

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**MINUTES
(Public Document)**

**Civic Centre, Tanunda Street,
Tom Price**

17 July 2013

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 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 17 July 2013 at Civic Centre, Tanunda Street, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Frank Ludovico
A/CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.00pm.

2. **ANNOUNCEMENT OF VISITORS**

The Shire President welcomed the Honourable Tony Simpson MLA, Minister for Local Government, Jennifer Matthews, Director General, Department of Local Government, Jenni Law, Manager, Advice and Support, Department of Local Government, Cr Karen Chappel, Shire President of Morawa Shire Council, Don Burnett, Chief Executive Officer, City of Kalgoorlie-Boulder, Neil Hartley, Lydia Highfield, Recruitment Services Manager, WALGA Workplace Solutions and members of the public.

3. **ATTENDANCE**

3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr L Shields	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr F Ludovico	A/Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Mr T Davis	Executive Manager, Technical Services
Mrs L Hannagan	A/Executive Manager, Corporate Services
Mr K Pearson	A/Executive Manager, Technical Services
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Officer CEO
Ms K Domingo	Relieving Officer
Mentoring Team	
Jenni Law	Manager, Advice and Support, Department of Local Government
Cr Karen Chappel	Shire President, Morawa Shire Council
Don Burnett	Chief Executive Officer, City of Kalgoorlie-Boulder

3.2 **APOLOGIES**

There were no apologies.

3.3 **APPROVED LEAVE OF ABSENCE**

There were no approved leave of absences.

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4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

At the Ordinary Meeting of Council 17 July 2013 Kevin Manning from Paraburdoo tabled the following question.

Q1. *“The Ashburton shire recently awarded an asphalt contract at Gregory way in Paraburdoo to a non-local company at a Lump sum price which is more expensive than our local rate \$140,000.00 as compared to MPS’ \$121,524.00 which included use of local suppliers and accommodation. MPS were informed we have to become recognised by WALGA to win this tender however we were informed by WALGA that MPS is too small to be a member. Why when a non-local company awarded this contract when a local company tendered at a lower price and utilising local resources.”*

Q2. *“The Ashburton Shire has been tendering and winning contracts or smaller jobs in the Paraburdoo/Tom Price area which is taking away employment opportunities from local contractors, namely winning contracts with the local mining company. As a result companies have been out of work and have had to source other locations for work as there is currently minimal work for local civil contractor sin the area.*

Why is the Ashburton Shire competing in the Private Civil Construction market and competing with local rate payers?”

Q3. *“Recently there has been non local contractors setting up there facilities on Nameless valley road in Tom Price which we believe is a shire accommodation site and to operate production permits need to be obtained by the land owner.*

What authority did contractors have to operate production plants on that site?”

Q4. *“Part of Shire of Ashburton panel?”*

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 5 June 2013, no public questions were received.

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

Cr Fernandez tabled a petition signed by 75 names in relation to installing video cameras at the Tom Price Shopping Centre Mall.

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6.2 DEPUTATIONS

There were no deputations presented to Council.

6.3 PRESENTATIONS

The Honourable Tony Simpson MLA, Minister for Local Government; Community Services; Seniors and Volunteering; Youth stated:

“You are aware that high expectations are being placed on the future performance of your Council by both the community and industry. And we know that local government elections are just around the corner in October, so that’s another reason to learn from your training and do your best.

I strongly encourage you to take full advantage of this fresh opportunity and I look forward to receiving further positive reports of your progress.

The past few months have seen many positive changes occur within the Shire of Ashburton.

We’ve seen training for councillors, a hand-over briefing and the appointment of a monitoring and mentoring panel.

This training was a great opportunity for councillors to refocus on the role and structure of local government, meeting processes, land use planning and ethical responsibilities.

The role of a local government councillor is becoming more like a member of a board. The recent determination by the Salaries and Allowances Tribunal to increase fees and allowances for elected members recognises this level of responsibility and the benefits of training”.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 5 JUNE 2013

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the Minutes of the Ordinary Meeting of Council held on 5 June 2013, as previously circulated on 12 June 2013, be confirmed as a true and accurate record, subject to the following amendment:

In Agenda Item 10.5 (Minute: 11539) – “Tom Price and Paraburdoo Hospitals - Correspondence Received from the Deputy Premier of Western Australia, Minister for Health; Tourism”, in the title, the word ‘Western’ be replaced with ‘Western.’

The title should now read as follows:

“Tom Price and Paraburdoo Hospitals - Correspondence Received from the Deputy Premier of Western Australia, Minister for Health; Tourism”

CARRIED 9/0

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

9.1 DECLARATION OF INTEREST

Cr's White, Rumble, Shields, Foster, Fernandez, Eyre, Dias, Wright and Thomas stated that they had given due consideration to all matters contained in the Agenda before the meeting.

Councillors to Note

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which 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.

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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.

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9.2 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 11569

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Shire of Ashburton Standing Orders Local Law 2012:

“Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

- (1) In this clause ‘adoption by exception resolution’ means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.*
- (3) An adoption by exception resolution may not be used for a matter;*
 - (a) that requires a 75% majority or a special majority;*
 - (b) in which an interest has been disclosed;*
 - (c) that has been the subject of a petition or deputation;*
 - (d) that is matter on which a Member wishes to make a statement; or*
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.”*

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council adopts en bloc the following agenda items contained in the Ordinary Meeting of Council Agenda of 17 July 2013:

Item No:	Title:
12.2	SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY LOCAL LAW 2013 - REQUESTED UNDERTAKINGS
12.3	SHIRE OF ASHBURTON CEMETERIES LOCAL LAW 2013 - REQUESTED UNDERTAKINGS
12.6	SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2013
12.7	SHIRE OF ASHBURTON CEMETERIES AMENDMENT LOCAL LAW 2013
12.9	PROPOSED CHRISTMAS/NEW YEAR ARRANGEMENTS 2013/14
13.2	REQUEST TO SHARE PLANS AND CONCEPT OF THE ONSLOW WAR MEMORIAL WITH THE SWANSEA RSL
14.4	PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION, LOT 851 CENTRAL ROAD, TOM PRICE
14.5	PLANNING APPLICATION - FOUR (4) ADDITIONAL MOTEL UNITS, FUNCTION ROOM AND SINGLE BEDROOM CARETAKER RESIDENCE IN ASSOCIATION WITH THE MOTEL / RESTAURANT DEVELOPMENT, LOT 447 SECOND AVENUE, ONSLOW
14.8	REQUEST TO CONSIDER DRAFT DEVELOPMENT PLAN - LOT 381 THIRD AVENUE/ FROM SECOND AVENUE, ONSLOW AND SHIRE PROPOSAL FOR DRAFT ‘LOCAL PLANNING POLICY - LOT 381 SECOND AVENUE/THIRD AVENUE ONSLOW’
14.9	PLANNING APPLICATION - TEMPORARY WORKERS CAMP ON PART OF UCL LOT 571 BEADON CREEK ROAD, ONSLOW

CARRIED 9/0

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10. CHIEF EXECUTIVE OFFICER REPORTS

10.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

MINUTE: 11572

FILE REFERENCE: OR.MT.1

AUTHOR'S NAME AND POSITION: Kaylani Cortesi
CEO & Councillor Support Officer

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 July 2013

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

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

Summary

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

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

Background

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

Comment

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

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

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

ATTACHMENT 10.1

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10.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JUNE 2013

MINUTE: 11571

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

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

This report includes all actions performed under delegated authority for:

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

Background

The Use of the Common Seal

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

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

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

Development Approvals Issued

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

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Details of approvals issued by the Executive Manager, Technical Services for the month 29 May 2013 to 30 June 2013 are set out below.

Approval to Purchase Goods and Services by the Chief Executive Officer

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

At the 13 February 2013 Council Meeting, minute number 11425, Council determined the evaluation criteria for different classes of procurement and delegated to the CEO the power to determine tenders up to a certain value for those classes.

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

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

Comment

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

This report is prepared for each Council meeting.

The Use of the Common Seal

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

- Seal 498 Application – Transfer of Land Lot 555, Beadon Creek Road, Onslow
- Seal 499 Application – Transfer of Land Lot 556, Beadon Creek Road, Onslow
(The above document had a common seal number applied but the stamp wasn't applied until June 2013)
- Seal 509 Water Main Relocation Agreement – Water Corporation and Shire of Ashburton
- Seal 510 Lease Agreement between Shire of Ashburton and Swan Districts Football Club for Lot 302 Second Avenue, Onslow
- Seal 511 Proposed Access Easement to the Paraburdoo Landfill Site
- Seal 512 Employment Contract Executive Manager Technical Services Shire of Ashburton and Troy Davis
- Seal 513 Wheatstone Project Sponsorship Agreement Chevron Australia Pty Ltd and Shire of Ashburton

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Development Approvals Issued

Three (3) approvals have been issued by the Executive Manager, Technical Services under delegation for the month 29 May 2013 to 30 June 2013. These were for:

Date	Applicant	Description	Development location
29/05/2013	Hamersley Iron Pty Ltd	Two shower blocks & building conversion to transit lounge & single persons quarters (consisting of 3 x rooms, one universal access)	Lot 3010 Stadium Road (Jacaranda Drive) , TOM PRICE
10/06/2013	Discovery Parks	STAGE 2A - Two interconnected two storey buildings & two interconnected three storey buildings accommodating 160 TWA units over undercroft carparking & 27 new caravan sites & recreation area	Lots 555, 556, 557 & 563 Beadon Creek Road, ONSLOW
10/06/2013	Discovery Parks	STAGE 2B - Two interconnected three storey buildings accommodating 96 TWA units over undercroft carparking & 27 new caravan sites & recreation area	Lots 555, 556, 557 & 563 Beadon Creek Road, ONSLOW

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Approval Date	File Ref	Title	Decision
20.06.13	PA.GE	Gregory Way Paraburdoo Asphalt Works, request to exercise delegated authority for asphalt works exceeding \$100,000.00.	That the CEO: 1. Approve the purchase order to Downer for asphaltting works in accordance with the Quote Evaluation for \$140,350.12. 2. Sign the attached purchase order.
24.06.13	ECDV1	Redistribution of Unspent Funds: Revitalisation Agreement (2011) – Confidential Agenda Item 17.1 Council Meeting 5 June Minute No: 11565	That Council: 1. Approves the draft funding agreement for the contribution of \$3.15 million by Rio Tinto Iron Ore for the construction of the Tom Price Sports Pavilion and Clem Thompson Sports Precinct; 2. Delegates authority to the A/Chief Executive Officer to negotiate and finalise the funding agreement providing any alterations do not substantially change the meaning, requirements or proposed payment schedule in the funding agreement; 3. Authorise the A/Chief Executive Officer and Shire President to execute the

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			final funding agreement; 4. Delegate authority to the Chief Executive Officer to execute future funding agreements with Rio Tinto Iron Ore that are prepared in accordance with the Partnership Memorandum of Understanding and report to Council via an agenda item.
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Consultation

The Use of the Common Seal

Acting Chief Executive Officer

Development Approvals Issued

Executive Manager - Technical Services

Approval to Purchase Goods and Services by the Chief Executive Officer

A/Chief Executive Officer

Technical Officer – Maintenance and Constructions

Partnership and Revitalisation Manager

Statutory Environment

The Use of the Common Seal

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

Development Approvals Issued

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Development Approvals Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

In accordance with X033 as per approved budget for 2012-2013.

