agencies along with Onslow Salt and Chevron Australia.

The Application for Mining Tenement is made under the Mining Act and objections need to be lodged with the Wardens Court on or before 18 March 2013. It is recommended that an objection based on the above concerns be lodged with the Wardens Court.

However, the Administration is concerned that the Shire does not become solely responsible in addressing the implications of approving the Miscellaneous Licences which would result in significant time and financial costs to the Shire. It is also recommended that Council write to the Premier, the Leader of the Opposition and government agencies including the Department of State Development, Department of Mines and Petroleum and Department of Transport requesting that they undertake appropriate action to halt the proposal.

### **Consultation**

A/Chief Executive Officer

A/Executive Manager - Technical Services

Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112 would have been advertised under the Mining Act which normally refers to a notice published in the Western Australian Newspaper along with notification to the local government. The Shire understands that there has been no community consultation on the proposal.

### **Statutory Environment**

*Planning and Development Act 2005*

*Mining Act 1978*

### **Policy Implications**

In a policy sense, Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112 are not in keeping with the strategic direction of the Shire as defined in the planning processes associated with the planning and development of Onslow.

### **Financial Implications**

The Shire is currently responsible for the legal of costs of defending the matter before the Wardens court. Fees are currently covered within *Schedule 10 'Town Planning/Regional Development'* of the 2011/12 Budget which is a general line item.

Due to the nature of applications such for mining and planning proposals objections/appeals are often lodged without direct reference to an individual line item in the Budget.

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### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

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

Goal 04 - Distinctive and Well Serviced Places  
Objective 03 - Well Planned Towns.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Lodge an objection to Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112 based on the issues outlined in this Report.
2. Request the A/Chief Executive Officer to write to the Premier of Western Australia, the Honourable Leader of the Opposition and Government agencies including the Department of State Development, Department of Mines and Petroleum and Department of Transport requesting that they undertake appropriate action to halt Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112.

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Keith Pearson</b>	<b>Signature:</b>

**14. OPERATIONS REPORTS**

**14.1 REQUEST TO HOLD SPECIAL MEETING OF COUNCIL TO DETERMINE TENDER EVALUATION CRITERIA AND SPECIFICATIONS FOR PROPOSED REQUEST FOR TENDER - PROVISION OF BITUMINOUS AND ASPHALT SUPPLY AND SERVICES FOR ONSLOW AERODROME AND ASSOCIATED WORKS**

**FILE REFERENCE:** OR.CM.10.19

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

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

**DATE REPORT WRITTEN:** 6 March 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

The Shire is currently undertaking the Onslow Aerodrome Redevelopment including the construction of a new 1900m airstrip to CASA Code 3C specifications.

The construction of the runway and associated access roads and car parks require extensive bituminous and asphalt works to complete the project.

It is necessary to apply modified weightings to the standard qualitative selection criteria for the provision of bituminous and asphalt supply and services to meet the design specification and required construction timelines.

Council is also requested to endorse the specifications of the proposed tender for the provision of bituminous and asphalt supply and services.

The Shire administration is currently liaising with Australian Road Research Board (ARRB) to ascertain the best pavement construction methodology. Due to this, the scheduled dates of the Ordinary Meetings of Council and established project timelines it is proposed that a Special Meeting of Council be held on 15 March 2013 to enable the selection criteria and specifications to be set so as not to hold up delivery of the project.

## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013**

### **Background**

The provision of construction water has been an on-going concern since the commencement of the project given the shortage in available freshwater in the vicinity of Onslow. To ensure progress to meet required timelines, the construction of the runway embankment has been undertaken with the use of salt-water (in general sea water).

Fresh water in sufficient volumes at the dates required for use in the final layers and pavement base course is not yet certain and there is no guarantee that available bores will sustain prolonged high volume supply or quality. Testing of the quality of water from available bores is currently being undertaken and existing conditions assessed. Information received following construction usage in recent years indicates that flow rates and draw down information does not vary greatly from Main Roads Western Australia (MRWA) historical information.

Minderoo Pastoral Company does not have the required licences or approval to supply water for construction purposes, although it is recommended that they do obtain appropriate approvals for future works.