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

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Development Approvals Issued

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

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

CARRIED 9/0

Reason for change of recommendation:

The recommendation in the agenda was a typographical error and the recommendation has been changed to reflect the agenda item.

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10.3 ACTING CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENT

The Shire President determined item 10.3 Acting CEO was a staff matter a would be dealt as a Confidential item (see page 186).

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10.4 NOMINATIONS FOR PILBARA JOINT DEVELOPMENT ASSESSMENT PANELS

MINUTE: 11573

FILE REFERENCE: DAP
PS.SP.01.01

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

NAME OF APPLICANT/RESPONDENT: Department of Planning

DATE REPORT WRITTEN: 24 June 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.10.61 - Ordinary Meeting of Council 27 October 2009
Agenda Item 13.04.24 - Ordinary Meeting of Council 20 April 2011
Agenda Item 13.05.27 - Ordinary Meeting of Council 18 May 2011
Agenda Item 10.2 (Minute No. 11043) – Ordinary Meeting of Council 19 October 2011
Agenda Item 7.1 – Ordinary Meeting of Council 16 November 2011
Agenda Item 10.3 (Minute No. 11427) – Ordinary Meeting of Council 13 February 2013

Summary

At the Ordinary Meeting of Council held on 13 February 2013 Council nominated Commissioner Ronald Yuryevich as its delegate to the Pilbara Joint Development Assessment (PJDAP) for the period that Council was suspended.

On 11 June 2013 Council was reinstated and the purpose of this report is to seek Council nominations to the PJDAP.

Background

Pilbara Joint Development Assessment Panels (PJDAP) have been introduced by the State Government as part of a raft of amendments to legislation governing the planning system which in essence seek to improve its performance and outcomes.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

At the Council's October 2011 meeting (and corrected at its November 2011 meeting) the following Councillors were nominated to the PJDAP for the Shire of Ashburton:

Delegate: Crs White and Dias (expiring 26 April 2013)
Deputies: Cr Foster and Cr Wright (expiring 26 April 2013)

All the above Councillors except for Cr Foster were provided with the necessary training to represent Council on the PJDAP.

Comment

Although the current Councillors appointment expired on 26 April 2013 the Development Assessment Panel's Regulation 34 sets out:

- “(1) If the office of a DAP member becomes vacant because the member's term of office expired, the member is taken to continue to be a member during that vacancy until the date on which the vacancy, if filled (whether by reappointment of the member or appointment of a successor the member).*
- (2) However, subregulation (1) ceases to apply if the member resigns or is removed from office under these regulations.*
- (3) The maximum period for which a DAP member is taken to continue to be a member under this regulation after the member's term of office expires is 3 months.*

The present Shire of Ashburton representatives will remain current until 26 July 2013.

The author has been advised by the Department of Planning that all new PJDAP representatives will be provided training, once they have been appointed by the Minister for the Department of Planning.

Consultation

Committee Support Team Leader, WA Planning Commissioner and Development Assessment Panels
A/Chief Executive Officer

Statutory Environment

Regulation 34 of the Planning and Development (Development Assessment Panels) Regulations 2011.

Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 Council is able to nominate two members and two alternate members to see on the local DAP.

The Department of Planning (DoP) has also advised that if, within the 2 year term, a local PJDAP member is not re-elected to Council, they cannot hold the position of local DAP member. Local government elections may result in a change to local DAP membership if current councillors, who are PJDAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to reappoint.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 03 – Council Leadership

Policy Implications

There are no policy implications relative to this issue.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. **Nominate Cr White and Cr Eyre as its delegates, and Cr Dias and Cr Rumble as its deputies to the Pilbara Joint Development Assessment Panel.**
2. **Request the Western Australian Planning Commission and Development Assessment Panel to provide appropriate training to new delegates and / or deputies.**

CARRIED 8/1
Cr Dias voted against the motion

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

10.5 REQUEST FOR MEMBERSHIP LANDCORP ONSLOW COMMUNITY LIAISON GROUP

MINUTE: 11574

FILE REFERENCE: OR.IG.2.4

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

NAME OF APPLICANT/RESPONDENT: Landcorp

DATE REPORT WRITTEN: 4 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

As Council is aware LandCorp will be developing residential land in Onslow in the near future.

LandCorp will be establishing a community liaison group as a mechanism to further their communication and engagement with the community regarding the residential expansion.

LandCorp have sought representation of an elected member of the Shire of Ashburton to participate in this community liaison group.

Background

As Council is aware LandCorp will be developing residential land in Onslow in the near future.

LandCorp will be establishing a community liaison group as a mechanism to further their communication and engagement with the community regarding the residential expansion.

LandCorp have sought representation of an elected member of the Shire of Ashburton to participate in this community liaison group.

Attached are the terms of reference for the group

ATTACHMENT 10.5A

LandCorp advise, that where these community liaison groups had been used in other local governments, the Shire President has been nominee.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

As the first meeting of this group occurred shortly after the reinstatement of Council attached is a copy of their minutes for Council information.

ATTACHMENT 10.5B

Comment

It is appropriate for the Shire of Ashburton to nominate a delegate for this liaison group

Consultation

Shire President
A/Chief Executive Officer

Statutory Environment

Nil

Financial Implications

Nil

Strategic Implications

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

Policy Implications

There are no policy implications relative to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council nominate Councillor White as its representative on the LandCorp Onslow Community Liaison Group.

CARRIED 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

10.6 ORDINARY MEETING OF COUNCIL - SCHEDULE OF MEETING DATES, COUNCIL MEETING COMMENCEMENT TIMES, LOCATIONS, AND WORKSHOP / BRIEFING TIMES

MINUTE: 11586

FILE REFERENCE: OR.MT.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.1 (Minute No. 11308) – Ordinary Meeting of Council 17 October 2012
Agenda Item 10.1, (Minute No. 11340) – Ordinary Meeting of Council 21 November 2012
Agenda Item 10.1, (Minute No. 11395) – Ordinary Meeting of Council 23 January 2013

Summary

It is a requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year, this also includes the commencement times of workshops / briefings.

With the recent re-instatement of Councillors and the Onslow Supermarket (due to a recent fire) temporarily moving to the Multi-Purpose Centre, Onslow a review of Council Meeting venues and commencement times of workshops / briefings has been undertaken.

The Schedule of Meeting Dates, Times and Locations for the period of August to December 2013, along with the commencement times for workshops / briefings are being submitted to Council for approval.

Background

In January 2013, Council adopted the meeting schedule for the remaining 2013 period from February to December 2013.

With the recent re-instatement of Councillors and the Onslow Supermarket fire, a review of Council Meeting venues and commencement times of workshops / briefings has been undertaken.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

An alternative venue for the Council Meetings to be held in Onslow is required as the Multi-purpose Centre is now being used as a temporary site for the Onslow Supermarket until such time that the business can return or find a suitable premises.

An item discussed at the "Councillor Hand Back Session" held on 5 June 2013 was a request that the workshop / briefing times be reviewed. Previously at the October 2012 Council Meeting, Council resolved in part:

- "1. Approve for the Tom Price and Paraburdoo workshops / briefings to commence at 9am and the Council Meeting to commence at 1pm.*
- 2. Approve for the Onslow and Pannawonica workshops / briefings to commence at 11am and the Council Meeting to commence at 1pm."*

Consultation between the Shire President and the Acting Chief Executive Officer have occurred and the proposed commencement times are set out below.

Comment

In determining the dates, times and locations for the Ordinary Meetings of Council consideration is given to a number of factors including travel and facilitation of workshops / briefing sessions with Councillors and Executive Managers.

Workshops and Briefing Sessions (held before Council Meetings) commenced in March 2011. This has proved to be beneficial to Councillors and staff by:

- Enhancing communication between Councillors and Shire Staff.
- Reflects change in Council operations in line with the development and growth of the Shire.
- Allowing for frank discussion without the restrictions of formal Council Meeting procedures.
- Providing initial briefings to Councillors on matters within the agenda.
- Providing time for Councillors to undertake professional development. (ie. Leadership and Governance).
- Enabling a relaxed forum for contributors to make presentation to Council.
- Allowing for matters to be addressed by Councillors and staff.

During 2012 the timetable for Council Meeting dates was:

- Tom Price / Paraburdoo: Workshops / Briefing Sessions – 9 am, Lunch – 12 pm, Council Meeting – 1 pm followed by Dinner at the completion of Council Meeting.
- Onslow: Workshops / Briefing Sessions – 11 am, Lunch – 12 pm, Council Meeting – 1 pm followed by Dinner at the completion of Council Meeting. (This was also the same timetable for Pannawonica but due to no accommodation being available this meeting did not occur).

Each calendar year there are four meetings held in Tom Price, three meetings held in Onslow, three meetings held in Paraburdoo and one meeting held in Pannawonica. Traditionally meetings are held on the third Wednesday of the month. The December meeting is held on the second Wednesday of the month due to the close proximity of Christmas.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

The suggested times and venues for the remaining 2013 Council Meetings are outlined in the table below.

DATE	LOCATION	TIME
Wednesday, 21 August 2013	Lot 535 Third Avenue, Onslow	2:00pm
Wednesday, 18 September 2013	Barry Lang Centre, Pannawonica	2:00pm
Wednesday, 16 October 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 November 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2013	Lot 535 Third Avenue, Onslow	2:00pm

The suggested timetable for Council Meeting dates are:

- Tom Price / Paraburdoo: Workshops / Briefing Sessions – 10 am, Lunch – 12.30 pm, Council Meeting – 1 pm followed by Fellowship at the completion of Council Meeting.
- Onslow / Pannawonica: Workshops / Briefing Sessions – 11 am, Lunch – 12.30 pm, Council Meeting – 2 pm followed by Fellowship at the completion of Council Meeting.

The Shire administration recommends the above schedule as this allows for adequate time for travel, workshops / briefing sessions (two and a half hours (2 ½ hours) in each location), public question time and full consideration of the Agenda.

Consultation

Shire President
A/Chief Executive Officer

Statutory Environment

Local Government Act 1995, Section 5.3 requires Council to hold an Ordinary Meeting not more than three (3) months apart.

Section 5.25(g) of the Local Government Act 1995 indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.

Local Government Admin Regs 12 specifies the Date, Time and Venue of Ordinary Council Meetings for the next twelve (12) months must be advertised once a year.

Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of Council meetings. However, it should be noted that the cost to hire the Onslow Sports Club is \$330.00 per day.

Strategic Implications

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

Policy Implications

Council Policy ELM01 – Council and other meetings.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Voting Requirement
Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. Adopt the Schedule of Meeting dates, times and locations for the period August 2013 to December 2013 as outlined below.
2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period August 2013 to December 2013.

DATE	LOCATION	TIME
Wednesday, 21 August 2013	Lot 535 Third Avenue, Onslow	2:00pm
Wednesday, 18 September 2013	Barry Lang Centre, Pannawonica	2:00pm
Wednesday, 16 October 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 November 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2013	Lot 535 Third Avenue, Onslow	2:00pm

3. Approve the timetable for Council Meeting dates as set out below.

Tom Price / Paraburdoo: Workshops / Briefing Sessions – 10 am, Lunch – 12.30 pm, Council Meeting – 1 pm followed by Fellowship at the completion of Council Meeting.

Onslow / Pannawonica: Workshops / Briefing Sessions – 11 am, Lunch – 12.30 pm, Council Meeting – 2 pm followed by Fellowship at the completion of Council Meeting.

Cr P Foster withdrew the motion

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

COUNCIL MOTION

MOVED: Cr P Foster

SECONDED: Cr L Shields

That Council:

1. **Adopt the Schedule of Meeting dates, times and locations for the period August 2013 to December 2013 as outlined below.**
2. **Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period August 2013 to December 2013.**

DATE	LOCATION	TIME
Wednesday, 21 August 2013	Lot 535 Third Avenue, Onslow	2:00pm
Wednesday, 18 September 2013	Barry Lang Centre, Pannawonica	2:00pm
Wednesday, 16 October 2013	Civic Centre, Tanunda Street, Tom Price	2:00pm
Wednesday, 20 November 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	2:00pm
Wednesday, 11 December 2013	Lot 535 Third Avenue, Onslow	2:00pm

3. **Approve the timetable for Council Meeting dates as set out below.**

Tom Price / Paraburdoo: Workshops / Briefing Sessions – 10 am, Lunch – 12.30 pm, Council Meeting – 2 pm followed by Fellowship at the completion of Council Meeting.

Onslow / Pannawonica: Workshops / Briefing Sessions – 11 am, Lunch – 12.30 pm, Council Meeting – 2 pm followed by Fellowship at the completion of Council Meeting.

AMENDED MOTION

MOVED: Cr L Thomas

SECONDED: Cr D Wright

That all Council meeting times for the remainder of 2013 commence at 1:00 pm.

THE AMENDED MOTION WAS CARRIED 5/4

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

**THE AMENDED MOTION BECAME THE MOTION
Council Decision**

MOVED: Cr L Thomas

SECONDED: Cr D Wright

That Council:

- 1. Adopt the Schedule of Meeting dates, times and locations for the period August 2013 to December 2013 as outlined below.**
- 2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period August 2013 to December 2013.**

DATE	LOCATION	TIME
Wednesday, 21 August 2013	Lot 535 Third Avenue, Onslow	1:00pm
Wednesday, 18 September 2013	Barry Lang Centre, Pannawonica	1:00pm
Wednesday, 16 October 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 November 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2013	Lot 535 Third Avenue, Onslow	1:00pm

- 3. Approve the timetable for Council Meeting dates as set out below**

Tom Price / Paraburdoo: Workshops / Briefing Sessions – 10 am, Lunch – 12.30 pm, Council Meeting – 1 pm followed by Fellowship at the completion of Council Meeting.

Onslow / Pannawonica: Workshops / Briefing Sessions – 11 am, Lunch – 12.30 pm, Council Meeting – 1 pm followed by Fellowship at the completion of Council Meeting.

CARRIED 6/3

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

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

11. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development Reports for this Agenda.

12. CORPORATE SERVICES REPORTS

12.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MAY & JUNE 2013

MINUTE: 11575

FILE REFERENCE: FI.RE.00.00

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 June 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

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

May 2013

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

ATTACHMENT12.1A

June 2013

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

ATTACHMENT12.1B

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Consultation

Executive Management Team
Finance Manager
Finance Coordinator
Finance Officers
Consultant Accountant

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Shields

That Council receives the Financial Reports for May 2013 and Schedule of Accounts as per ATTACHMENT 12.1A and Credit Cards paid in June 2013 as per ATTACHMENT 12.1B.

CARRIED 8/1
Crs White, Rumble, Foster, Shields, Eyre, Dias, Wright and Thomas voted for the motion
Cr Fernandez voted against this motion

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.2 SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY LOCAL LAW 2013 - REQUESTED UNDERTAKINGS

MINUTE: 11569

FILE REFERENCE: LE.LL.01.00
LE.LL.08.00
LE.LL.11.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 June 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.08 - Ordinary Meeting of Council 17 February 2010
Agenda Item 11.1 (Minute Number 11229) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.1 (Minute Number 11310) - Ordinary Meeting of Council 17 October 2012
Agenda Item 11.3 (Minute Number 11451) - Ordinary Meeting of Council 13 March 2013

Summary

Council is being asked to consider the following undertakings as requested by the Joint Standing Committee on Delegated Legislation (JSCDL) with regards to the Shire of Ashburton Local Government Properties Local Law 2013.

1. That the Shire will not exclude "assistance animals", as defined in section 9(2) of the Disability Discrimination Act 1992 (Cth) from the aerodromes in its district;
2. That clause 5.11 be amended by deleting the incorrect reference to Schedule 3 and replacing it with Schedule 2 when the Local Law is next amended;
3. That all consequential amendments arising from the undertakings will be made;
4. That the Shire will provide a copy of the minutes of the meeting at which the Ashburton Council resolves to provide the undertakings; and
5. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Background

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws. The Property local law was adopted by Council on 13 March 2013 and Gazetted on 5 April 2013 (Item No. 57).

Comment

Following a review of the Local Law by the JSCDL, the Shire was advised that Clause 5.10(l) (a) of the Local Law provides that a person shall not bring an animal on to an aerodrome unless the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that provision. That is, a guide dogs for a blind or partially blind person is permitted to be on an aerodrome, however, other types of assistance animals are not.

The JSCDL has formed the preliminary view that clause 5.10(l) (a) is invalid on the grounds of Inconsistency with Commonwealth anti-discrimination legislation as set out in the *Disability Discrimination Act 1992*.

This issue has arisen in a number of other local governments' local laws and the JSCDL is currently in negotiations with the Minister for Local Government regarding possible solutions to what appears to be a systemic problem. Until such negotiations are complete, the JSCDL seeks an undertaking from the Shire of Ashburton that it will not exclude other "assistance animals" as defined in section 9(2) of the *Disability Discrimination Act 1992* (Cth) from aerodromes in its district.

Should Council adopt the undertakings as requested (and recommended) by the JSCDL, an Amendment Local Law with all of the associated advertising and notices will be required to be adopted.

Consultation

JSCDL Advisory Officer (Legal)
A/Executive Manager Corporate Services

ATTACHMENT 12.2

Statutory Environment

Local Government Act 1995, Section 3.12

Financial Implications

Nil

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

Provide the following undertakings proposed by the Joint Standing Committee on Delegated Legislation as per ATTACHMENT 12.2

- 1. That the Shire will not exclude "assistance animals", as defined in section 9(2) of the Disability Discrimination Act 1992 (Cth) from the aerodromes in its district;**
- 2. That clause 5.11 be amended by deleting the incorrect reference to Schedule 3 and replacing it with Schedule 2 when the Local Law is next amended;**
- 3. That all consequential amendments arising from the undertakings will be made;**
- 4. That the Shire will provide a copy of the minutes of the meeting at which the Ashburton Council resolves to provide the undertakings; and**
- 5. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.**

CARRIED EN BLOC 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.3 SHIRE OF ASHBURTON CEMETERIES LOCAL LAW 2013 - REQUESTED UNDERTAKINGS

MINUTE: 11569

FILE REFERENCE: LE.LL.04.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 June 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.08 - Ordinary Meeting of Council 17 February 2010
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.1 (Minute No. 11225) - Ordinary Meeting of Council 15 August 2012
Agenda Item 11.1 (Minute No. 11429) - Ordinary Meeting of Council 13 February 2013

Summary

Council is being asked to consider the following undertakings as requested by the Joint Standing Committee on Delegated Legislation (JSCDL) with regards to the Shire of Ashburton Cemeteries Local Law 2013.

1. That all references to Schedule 4 will be removed from the Local Law, or, alternatively, insert a Schedule 4 if that is Council's intention;
2. That the Shire will not exclude "assistance animals", as defined in section 9(2) of the Disability Discrimination Act 1992 (Cth) from the cemeteries in its district;
3. That all consequential amendments arising from the undertakings will be made;
4. That clauses 3.1(l), 3.3(l), 3.3(2) and 8.2 will not be enforced in a manner contrary to the undertakings that the Council gives;
5. That the undertakings will be completed within six months of the date of the Council's letter giving the undertakings;
6. That the Shire will provide a copy of the minutes of the meeting at which the Ashburton Council resolves to provide the undertakings; and
7. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Background

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws. The Cemetery local law was adopted by Council on 13 February 2013 and Gazetted on 8 March 2013 (Item No 40) with the primary objective of providing rules and guidelines for control and management of Cemeteries within the Shire.

ATTACHMENT 12.3

Comment

Following a review of the Local Law by the JSCDL, the shire was advised that clause 8.2 provides an exemption for guide dogs and hearing dogs to the ban in clause 8.1 on animals being in the Shire of Ashburton's public cemeteries, as follows:

"Clause 8.1 shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog."