To best understand the effects of the use of salt water on the runway construction, ARRB has been engaged to seek possible mitigation measures which may be designed around the situation and to gain a full understanding of the long term effects that the salt water, local climate and surrounding environment may have on the Aerodrome construction site and whether the use of salt water as construction water is a suitable alternative.

The Shire is seeking the use of salt water as a particular alternative solution, but will not undertake this route unless valid scientific evidence is available to back up and support any such decision.

ARRB will help provide all the research and evidence, as well as practical experience to assist the Shire through this challenging decision making process.

It is anticipated through early discussion with the ARRB Group that regardless of the construction methodology, a purpose design bituminous and asphalt specification will be required to mitigate the effects of salt on the proposed aerodrome runway wearing course.

Tenders for the bituminous and asphalt works for the construction of the Onslow Aerodrome will be publicly invited as soon as practicable following ARRB specification recommendations and the consequent Shire approval process.

### **Comment**

It is proposed to hold a Special meeting of Council on Friday 15 March 2013 at 9:00am in Onslow for the purpose of;

1. Presenting the ARRB Report and Design Recommendations
2. Recommending that Council endorse ARRB Report and Design Recommendations
3. Recommending that Council endorse pavement construction methodology
4. Recommending that Council approve modified Tender Evaluation Criteria for proposed Request for Tender Provision of Bituminous and Asphalt Supply and Services for Onslow Aerodrome and Associated Works

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### Consultation

A/Chief Executive Officer

Executive Manager - Strategic and Economic Development

A/Executive Manager - Technical Services

Kym Neaylon; National Technical Leader, Surfaces (Pavements and Surfacing) ARRB Group Ltd

Riaan Burger; Principal Engineer, Sustainable Infrastructure Management, ARRB Group Ltd

### Statutory Environment

Local Government Act 1995 Section 5.25

### Financial Implications

This matter is in line with approved budget.

### Strategic Implications

Shire of Ashburton 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

### Policy Implications

Nil

### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. Convene a Special Meeting of Council on Tuesday 19 March 2013 commencing at 10:30am for the purpose of endorsing the Specifications and approving the Evaluation Criteria for the proposed request for tender Provision of Bituminous and Asphalt Supply and Services for Onslow Aerodrome and Associated Works.
2. Approve the use of instantaneous communications for the Special Meeting in the following locations:
  - a. Tom Price Council Chambers, Central Rd, Tom Price
  - b. Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Ave and the
  - c. Conference Room City of Kalgoorlie Boulder 577 Hannan St Kalgoorlie

<b>Author:</b> Fiona Keneally	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

**15. COMMUNITY DEVELOPMENT REPORTS**

**15.1 REALLOCATION OF FUNDS TO AUDIT PLAYGROUNDS AND UNDERTAKE PLAYGROUND UPGRADES**

<b>FILE REFERENCE:</b>	CS.CS.04.04
<b>AUTHOR'S NAME AND POSITION:</b>	Mabel Gough Facilities Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	27 February 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Nil

**Summary**

\$180,000.00 was approved in the 2012/13 budget for the installation of rubber soft fall at Lions Park Playground, Tom Price and Onslow Oval Playground.

It has since come to the attention of the Shire of Ashburton that major upgrades may be required to these and other playgrounds. Installing rubber soft fall to these playgrounds before repairs/replacement of playground equipment is undertaken is not a viable, financially sound approach to improving the Shire's playgrounds.

It has been identified that the playgrounds and the equipment should be audited prior to any upgrades (including installation of rubber soft) to ensure that the provision of funds are being allocated to priority repairs and upgrades.

**Background**

In the 2012/13 budget \$180,000.00 expenditure was approved to install rubber soft fall at two playgrounds in the Shire. This capital expenditure request was approved to meet community and Councilor requests after several incidents involving foreign objects being found in the sand and the cleanliness of the equipment were reported.

Since the budget was approved the Shire has received one public question and one request through a Customer Action Request form as to when the rubber soft fall will be laid. The response provided was the rubber soft fall would be laid in May, 2013.