Whilst this clause is directly copied from the WALGA Model Local Law 2010 version, the JSCDL has formed the preliminary view that the clause is invalid on the grounds of inconsistency with Commonwealth anti-discrimination legislation as set out in the *Disability Discrimination Act 1992*.

The reference in the *Disability Discrimination Act 1992*. (Cth) to the broader term "assistance animals" (rather than "hearing or guide dog") means that there is potential for the Shire of Ashburton's Local Law to be inconsistent with the Commonwealth legislation and therefore invalid to the extent of that Inconsistency.

This issue has arisen in a number of other local governments' local laws and the JSCDL is currently in negotiations with the Minister for Local Government regarding possible solutions to what appears to be a systemic problem. Until such negotiations are complete, the JSCDL seeks an undertaking from the Shire of Ashburton that it will not exclude other "assistance animals" as defined in section 9(2) of the *Disability Discrimination Act 1992* (Cth) from the cemeteries in its district.

Should Council adopt the undertakings as requested (and recommended) by the JSCDL, an Amendment Local Law with all of the associated advertising and notices will be required to be adopted.

Consultation

JSCDL Advisory Officer (Legal)
A/Executive Manager Corporate Services

ATTACHMENT 12.3

Statutory Environment

Cemeteries Act 1986
Local Government Act 1995, Section 3.12

Financial Implications

Nil

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

Provide the following undertakings proposed by the Joint Standing Committee on Delegated Legislation as per ATTACHMENT 12.3 that:

- 1. That all references to Schedule 4 will be removed from the Local Law;**
- 2. That the Shire will not exclude "assistance animals", as defined in section 9(2) of the Disability Discrimination Act 1992 (Cth) from the cemeteries in its district;**
- 3. That all consequential amendments arising from the undertakings will be made;**
- 4. That clauses 3.1(l), 3.3(l), 3.3(2) and 8.2 will not be enforced in a manner contrary to the undertakings that the Council gives;**
- 5. That the undertakings will be completed within six months of the date of the Council's letter giving the undertakings;**
- 6. That the Shire will provide a copy of the minutes of the meeting at which the Ashburton Council resolves to provide the undertakings; and**
- 7. Where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings.**

CARRIED EN BLOC 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.4 SHIRE OF ASHBURTON ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2013 - REQUESTED UNDERTAKINGS

MINUTE: 11576

FILE REFERENCE: LE.LL.12.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 June 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.08 - Ordinary Meeting of Council 17 February 2010
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.3 (Minute No. 11297) - Ordinary Meeting of Council 19 September 2012
Agenda Item 11.3 (Minute No. 11431) - Ordinary Meeting of Council 13 February 2013

Summary

Council is being asked to consider the following undertakings as requested by the Joint Standing Committee on Delegated Legislation (JSCDL) with regards to the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013.

1. Insert clause 2.8(2) and correct the typographical error in clause 7.1(2)(d);
2. That clauses 2 and 7.1 will not be enforced in a manner contrary to the undertakings that the Council gives;
3. Provide the Committee with a copy of the minutes of the meeting at which the Shire of Ashburton resolved to provide the undertaking;
4. Amend the local law within six months from the date of the Shire's letter which contains the undertaking to amend the local law; and
5. In the interim, where the local law is made publically available by the Shire of Ashburton, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Background

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws. The Activities on Thoroughfares and Public Places and Trading local law was adopted by Council on 13 February, 2013 and Gazetted on 5 April 2013 (Item Number 55) with the primary objective of providing rules and guidelines for control and management of Activities on Thoroughfares and Public Places and Trading within the Shire.

ATTACHMENT 12.4

Comment

The present Local Law (at clause 2.8) does not provide a definition of “permissible verge treatment” and therefore creates uncertainty. Also clause 2.9(1) creates modified penalty of \$250 if non “permissible verge treatment” it is necessary to corrected the Local Law.

Should Council adopt the undertakings as requested (and recommended) by the JSCDL, an Amendment Local Law with all of the associated advertising and notices will be required to be adopted.

Consultation

JSCDL Advisory Officer (Legal)
A/Executive Manager Corporate Services.

Statutory Environment

Local Government Act 1995, Section 3.12
Liquor Control Act 1995
Planning and Development Act 2005
Road Traffic Act 1974
Road Traffic Code 2000

Financial Implications

Nil

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

That Council:

Provide the following undertakings proposed by the Joint Standing Committee on Delegated Legislation as per ATTACHMENT 12.4

- 1. Insert clause 2.8(2) and correct the typographical error in clause 7.1(2)(d);**
- 2. That clauses 2 and 7.1 will not be enforced in a manner contrary to the undertakings that the Council gives;**
- 3. Provide the Committee with a copy of the minutes of the meeting at which the Shire of Ashburton resolved to provide the undertaking;**
- 4. Amend the local law within six months from the date of the Shire's letter which contains the undertaking to amend the local law; and**
- 5. In the interim, where the local law is made publically available by the Shire of Ashburton, whether in electronic or hard copy form, it be accompanied by a copy of the undertakings.**

CARRIED 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.6 SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2013

MINUTE: 11569

FILE REFERENCE: LE.LL.01.00
LE.LL.08.00
LE.LL.11.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.08 – Ordinary Council 17 February 2010
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.1 (Minute No. 11310) - Ordinary Meeting of Council 17 October 2012
Agenda Item 11.3 (Minute No. 11451) - Ordinary Meeting of Council 13 March 2013

Summary

The Shire of Ashburton Local Government Property Amendment Local Law 2013 is being presented for Council consideration. Consideration can only be given following the adoption of Agenda Item 12.2 of this Agenda.

Background

Agenda Item 12.2 Requested Undertakings Shire of Ashburton Local Government Property Local Law 2013 adopted by Council gave an undertaking to the Joint Standing Committee on Delegated Legislation (JSCDL) that it would amend its Shire of Ashburton Local Government Property Local Law 2013. Based on this undertaking, the JSCDL allowed the local law to pass. However the undertakings must be published at every location that the local law is published.

Comment

The amendment local law will be subject to the placement of notices of the undertakings at every location that the local law is published and will have a submission period, as is required for any local law. It is likely that the Shire of Ashburton Local Government Property Amendment Local Law 2013 and any submissions received will be presented to the September 2013 Council meeting for final adoption.

The corrections as required of the principal local law by the JSCDL have been made and the Shire of Ashburton Local Government Property Amendment Local Law 2013 is attached for review.

ATTACHMENT 12.6

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

No inclusion of "assistance animals" as prescribed in the JSCDL undertaking has been incorporated in the amendment local law. It has been advised by the JSCDL that the Governor has been requested to make a global amendment legislation change to capture this undertaking.

Consultation

A/Executive Manager – Corporate Services
Advisory Officer (Legal) - JSCDL
Governance Manager - WALGA

Statutory Environment

Local Government Act 1995, Section 3.5

Financial Implications

Nil

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. **Endorse the Shire of Ashburton Local Government Property Amendment Local Law 2013 as per ATTACHMENT 12.6**
2. **Endorse the purpose and effect of the local law being:**

Purpose: To regulate the care, control and management of all property of the local government except thoroughfares.

Effect: 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.
3. **Authorise the required advertising in a state-wide newspaper, inviting public comment on the amendment local law, being open for a period of not less than 6 weeks (42 days) as per section 3.12 of the Local Government Act 1995.**

CARRIED EN BLOC 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.7 SHIRE OF ASHBURTON CEMETERIES AMENDMENT LOCAL LAW 2013

MINUTE: 11569

FILE REFERENCE: LE.LL.04.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.08 -Ordinary Meeting of Council 17 February 2010
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.1 (Minute No. 11225) - Ordinary Meeting of Council 15 August 2012
Agenda Item 11.1 (Minute No. 11429) - Ordinary Meeting of Council 13 February 2013

Summary

The Shire of Ashburton Cemeteries Amendment Local Law 2013 is being presented for Council consideration. Consideration can only be given following the adoption of Agenda Item 12.3 of this Agenda.

Background

Agenda Item 12.3 Requested Undertakings Shire of Ashburton Cemeteries Local Law 2013 adopted by Council gave an undertaking to the Joint Standing Committee on Delegated Legislation (JSCDL) that it would amend its Shire of Ashburton Cemeteries Local Law 2013. Based on this undertaking, the JSCDL allowed the local law to pass. However the undertakings must be published at every location that the local law is published.

Comment

The amendment local law will be subject to the placement of notices of the undertakings at every location that the local law is published and will have a submission period, as is required for any local law. It is likely that the Shire of Ashburton Cemeteries Amendment Local Law 2013 and any submissions received will be presented to the September 2013 Council meeting for final adoption.

The corrections as required of the principal local law by the JSCDL have been made and the Shire of Ashburton Cemeteries Amendment Local Law 2013 is attached for review.

ATTACHMENT 12.7

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

No inclusion of "assistance animals" as prescribed in the JSCDL undertaking has been incorporated in the amendment local law. It has been advised by the JSCDL that the Governor has been requested to make a global amendment local law to capture the legislation changes needed.

Consultation

A/Executive Manager – Corporate Services
Advisory Officer (Legal) - JSCDL
Governance Manager - WALGA

Statutory Environment

Cemeteries Act 1986
Local Government Act 1995, Section 3.5

Financial Implications

Nil

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. **Endorse the Shire of Ashburton Cemeteries Property Amendment Local Law 2013 as per ATTACHMENT 12.7**
2. **Endorse the purpose and effect of the local law being:**
 - Purpose:** To provide for the orderly management of the Cemeteries in Onslow (Reserve No. 20632) and Tom Price (Reserve No. 43087) which includes new facilities such a niche wall and to create offences for inappropriate behaviour within the cemetery grounds.
 - Effect:** To ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemetery, or otherwise providing services to or making use of the cemetery.
3. **Authorise the required advertising in a state-wide newspaper, inviting public comment on the amendment local law, being open for a period of not less than 6 weeks (42 days) as per section 3.12 of the Local Government Act 1995.**

CARRIED EN BLOC 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.8 SHIRE OF ASHBURTON ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2013

MINUTE: 11577

FILE REFERENCE: LE.LL.12.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.08 - Ordinary Meeting of Council 17 February 2010
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.3 (Minute No. 11297) - Ordinary Meeting of Council 19 September 2012
Agenda Item 11.3 (Minute No. 11431) - Ordinary Meeting of Council 13 February 2013

Summary

The Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 is being presented for Council consideration. Consideration can only be given following the adoption of Agenda Item 12.4 of this Agenda.

Background

Agenda Item 12.4 Requested Undertakings Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013 adopted by Council gave an undertaking to the Joint Standing Committee on Delegated Legislation (JSCDL) that it would amend its Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013. Based on this undertaking, the JSCDL allowed the local law to pass. However the undertakings must be published at every location that the local law is published.

Comment

The amendment local law will be subject to the placement of notices of the undertakings at every location that the local law is published and will have a submission period, as is required for any local law. It is likely that the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 and any submissions received will be presented to the September 2013 Council meeting for final adoption.

All changes required of the principal local law by the JSCDL have been made and the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 is attached for review.

ATTACHMENT 12.8

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Consultation

A/Executive Manager – Corporate Services
Advisory Officer (Legal) - JSCDL
Governance Manager – WALGA

Statutory Environment

Local Government Act 1995, Section 3.5
Liquor Control Act 1995
Planning and Development Act 2005
Road Traffic Act 1974
Road Traffic Code 2000

Financial Implications

Nil

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr I Dias

SECONDED: Cr A Eyre

That Council:

1. **Endorse the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 as per ATTACHMENT 12.8**
2. **Endorse the purpose and effect of the local law being:**
 - Purpose:** To consolidate various local laws relating to activities in thoroughfares and public places and trading.
 - Effect:** To restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places; and ensure that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place comply with the provisions of the local law.
3. **Authorise the required advertising in a state-wide newspaper, inviting public comment on the amendment local law, being open for a period of not less than 6 weeks (42 days) as per section 3.12 of the Local Government Act 1995.**

CARRIED 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.9 PROPOSED CHRISTMAS/NEW YEAR ARRANGEMENTS 2013/14

MINUTE: 11569

FILE REFERENCE: OR.CI.01.01

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.5 (Minute No. 11235) - Ordinary Meeting of Council 18 July 2012

Summary

Council is asked to note the closure of the Shire offices for the period of Monday 23 December 2013 to Thursday 2 January 2014. Council is also asked to note rubbish collection services and tip opening/closing times for the same period.

Background

In the past Council has been in the practice of closing its offices for the Christmas and New Year period. This report is to inform Council of the proposed closure dates and facilitate advertising office arrangements over the Christmas period to the public.

Comment

Approval is sought for the closure of the offices in the various towns of the Shire for the period Monday 23 December 2013 to Thursday 2 January 2014. It is also requested that offices be allowed to close at 2.00pm on Monday 23 December 2013.

Experience over the past years has indicated that there is little requirement for administrative staff assistance over the Christmas/New Year period from the general public. In any event, suitable after hours contact numbers will be made available to the general public.

In previous years staff were given the option of working the normal work days between Christmas and New Year. It is suggested that staff be given the option again this year. Approval to do this would need to be sought from their Manager.

Staff that elect to take the time off over this period will be required to complete leave forms – either Annual or unpaid.

Council is also asked to note rubbish collection services and tip opening/closing times for the same period as listed in the recommendation to this item.

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Consultation

A/Chief Executive Officer
Executive Management Team
Waste Co-ordinator

Statutory Environment

Section 2.7 and 3.1 *Local Government Act 1995*

Financial Implications

There are no financial implications relevant to this issue.

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. Note the closure of offices in Tom Price, Paraburdoo, Pannawonica and Onslow for the period Monday 23 December 2013 until Thursday 2 January 2014;
2. Note the closure of offices at 2.00pm on Monday 23 December 2013; and
3. Note the changes to the rubbish collection schedules as follows:

RUBBISH COLLECTIONS AND TIP OPENING TIMES

TOM PRICE & PARABURDOO HOUSEHOLD RUBBISH COLLECTION

Tuesday 24th December 2013	Paraburdoo
Wednesday 25th December 2013	NIL Christmas Day
Thursday 26th December 2013	Tom Price Central
Friday 27th December 2013	Area W Tom Price
Tuesday 31st December 2013	Paraburdoo
Wednesday 1st January 2014	NIL New Years Day
Thursday 2nd January 2014	Tom Price Central
Friday 3rd January 2014	Area W Tom Price

TOM PRICE & PARABURDOO TIP OPENING TIMES

Tuesday 24th December (early close)	Open
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Wednesday 25th December 2013	Christmas Day Closed
Thursday 26th December 2013	Boxing Day Closed
Friday 27th December 2013	Open
Saturday 28th December 2013	Open
Sunday 29th December 2013	Open
Monday 30th December 2013	Closed
Tuesday 31st December 2013	Open
Wednesday 1st January 2014	New Years Day Closed

TOM PRICE & PARABURDOO COMMERCIAL COLLECTION

Tuesday 24th December 2013	Paraburdoo and Tom Price
Wednesday 25th December 2013	NIL Christmas Day
Thursday 26th December 2013	Paraburdoo and Tom Price
Friday 27th December 2013	Tom Price
Tuesday 31st December 2013	Paraburdoo
Wednesday 1st January 2014	NIL New Years Day
Thursday 2nd January 2014	Paraburdoo
Friday 3rd January 2014	Tom Price

ONSLOW HOUSEHOLD & COMMERCIAL RUBBISH COLLECTION

Tuesday 24th December 2013	Domestic & Commercial
Wednesday 25th December 2013	NIL Christmas Day
Thursday 26th December 2013	NIL Boxing Day
Friday 27th December 2013	Commercial
Tuesday 31st December 2013	Domestic & Commercial
Wednesday 1st January 2014	NIL New Years Day
Friday 3rd January 2014	Commercial

ONSLOW TIP OPENING TIMES

Tuesday 24th December 2013	Open
Wednesday 25th December 2013	Christmas Day Closed
Thursday 26th December 2013	Boxing Day Closed
Friday 27th December 2013	Open
Saturday 28th December 2013	Open
Sunday 29th December 2013	Closed
Monday 30th December 2013	Open
Tuesday 31st December 2013	Open
Wednesday 1st January 2014	New Years Day Closed

CARRIED EN BLOC 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.10 PROPOSED 2013/2014 FEES AND CHARGES

MINUTE: 11578

FILE REFERENCE: FI.FI.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire's proposed Fees and Charges are presented to Council for approval for the new Financial Year 2013/14. The proposal is to be advertised for a period of 7 days under Local Government Act 1995, Section 1.7 in conjunction to Section 6.19. It is expected that the new fees and charges will become effective from the 1st of August 2013.

Background

The proposed Fees and Charges have been collated and compiled with consultation from Department/Program Managers responsible for providing essential services to the community and ensuring appropriate income is generated for the council.

The Fees and Charges for 2012/2013 have been included for council's reference to highlight the changes considered in the proposed Fees & Charges for 2013/14.

ATTACHMENT 12.10

Comment

Overall, Fees & Charges in most program areas remained the same as for 2012/13 year. Programs that have proposed increases include the following; Statutory Fees in Town Planning, Cemetery fees in Community Amenities, Plant Hire rates in Private works, Onslow Airport Fees. New charges have also been introduced in the Hire of Community Facilities.

Consultation

Department/Program Managers
Executive Management Team

Statutory Environment

Local Government Act 1995, Section 6.16, 6.17 and 6.19.
Local Government Act 1995, Section 1.7.

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Financial Implications

The revenue raised from Fees & Charges set by Council will underpin its ability to provide services and facilities for the 2013/2014 financial year and into the future.

Strategic Implications

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Shields

SECONDED: Cr P Foster

That Council adopt the 2013/2014 Fees & Charges Schedule with the following amendments:

- a) Family season pass for swimming pools be amended to show a family pass is for 2 x adults and 2 x children.
- b) The Cost of the swimming pools family pass be amended to \$350.00pa.
- c) And in respected to a swimming pool family pass and additional child charge of \$25.00pa per child remain.

CARRIED BY ABSOLUTE MAJORITY 7/2

**Crs White, Dias, Wright, Thomas, Foster, Shields, Eyre voted for this motion
Crs Rumble and Fernandez voted against this motion**

Reason for change of recommendation:

Cr Shields tabled an alternative recommendation that was more equitable and resulted in a smaller charge to family swimming pool pass.

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

12.11 APPOINTMENT OF AUDITORS 2012 TO 2015 ADDITIONAL NAMES

MINUTE: 11579

FILE REFERENCE: FI.AU.13.14

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 22 April 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.3 (Minute No. 11519) – Ordinary Meeting of Council 8 May 2013
Agenda Item 15.03.04 – Ordinary Meeting of Council 17 March 2010

Summary

In May 2013 Council resolved to appoint UHY Haines Norton as auditors, with Mr David Tomasi listed as the partner responsible for Ashburton. UHY Haines Norton has written requesting that two additional partners be added.

Background

UHY Haines Norton has written requesting that additional partners be added to the appointment list to allow greater flexibility in managing the audit process. The list of appointed auditors should be amended to include:

<i>Name</i>	<i>Registered Company Auditor Number</i>
Mr G Godwin	310219
Mr Wen-Shien Chai	266761

Comment

The nominations are supported as additional auditors may mean a quicker turnaround of our audits.

Consultation

A/Chief Executive Officer
A/Executive Manager Corporate Services

Statutory Environment

Section 7.3 Local Government Act 1995

Financial Implications

Nil

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Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Shields

That Council confirm the appoint of UHY Haines Norton Accountants as auditors for the Shire of Ashburton with the listed partners being:

Name	Registered Company Auditor Number
Mr David Tomasi	15274
Mr G Godwin	310219
Mr Wen-Shien Chai	266761

CARRIED BY ABSOLUTE MAJORITY 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

13. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

13.1 EXTENSION OF LEASE - ONSLOW SUN CHALETS

MINUTE: 11569

FILE REFERENCE: RE.SE.R.35889

AUTHOR'S NAME AND POSITION: Amanda O'halloran
Executive Manager, Strategic and Economic Development

NAME OF APPLICANT/RESPONDENT: Ashburton Investments Pty Ltd

DATE REPORT WRITTEN: 5 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.6 (Minute 11375) - Ordinary Meeting of Council December 2012
Confidential Agenda Item 17.3 (Minute 11333) - Ordinary Meeting of Council October 2012
Confidential Agenda Item 16.02.01 - Ordinary Meeting of Council 19 February 2008
Confidential Agenda Item 16.07.10 - Ordinary Meeting of Council 18 December 2007
Confidential Agenda Item 16.07.10 - Ordinary Meeting of Council 17 July 2007
Confidential Agenda Item 16.05.09 Ordinary Meeting of Council 22 May 2007

Summary

At the 12 December 2012 council Meeting – Council authorised the extension of the Onslow Chalets Lease until 31 August 2013, to enable further negotiations with the Lessee and Delegated authority to the A/CEO to negotiate with the Lessee and the Minister for Lands and Regional Development an extension to the existing lease under the current terms and lease document and carries out the tasks as required under Section 3.58 Disposing of Property by private treaty and refer the matter back to Council for final determination

The lease negotiations have not been able to be progressed as expediently as was indicated at that Council Meeting, and therefore it is proposed to lengthen the extension of the lease by a further 4 months to complete the lease negotiations as previously outlined on 12 December 2012.