Unfortunately the Shire may not be able to commit to this statement. In February 2013 it was identified that the playgrounds that were approved to have rubber soft fall laid in May 2013 may require significant repairs or replacement.

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The identification was made after two staff members attended a Playground Safety Training Course in late 2012 to enable them to complete operational and routine playground inspections.

Training was attended well after the budget was approved so the Administration was unaware that the playground equipment required major repairs or replacements and approved the soft fall to be installed later in the financial year.

The routine and operational inspection of the playground equipment by Shire staff following the course has highlighted the need to have all Shire playgrounds professionally audited to ensure more appropriate decisions are made when identifying upgrades to playgrounds and the equipment.

A professional audit will identify and prioritise playground upgrades, repairs and maintenance. The report will provide a prioritised 10 year plan to upgrade all playground equipment to comply with Australian Standards 4685, 4686 & 4422.

### **Comment**

The Shire of Ashburton has 14 playgrounds, 2 skate parks and 1 water spray park. The playgrounds can be audited by PlayRight Australia who are a national service provider and are the exclusive Western Australian Local Government Authority (WALGA) preferred supplier for playground equipment inspection and testing.

An audit conducted by PlayRight Australia will identify the repairs/upgrades to be performed and what works to the playgrounds and equipment are critical. A professional audit will identify if rubber soft fall is a priority and will allow the Shire to ensure the playgrounds comply with the standards before permanent soft fall is laid. A cost estimate obtained from PlayRight indicates the audit would be in the vicinity of \$20,000.

### **Consultation**

A/Chief Executive Officer  
Executive Managers  
PlayRight Australia Pty Ltd

### **Statutory Environment**

Not Applicable

### **Financial Implications**

Reallocation of \$20,000.00 from GL Code: CO53 (Softfall Onslow Playground) to GL Code: 100123 (Consultants) to allow a professional audit on playgrounds and equipment on all Shire playgrounds to be conducted.

\$80,000 to remain in GL Code: CO53 (Softfall Onslow Playground).

\$80,000 to remain in GL Code: CO66 (Softfall Lions Park Tom Price Playground).

The remaining amounts will remain in the specified GL Accounts until a professional audit on playgrounds and equipment, and a prioritized plan is completed and presented to Council for endorsement.



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### Strategic Implications

Shire of Ashburton Community Strategic Plan 2012 – 2022

Goal 1 – Vibrant and Active Communities (Objective 2 – Active People, Clubs and Associations)

Goal 4 – Distinctive and Well Serviced Places

### Policy Implications

CORP\_ORG Risk Management Policy

### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. Reallocates \$20,000.00 from GL Code: CO53 (Softfall Onslow Playgrounds) to GL Code: 100123 (Consultants) for a professional playground audit on all Shire playgrounds to be conducted.
2. Following the completed Audit a prioritised plan detailing repairs and/or replacements required to ensure all Shire playgrounds meet appropriate Australian Standards, be presented to Council for endorsement.

<b>Author: Mabel Gough</b>	<b>Signature:</b>
<b>Manager: Deb Wilkes</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 15.2 LEASE FOR ONSLOW RODEO CLUB

<b>FILE REFERENCE:</b>	RE.OA.R.21235
<b>AUTHOR'S NAME AND POSITION:</b>	Deb Wilkes Executive Manager - Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.5 (Minute No: 11131) Ordinary Meeting of Council 15 February 2012

#### **Summary**

In February 2012, the Ashburton Race Club surrendered its lease over Reserve 38264 (Lot 87 Onslow Road, Onslow, known as "the Stables"). The Shire advertised for Expressions of Interest, and the only one received was from the Onslow Rodeo Club.

The Management Order of the Reserve is Equestrian Purposes, and the Rodeo wishes to use it for the purpose of stabling horses. They also wish to have a full time caretaker on site, a condition that is consistent with the use of the land and one that was allowed in the previous lease to the Ashburton Race Club when they used the land for the purposes of stabling horses.