Background

The Onslow Sun Chalets is located on a Shire managed Reserve (Reserve 35889 Onslow). This property has been leased for the purpose of holiday accommodation since 1995.

The formal lease held by Ashburton Investments Pty Ltd expired on 31 March 2013. At the October 2012 Ordinary Meeting of Council the Council resolved to - delegate the CEO to

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

negotiate a proposed contract with Ashburton Investments to extend the lease of Onslow Sun Chalets for 5 years subject to specific conditions and the provisions of the Local Government Act 1995 s 3.58 for consideration at the November 2012 Council Meeting.

An extension to the process was requested at the 12 December 2012 Council Meeting to enable ample time to negotiate given the circumstances of the time. The Shire administration has been unable to progress the negotiations due to resourcing issues and a conflict with prioritization. Valuations have also held up recent progress. It is therefore requested that a further short term lease extension to be issued and signed off by the Minister for Lands and Regional Development.

It is proposed to apply for a 4 month further lease extension to cover the time required to present to Council and if agreement is reached carry out the statutory obligations of the Local Government Act 1995.

Comment

Lease Negotiations have not proceeded as proposed. Factors affecting delay include:

- Onslow Shire Office fire and relocation to the Onslow Multi-purpose Complex.
- Difficulty getting an approved Valuer at an acceptable price to attend the property as required under S3.58 of Local Government Act 1995.
- Prioritisation and resourcing conflicts with projects such as the Onslow Aerodrome Redevelopment.

These factors have all impacted and resulted in not being able to meet the initial requested time extension.

To give Ashburton Investments some security through this negotiation time it is proposed that a further 4 month extension be offered under the same lease conditions currently in place. This will require approval by the Minister for Regional Development and Lands prior to being executed.

The lease currently in place will see Council receive approximately \$30,000.00 in income during the full nine months of the extension. It is because of this income there is a need to comply with section 3.58 of the Local Government Act.

Consultation

A/Chief Executive Officer
A/Land Development Manager

Statutory Environment

Local Government Act 1995 - Section 3.58 Disposing of Property.

Financial Implications

Lease income, valuation fees and legal fees are anticipated and have been provided for in the 2013/14 budget.

Strategic Implications

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

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Policy Implications

None Identified

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Shields

That Council:

- 1. Authorises the extension of the Onslow Chalets Lease with Ashburton Investments Pty Ltd until 31 December 2013 on the existing terms and conditions.**
- 2. Advertise the extension in accordance with Section 3.58 Disposing of Property of the Local Government Act 1995.**
- 3. Should no objections be received to the extension Council delegate to the A/Chief Executive Officer the authority to enter into a Lease Agreement for the extension with Ashburton Investments Pty Ltd.**
- 4. Authorise the Shire President and the A/Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to the Lease extension.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Reason for change of recommendation:

The agenda had a typographical error on the expiry of lease date. This has been changed from 30 December 2013 to 31 December 2013.

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13.2 REQUEST TO SHARE PLANS AND CONCEPT OF THE ONSLOW WAR MEMORIAL WITH THE SWANSEA RSL

MINUTE: 11569

FILE REFERENCE: RE.SE.R.24924

AUTHOR'S NAME AND POSITION: Chantelle Salmeri
Executive Assistant, Strategic & Economic Development

NAME OF APPLICANT/RESPONDENT: Swansea Sub Branch of the Returned Services League
Australia, New South Wales

DATE REPORT WRITTEN: 2 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A request has been received from the Returned and Services League of Australia, Swansea Sub Branch dated the 28 May 2013 regarding the Onslow War Memorial at Beadon Point. A request has been submitted to the Shire of Ashburton to give permission for a similar landmark to be built on the beachfront at Swansea, New South Wales.

Background

A request was received from Barney Blundell, Honorary Secretary of Swansea Sub Branch and Vice President of Swansea RSL Club on 28 May 2013 to copy The Shires Onslow War memorial.

ATTACHMENT 13.2

Comment

The Onslow War Memorial at Beadon Point is a significant Onslow icon. The Memorial has developed National recognition for its unique geographical location and sunrise feature. The Swansea RSL are keen to develop a twin structure of a similar nature and develop a linkage with Onslow and the Shire of Ashburton.

This recognition is a great compliment to the memorial and could very well be a great advertisement to the region and stimulate tourism and economic development. The Swansea RSL are keen to have commentary by way of a plaque at their structure to explain the linkage and honour the Shire for their concept. Smith Sculptures memorial designers and holders of the copyright are supportive of the proposal if Council was to agree to the alliance.

Further discussions have taken place identifying opportunities for the 2015 ANZAC Centenary Anniversary. Ideas of having a televised linkup at sunset etc have been explored.

This on face value appears to be a great opportunity with only benefits to the Shire and the Onslow community now and into the future.

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Consultation

A/Chief Executive Officer
Executive Manager – Strategic & Economic Development

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 04 – A Rich Cultural Life

Goal 03 – Unique Heritage and Environment

Objective 03 – Celebration of History and Heritage

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. Support the construction of a twin war memorial structure similar to the one in Onslow by the Swansea New South Wales RSL Branch by sharing of information, release of plans.**
- 2. Encourages collaboration between the Onslow and Swansea communities to develop a strategy to link the communities through tourism and explore the linkages that can be created for the ANZAC 100 year celebrations in 2015.**

CARRIED EN BLOC 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 17 JULY 2013

14. TECHNICAL SERVICES REPORTS

14.1 PLANNING APPLICATION - RESIDENTIAL BUILDING AT LOT 687 YARUGA STREET, TOM PRICE

MINUTE: 11581

FILE REFERENCE: TP.YA.0687.000
20130093 (P)

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

NAME OF APPLICANT/RESPONDENT: Applicant: Greg Rowe & Associates
Owner: Claudel Pty Ltd

DATE REPORT WRITTEN: 4 June 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Land subject of the Application for Planning Approval comprises Lots 687 Yaruga Street, Tom Price which has a site area of 895m² and is zoned Residential R20.

The application is for the construction of an extension to the existing single residence. The extension will change the use from a Single Dwelling to a Residential Building.

The Application was advertised for 14 days and at the end of the advertising period, no submissions were received.

The Application generally reflects the provisions of the 'Acceptable Development' standards of RCodes. It is recommended that the application be Approved subject to conditions.

Background

The subject site comprises Lot 687 Yaruga Street Tom Price which has an area of 895m² and contains a single dwelling. Yaruga Street has a sealed carriageway constructed to a good standard and links to both Central Road and North Road.

The site is serviced with underground power, sewer and water. Developed residential land adjoins the site with land opposite (north) vacant unvested Crown Land. The site is situated approximately 1.5km from the Tom Price commercial area and a similar distance from the Tom Price Primary school and Tom Price sports oval and recreation facilities. The Tom Price Senior High School is approximately 700m from the site.

Proposal

The proposed development is an addition to the rear of the existing three (3) bedroom dwelling, whereby two (2) additional bedrooms are proposed. The addition is to adjoin the

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existing residence via a door at the southern end of the hallway between Bedroom 1 and the Bathroom. A covered area is proposed to link the hallway to the two proposed additional bedrooms as shown on the Site and Floor Plans, Both the proposed additional bedrooms will have ensuite bathrooms which are only accessible from within each bedroom. The addition will be in the form of a module which will be constructed of new custom orb wall cladding with a metal deck roof.



An existing portion of the veranda will be demolished and the existing fence and gate will be removed to enable the existing carport to be utilised for at least two cars. A third car bay is proposed to be located forward of the veranda.

The Applicant advises that the addition of two bedrooms and conversion of the 'Single Dwelling' to a 'Residential Building' is to house employees from the Tom Price Hotel.

ATTACHMENT 14.1A comprises the plans and elevations of the proposed development.

Comment

The site is zoned Residential R20 under the *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')*. The proposed use fits within the definition of a 'Residential Building' which is defined in the *RCodes* as:

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

- a) temporarily by two or more persons, or*
- b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, motel or a residential school."*

By comparison, a 'dwelling' is defined as follows:

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

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

The essential difference between a residential building and dwelling in this instance is the opportunity to occupy the residential building on a temporary basis. If approved, the development would enable the accommodation of ‘fly-in-fly out’ workforce.

A Residential Building is a ‘D use in the zone which is a use that Council may approve at its discretion. Although advertising was not required under the Scheme, advertising has taken place and no objections were received. Other *Scheme* provisions relevant to the development include:

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

In relation to Clause 6.7.2, the plan does show a store room on the submitted plans.

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

In relation to Clause 6.7.3, the Shire has no record of contamination or reason to believe that the site could be potentially contaminated through previous land uses.

With respect to Clause 5.9 ‘Matters to be Considered’ of the *Scheme*, 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:*

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- (ii) *likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena.*
- (h) *the capacity of the site and surrounding locality to support the development including:*
 - (i) *access, egress, unloading, manoeuvring and parking of vehicles*
 - (ii) *traffic generated from the development*
 - (iii) *need for public transport services*
 - (iv) *public and utility infrastructure and community services*
 - (v) *whether adequate provision has been made for access for pedestrians, cyclists and disabled persons*
 - (vi) *impact of the development on the amenity of the locality*
 - (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.

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

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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. The Applicant prepared an SIS which was made available for consultation.

ATTACHMENT 14.1B

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 - Non-Residential Land Users in Residential Areas

The Shire does not have a policy specifically for Residential Buildings however this policy (while not binding on Council) has regard to the following criteria:

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

More specific to the Application is *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*. Clause 4.5 of the Policy states:

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

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

In considering the current proposal against *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*, the following comments are made.

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Location

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

Residential Amenity

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

Noise Generation

Noise made by residents has the greatest potential to impact on the amenity of the local area. This is the case the establishment will be managed by the Shire.

Although vehicles with operating audible reversing warning systems are not anticipated, any approval should prohibit such systems.

Essential Services and Waste Disposal

The proposed use and development will have a minimal impact on water sewerage and power supplies, as well as other essential services; however details will be required on drainage.

Traffic Implications

The plans submitted with the Application depict three (3) car parking spaces which is consistent with the requirements of the Scheme. While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site.

For this reason a requirement that all parking generated is accommodated on-site should be included in any planning approval Council may decide to issue.

Emergency Escape Plan

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

Building Design

The policy requires that the appearance of the proposed use should not impact on the residential character of the surrounding area. The proposed 'Residential Building' is essentially a converted dwelling but appears to have been designed to complement the residential neighbourhood.

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

The Application is assessed against the *RCodes* for the design of housing developments.

- i) The proposed extension has a total floor area of 46m² (excluding verandahs).
- ii) Site Area: 895m²
- iii) Setbacks: Yaruga Street – 4.4m.

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Rear boundary – 9.4m to wall

East boundary – 4.4m to wall

West boundary – 1.7m to wall

- iv) Minimum open space required: 50%
Minimum open space provided 76%
- v) Elevations: Single storey building to be constructed and externally clad.
- vi) Car Parking: Spaces required/provided:

One per every two sleeping units, plus two per every seven units for visitors and staff	3
Spaces provided	3

- viii) Landscaping: Indicative only.

The Application appears to reflect the 'Acceptable Development' standards of RCodes.

Amenity/Miscellaneous

Information and assessment is required that addresses the air-conditioning systems whereby cassette and/or split air-conditioning systems are not simply placed outside dwellings as an afterthought as this can result in poor amenity for neighbours and occupants. Another aspect of local and onsite amenity is the need to control the 'reverse beepers' of the numerous vehicles within the town.

This should be addressed in a management plan by the Applicant and as a condition of planning approval. Any fencing along the front boundary of the lot should be a 'feature fence' designed and constructed to promote the 'high quality' of the development.

Conclusions:

From the information provided, the Application appears to reflect the provisions of the 'Acceptable Development' standards of RCodes with the exception of the private outdoor living areas. It is concluded that the development is acceptable and should be provided with conditional Planning Approval.

Consultation

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

Public Consultation

The Application was advertised for 14 days in accordance with Clause 5.7 'Advertising of Applications' of the Scheme. Advertising comprised:

- Notification on the Shire's Website and Shire offices in Onslow and Tom Price.
- Notice posted on the lot.
- Notice to all adjoining landowners.

At the end of the advertising period, no submissions were received.

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Consultation with other Agencies

Hamersley Iron Infrastructure

Hamersley Iron Infrastructure (HII) is the service provider for reticulated water, power and sewer in Tom Price. The Shire advised HII of the application and sought comment on the provision of services to the site. At the time of preparing this Report, a response from HII had not been received.

It should be noted that HII has not advised the Shire that servicing residential land in Tom Price is un-available. Should comment be provided, it will be made available to Council under separate cover.

Statutory Environment

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

State Planning Policy 3.1 – Residential Design Codes

Financial Implications

None anticipated

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Policy Implications

Local Planning Policy - Social Impact Assessment

Local Planning Policy - Consultation for Planning Proposals

Local Planning Policy - Non-Residential Land Users in Residential Areas

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr I Dias

SECONDED: Cr A Eyre

That Council:

1. **APPROVE** Planning Application Shire Ref: 20130093 (P) for residential building development at Lot 687 Yaruga Street, Tom Price generally in accordance with plans as provided in ATTACHMENT 14.1A to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:

1. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:

i. Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes; and

ii. Clothesline/s.

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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 if the development is not substantially commenced by 17 July 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. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
 - a) the location and type of fencing to be installed; and
 - b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.

- vi. The design, materials and colours of the proposed development.
4. 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 this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
 - ii. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
 - 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 development hereby approved, and thereafter maintained.
 - iv. All parking and manoeuvring areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed,

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concrete or brick paved to the satisfaction of the responsible authority.

- v. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
 - vi. Prior to occupation of the residential building, smoke alarms along with emergency response plans (i.e. fire escape route maps, evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling.
5. Compliance with definition of 'residential building' of the Scheme as follows:
- “... a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*
- a) temporarily by two or more persons, or*
 - b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, motel or a residential school.”*
6. All car parking generated by the use shall occur within the boundaries of the property.
7. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 687 Yaruga Street, Tom Price.
8. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Tom Price. Council shall be advised in writing of any change in manager prior to the event occurring.

Advice Notes

- i. Consent from the Shire of Ashburton will be required for construction of crossovers.
- ii. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

CARRIED 9/0

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Reason for change of recommendation:

Point number 2 was changed from “*17 July 2014*” to “*17 July 2015*” at the request of the applicant so as to allow more time to complete the project.

Point number 8 had a typographical error and was changed from “*reside in Onslow*” to “*reside in Tom Price*”.

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14.2 PLANNING APPLICATION - RESIDENTIAL BUILDING AT LOT 688 YARUGA STREET, TOM PRICE

MINUTE: 11582

FILE REFERENCE: TP.YA.0688.000
20130092 (P)

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

NAME OF APPLICANT/RESPONDENT: Applicant: Greg Rowe & Associates
Owner: Claudel Pty Ltd

DATE REPORT WRITTEN: 11 June 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Land subject of the Application for Planning Approval comprises Lot 688 Yaruga Street, Tom Price which has a site area of 879m² and is zoned Residential R20. The application is for the construction of a new Residential Building.

The current dwelling is proposed to be demolished to make way for the construction of the new building. The Application was advertised for 14 days and at the end of the advertising period, no submissions were received.

The Application generally reflects the provisions of the 'Acceptable Development' standards of RCodes. It is recommended that the application be Approved subject to conditions.

Background

The subject site comprises Lot 688 Yaruga Street Tom Price which has an area of 879m² and contains a single dwelling. Yaruga Street is a sealed carriageway constructed to a good standard and links to both Central Road and North Road.

The site is serviced with underground power, sewer and water. Developed residential land adjoins the site with land opposite (north) vacant unvested Crown Land. The site is situated approximately 1.5km from the Tom Price commercial area and a similar distance from the Tom Price Primary school and Tom Price sports oval and recreation facilities. The Tom Price Senior High School is approximately 700m from the site.

Proposal

The proposed development comprises a new 'Residential Building' with six (6) bedrooms inclusive of private ensuites, a kitchen, dining/living room, TV room, study and laundry. The construction of the building consists of four (4) modules with a mixture of CFC feature wall cladding, horizontal plank wall sheeting and new custom orb vertical wall cladding with a metal deck roof.

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The current dwelling is proposed to be demolished to make way for the construction of the new building.

A triple car port is also proposed on the eastern side of the subject site with a concrete driveway. A fourth car bay is proposed within the building setback, forward of the proposed entrance.



A covered alfresco area is proposed to the rear of the house as well as two (2) separate outdoor sitting areas. Landscaping is proposed around portions of the house and along the boundary fence.

Landscaping will be undertaken with plants that are compatible with the Pilbara climate. A clothes drying area has been allocated along the western boundary of the subject site. A storeroom is proposed on the western side of the site and is accessible from the drying area.

ATTACHMENT 14.2A comprises the plans and elevations of the proposed development.

Comment

The site is zoned Residential R20 under the *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')*. The proposed use fits within the definition of a 'Residential Building' which is defined in the *RCodes* as:

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

- a) temporarily by two or more persons, or*
- b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, motel or a residential school."*

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By comparison, a 'dwelling' is defined as follows:

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

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

The essential difference between a residential building and dwelling in this instance is the opportunity to occupy the residential building on a temporary basis. If approved, the development would enable the accommodation of 'fly-in-fly out' workforce.

A Residential Building is a 'D' use in the zone which is a use that Council may approve at its discretion. Although advertising was not required under the Scheme, advertising has taken place and no objections were received. Other Scheme provisions relevant to the development include:

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

In relation to Clause 6.7.2, the plan does show a store room on the submitted plans.

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

In relation to Clause 6.7.3, the Shire has no record of contamination or reason to believe that the site could be potentially contaminated through previous land uses.

With respect to Clause 5.9 'Matters to be Considered' of the Scheme, 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,*

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- (g) *the conservation and management of the natural environment including:*
 - (ii) *likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena.*
- (h) *the capacity of the site and surrounding locality to support the development including:*
 - (i) *access, egress, unloading, manoeuvring and parking of vehicles*
 - (ii) *traffic generated from the development*
 - (iii) *need for public transport services*
 - (iv) *public and utility infrastructure and community services*
 - (v) *whether adequate provision has been made for access for pedestrians, cyclists and disabled persons*
 - (vi) *impact of the development on the amenity of the locality*
 - (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.

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:

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- *“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. The Applicant prepared an SIS which was made available for consultation.

ATTACHMENT 14.2B

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 - Non-Residential Land Users in Residential Areas

The Shire does not have a policy specifically for Residential Buildings however this policy (while not binding on Council) has regard to the following criteria:

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

More specific to the Application is *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*. Clause 4.5 of the Policy states:

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

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

In considering the current proposal against *‘Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings’*, the following comments are made.

Location

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

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Residential Amenity

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

Noise Generation

Noise made by residents has the greatest potential to impact on the amenity of the local area. This is the case the establishment will be managed by the Shire. Although vehicles with operating audible reversing warning systems are not anticipated, any approval should prohibit such systems.

Essential Services and Waste Disposal

The proposed use and development will have a minimal impact on water sewerage and power supplies, as well as other essential services, however details will be required on drainage.

Traffic Implications

The plans submitted with the Application depict four (4) car parking spaces although in accordance with the Scheme, only 3 spaces would be required. While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

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

Building Design

The policy requires that the appearance of the proposed use should not impact on the residential character of the surrounding area. The proposed 'Residential Building' is essentially a 'fit for purpose' building (i.e. it isn't simply a converted dwelling) and has been designed to complement the residential neighbourhood. However, it is considered that the amenity of occupants and that of adjoining neighbours by essentially having the 'alfresco' and 'outdoor sitting area' focused towards the laneway and not the adjoining property. On this basis, should Planning Approval issue, it is recommend that this be a condition of any approval.

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

The Application is assessed against the *RCodes* for the design of housing developments.