#### **Background**

The Ashburton Race Club previously held leases over two Shire Reserves, one of which was Reserve 38264 (Lot 87 Onslow Road, Onslow). When the Club dissolved in early 2011, the Lease, was surrendered back to the Shire, and it was noted at the Ordinary Meeting of Council in February 2012, that, while it has no authority to do so, the Race Club wished this lease to pass to the Onslow Rodeo Club.

At that February 2012 Council meeting, Council resolved to instruct the CEO to enter into negotiations to lease Reserve 38264 (Lot 87 Onslow Road, Onslow) and Expressions of Interest were advertised in accordance with the Local Government Act.

Only one Expression of Interest was received, from the Onslow Rodeo Club, and negotiations with the Club were entered into to progress this matter.

As the proposed use of the land was consistent with the vesting order no negotiations with the Department of Regional Development and Lands were required.

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### **Comment**

The Onslow Rode Club is a well established and expanding community group in Onslow. They host the annual Rodeo, and event that attracts several hundred local and visiting patrons, and they are looking to expand their activities. The lease over "the Stables" land will allow them to do this.

The Council's Policy for the Establishment of Community Leases and User Licenses (Social Leases) outlines a standard \$300 per annum for User License for those community groups wishing to use a council facility for a limited amount of time each week (eg a Playgroup using a Hall one morning a week) but does not outline a standard amount for the Lease on an entire parcel of land.

In examining other Leases throughout the Shire, an amount of \$500 per annum is reasonable and consistent with other leases.

Policy REC05 allows for a Lease agreement to be undertaken with community groups for a maximum period of 5 years, with a further 5 year option. In this case a Lease for 6 months but renewable in 6 monthly increments for a period of 3 years is proposed as this particular parcel of land may be subject to redevelopment under the Onslow Redevelopment Plan.

## ATTACHMENT 15.2

### **Consultation**

A/Chief Executive Officer  
Executive Managers  
Principal Town Planner  
Onslow Rodeo Club

### **Statutory Environment**

Local Government Act 1995 Section 3.58 Disposal of Property  
Regulation 30 of the Local Government (Functions & General) Regulations 1996 indicates that a body whose objects are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions are exempt from the disposal of Property provision in the Local Government Act

Lands Administration Act 1997

### **Financial Implications**

The proposed Lease includes a lease payment of \$500 per annum.

### **Strategic Implications**

Strategic Plan 2012 – 2022

Goal 1 Active and Vibrant Communities, Objective 2 Active People, Clubs and Associations  
"Prepare plans, programs and scheduling to optimise use of community facilities that accommodate present and future needs"

### **Policy Implications**

REC05 Establishment Lease Policy

### **Voting Requirement**

Simple Majority Required

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### Recommendation

That Council accepts the attached Lease Agreement **ATTACHMENT 15.2**, for a maximum of 3 years, renewable in 6 monthly increments, and a fee of \$500 per annum (subject to CPI increases) for the Onslow Rodeo Club over Reserve 38264 (Lot 87 Onslow Road, Onslow).

<b>Author: Deb Wilkes</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 15.3 CLEM THOMPSON OVAL REDEVELOPMENT

<b>FILE REFERENCE:</b>	RE.EA.R.39857
<b>AUTHOR'S NAME AND POSITION:</b>	Deb Wilkes Executive Manager - Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 March 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda item 10.06.10 (no minute number) Ordinary Meeting of Council 15 June 2011

#### Summary

In June 2011 as agenda item was presented to Council seeking approval for the Concept Plan for the Tom Price Sports Pavilion, to be located on the Clem Thompson Oval.

Although some reference was made in that item to the corresponding Oval development, the Recommendation does not acknowledge this. In addition, the concept for the Oval development that was presented in that item has now changed substantially.

#### Background

Tom Price sporting and recreational facilities were built in the late 1960's and 1970's by Hamersley Iron (now known as Rio Tinto). Ownership of the facilities was transferred to the Shire of Ashburton through a process known as "normalisation" that began in the 1980's.

Rio Tinto and the Shire have been working in partnership to redevelop these facilities to better meet community needs and expectations, and to attract and retain residents to the town.

In June 2011 an agenda item was presented to, and approved by, Council, primarily commenting on the benefits of the new Clem Thompson Pavilion and how this would improve functionality and participation in sporting events in the town. Occasional reference is made to the Oval redevelopment in this agenda item, but it not explored or named in its own right as a project.

#### Comment

In September 2012, the Sire of Ashburton applied for \$1,000,000 in funding from the Department of Sport and Recreation, through its CSRFF funding round, to redevelop and improve the Clem Thompson Oval. Funding for this oval redevelopment has also been sought, and partially approved from Royalties for Regions and Rio Tinto.

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By January 2013 all monies for this project had been approved, as shown in the table below.

Funding Source	Amount	Financial Year Received
Royalties for Regions	\$358,000	11/12
Rio Tinto	\$500,000	11/12
Rio Tinto	\$1,150,000	12/13
Shire of Ashburton	\$700,000	12/13
Department of Sport & Recreation	\$850,000	13/14
TOTAL	\$3,558,000	

As the Department of Sport and Recreation has a caveat that no work can begin on any project until their grant has been approved it was not possible to undertake any work specifically identified as part of the oval redevelopment prior to early February 2013. However once funding (to a total of \$3.5 million for the oval redevelopment) had been confirmed the Shire was able to engage a Landscape Architect to undertake a Scope of Works consistent with that available funding.

The Shire is now seeking approval of those concept plans to enable construction for the oval redevelopment to commence as quickly as possible.

### ATTACHMENT 15.3

#### Consultation

A/Chief Executive Officer  
Executive Managers  
Tom Price sporting groups  
Josh Byrnes and Associates

#### Statutory Environment

Nil

#### Financial Implications

Anticipated budget is \$3.5 million. All funding for this project has been secured and is either included in the 2012 -2013 or will be included in the 2013 - 2014 annual budget, depending on when the funding is released.

#### Strategic Implications

Strategic Plan 2012 – 2022

Goal 1 Active and Vibrant Communities, Objective 2 Active People, Clubs and Associations  
“Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs”

#### Policy Implications

Nil

#### Voting Requirement

Simple Majority Required

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### Recommendation

That Council:

1. Approves the attached Concept Plans as per **ATTACHMENT 15.3** for the redevelopment of the Clem Thompson Oval.

<b>Author: Deb Wilkes</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

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

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

**17. CONFIDENTIAL REPORTS**

*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

*(2) If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:
  - (I) a trade secret;*
  - (II) information that has a commercial value to a person; or*
  - (III) information about the business, professional, commercial or financial affairs of a person,**

*Where the trade secret or information is held by, or is about, a person other than the local government.*

- (f) a matter that if disclosed, could be reasonably expected to:
  - (I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (II) Endanger the security of the local government's property; or*
  - (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) such other matters as may be prescribed.*



**AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013**

**17.1 CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF RELEASE - WITTENOOM LITIGATION**

**FILE REFERENCE:** AS.WI.002.00

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

**NAME OF APPLICANT/RESPONDENT:** Mr James MacDonald

**DATE REPORT WRITTEN:** 1 March 2013

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

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 17.3. Ordinary Meeting of Council 12 December 2012. (Minute 11388)

Please refer to Confidential Item Attachment under separate cover.

<b>Author: Keith Pearson</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013

### 17.2 CONFIDENTIAL ITEM - SHIRE OF ASHBURTON PROBITY AUDIT - UPDATE ON ACTIONS

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

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

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

**DATE REPORT WRITTEN:** 5 March 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 17.2 Ordinary Meeting of Council 13 February 2013  
Agenda Item 17.2 Ordinary Meeting of Council 23 January 2013  
Agenda Item 17.4 Ordinary Meeting of Council 21 November 2012  
Agenda Item 10.3 Ordinary Meeting of Council 12 December 2012

Please refer to Confidential Item Attachment under separate cover.

<b>Author: Frank Ludovico</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

## **AGENDA - ORDINARY MEETING OF COUNCIL 13 MARCH 2013**

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

There are no Councillor Agenda Items for this meeting.

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

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 10 April 2013, at the Council Chambers, Central Road, Tom Price, commencing at 1.00 pm.

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