- i) The proposed building has a total floor area of 242m²
- ii) Site Area: 879m²
- iii) Setbacks: Yaruga Street – 6.7m.
Rear boundary – 4.3m to wall

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East boundary – 3.9m to wall

West boundary – 3.1m to wall

- iv) Minimum open space required: 50%
Open space provided 64%
- v) Elevations: Single storey building to be constructed and externally clad.
- vi) Car Parking: Spaces required/provided:

One per every two sleeping units, plus two per every seven units for visitors and staff	3
Spaces provided	4

- viii) Landscaping: Indicative only.

The Application appears to reflect the 'Acceptable Development' standards of RCodes.

Amenity/Miscellaneous

Information and assessment is required that addresses the air-conditioning systems whereby cassette and/or split air-conditioning systems are not simply placed outside dwellings as an afterthought which can result in poor amenity for neighbours and occupants. Another aspect of local and onsite amenity is the need to control the 'reverse beepers' of the numerous vehicles within the town.

This should be addressed in a management plan by the Applicant and as a condition of planning approval. Any fencing along the front boundary of the lot should be a 'feature fence' designed and constructed to promote the 'high quality' of the development.

Conclusions

From the information provided, the Application appears to reflect the provisions of the 'Acceptable Development' standards of RCodes with the exception of the private outdoor living areas. It is concluded that the development is acceptable and should be provided with conditional Planning Approval.

Consultation

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

Public Consultation

The Application was advertised for 14 days in accordance with Clause 5.7 'Advertising of Applications' of the Scheme. Advertising comprised:

- Notification on the Shire's Website and Shire offices in Onslow and Tom Price.
- Notice posted on the lot.
- Notice to all landowners in Warara Street (including purchasers of land within the Shire's subdivision).

At the end of the advertising period, no submissions were received.

Consultation with other Agencies

Hamersley Iron Infrastructure

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responsible authority shall become the amended plans.

2. This Planning Approval lapses if the development is not substantially commenced by 17 July 2014.
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. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.
 - iii. As part of the Stormwater Management Plan the following matters to be addressed:
 - (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
 - (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
 - iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.
 - v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
 - a) the location and type of fencing to be installed; and
 - b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.

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

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

- 4. 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 of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
 - ii. The landscaping and reticulation as identified this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
 - iii. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
 - iv. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.
 - v. Details on mail boxes and fencing, including colour, texture and materials of the development. Any fencing along the front boundary of the lot shall be a 'feature fence', visually permeable, designed and constructed to the satisfaction of the responsible authority. All mail boxes and fencing is to be erected in accordance with the approved details and thereafter maintained.

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- vi. All parking and manoeuvring areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.
 - vii. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
 - viii. Prior to occupation of the residential building, smoke alarms along with emergency response plans (i.e. fire escape route maps, evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling.
5. Compliance with definition of 'residential building' of the Scheme as follows:
- “... a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*
- a) temporarily by two or more persons, or
 - b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, motel or a residential school.”
6. All car parking generated by the use shall occur within the boundaries of the property.
7. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 688 Yaruga Street, Tom Price.
8. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

Advice Notes

- i. Consent from the Shire of Ashburton will be required for construction of crossover/s.
- ii. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

CARRIED 9/0

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Reason for change of recommendation:

Point number 2 was changed from “*17 July 2014*” to “*17 July 2015*” at the request of the applicant. so as to allow more time to complete the project.

Point number 8 had a typographical error and was changed from “*reside in Onslow*” to “*reside in Tom Price*”.

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14.3 PLANNING APPLICATION - RESIDENTIAL BUILDING AT LOT 76 TAMARIND STREET, TOM PRICE

MINUTE: 11583

FILE REFERENCE: TP.TM.0076.000
20130091 (P)

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

NAME OF APPLICANT/RESPONDENT: Applicant: Greg Rowe & Associates
Owner: Claudel Pty Ltd

DATE REPORT WRITTEN: 11 June 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Land subject of the Application for Planning Approval comprises Lot 76 Tamarind Street, Tom Price which has a site area of 872m² and is zoned Residential R20.

The subject site is currently developed with a single dwelling of brick and tile construction. The existing building is proposed to be demolished to allow for the construction of a new residence being the proposed development.

The Application was advertised for 14 days and at the end of the advertising period, no submissions were received.

The Application generally reflects the provisions of the 'Acceptable Development' standards of RCodes. It is recommended that the application be Approved subject to conditions.

Background

The subject site comprises Lot 76 Tamarind Street, Tom Price which has an area of 872m² and is contains a single dwelling. Yaruga Street is a sealed carriageway constructed to a good standard and links to both Central Road and North Road.

The subject site is located within the north western portion of the Tom Price townsite and is approximately 500 metres north east of the town centre. More specifically the subject site is located on the north side of Tamarind Street approximately 30 metres east of the intersection of Creek Road.

The site is serviced with underground power, sewer and water. Vacant residential land adjoins to the north and south with lots opposite generally developed for single residential purposes.

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

- a) temporarily by two or more persons, or*
- b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, motel or a residential school.”*

By comparison, a ‘dwelling’ is defined as follows:

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

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

The essential difference between a residential building and dwelling in this instance is the opportunity to occupy the residential building on a temporary basis. If approved, the development would enable the accommodation of ‘fly-in-fly out’ workforce.

A Residential Building is a ‘D’ use in the zone which is a use that Council may approve at its discretion. Although advertising was not required under the Scheme, advertising has taken place and no objections were received. Other Scheme provisions relevant to the development include:

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

In relation to Clause 6.7.2, the plan does show a store room on the submitted plans.

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

In relation to Clause 6.7.3, the Shire has no record of contamination or reason to believe that the site could be potentially contaminated through previous land uses.

With respect to Clause 5.9 ‘Matters to be Considered’ of the Scheme, 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,*

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

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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. The Applicant prepared an SIS which was made available for consultation.

ATTACHMENT 14.3B

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 - Non-Residential Land Users in Residential Areas

The Shire does not have a policy specifically for Residential Buildings however this policy (while not binding on Council) has regard to the following criteria:

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

More specific to the Application is *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*. Clause 4.5 of the Policy states:

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

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

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In considering the current proposal against *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*, the following comments are made.

Location

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

Residential Amenity

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

Noise Generation

Noise made by residents has the greatest potential to impact on the amenity of the local area. This is the case the establishment will be managed by the Shire. Although vehicles with operating audible reversing warning systems are not anticipated, any approval should prohibit such systems.

Essential Services and Waste Disposal

The proposed use and development will have a minimal impact on water sewerage and power supplies, as well as other essential services, however details will be required on drainage.

Traffic Implications

The plans submitted with the Application depict four (4) car parking spaces although in accordance with the Scheme, only 3 spaces would be required. While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

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

Building Design

The policy requires that the appearance of the proposed use should not impact on the residential character of the surrounding area. The proposed 'Residential Building' is essentially a 'fit for purpose' building (i.e. it isn't simply a converted dwelling) and has been designed to complement the residential neighbourhood.

However, it is considered that the amenity of occupants and that of adjoining neighbours by essentially having the 'alfresco' and 'outdoor sitting area' focused away from the neighbouring properties. On this basis, should Planning Approval issue, it is recommend that this be a condition of any approval.

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

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

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- i) The proposed building has a total floor area of 242m²
- ii) Site Area: 872m²
- iii) Setbacks: Tamarind Street – 4.39m Does Not Comply (6m achieves the acceptable development provision - note justification below)

Rear boundary – 4.3m to wall

East boundary – 3.9m to wall

West boundary – 3.1m to wall

Carport setback – 2.4m Does Not Comply (3m achieves the acceptable development provision - note justification below)

- iv) Minimum open space required: 50%
Open space provided 64%
- v) Elevations: Single storey building to be constructed and externally clad.
- vi) Car Parking: Spaces required/provided:

One per every two sleeping units, plus two per every seven units for visitors and staff	3
Spaces provided	4

- viii) Landscaping: Indicative only.

Setbacks: Tamarind Street frontage – 4.39m instead of 6m

CI 6.2.1 of the RCodes: Table 1 of the R-codes stipulates a six (6) metre setback from the primary street. The proposed development has a 4.39m setback and therefore a shortfall of 1.61 m. However, under the R Codes the setback may be reduced by 50 per cent providing that there is an equal area of contiguous open space between the setback line at six (6) metres and twice the setback distance at 12 metres.

The proposed development has the required open space equal to the intrusion and therefore a setback of three (3) metres is considered to be in accordance with the acceptable development provision above.

Setbacks: Carport setback – 2.4m instead of 3m

CI 6.2.3 of the RCodes: The triple car-port is proposed as part of the development to ensure that there is adequate parking and cover for vehicles. The car port has a proposed setback from the primary street frontage ranging from 3.6 metres to 2.4 metres on the eastern side of the subject site due to the angled frontage of the lot.

Only a small portion of the car port is proposed to intrude into the three (3) metres setback area. The car port is only proposed to comprise a roof structure with no walls. In this regard, the slight intrusion into the setback area is not considered to restrict site lines, detract from the streetscape or obstruct views to the dwelling.

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The Shire accepts the variation to clause the 6.2.3 of the R Codes as it meets with the Performance Criteria, which states:

“The setting back of carports and garages so as not to detract form the streetscape or appearance of the dwelling, or obstruct views of dwellings from the street and vice versa.”

The proposal meets with the assessed criteria, and is recommended to be approved.

Amenity/Miscellaneous

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

Another aspect of local and onsite amenity is the need to control the ‘reverse beepers’ of the numerous vehicles within the town.

This should be addressed in a management plan by the Applicant and as a condition of planning approval. Any fencing along the front boundary of the lot should be a ‘feature fence’ designed and constructed to promote the ‘high quality’ of the development.

Conclusions

From the information provided, the Application appears to reflect the provisions of the ‘Acceptable Development’ standards of *RCodes* with the exception of the street setback (*RCodes* Clauses 6.2.1 & 6.2.3). It is concluded that the variations are acceptable, and the proposal should be provided with conditional Planning Approval.

Consultation

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

Public Consultation

The Application was advertised for 14 days in accordance with Clause 5.7 ‘Advertising of Applications’ of the Scheme. Advertising comprised:

- Notification on the Shire’s Website and Shire offices in Onslow and Tom Price.
- Notice posted on the lot.
- Notice to all landowners in Warara Street (including purchasers of land within the Shire’s subdivision).

At the end of the advertising period, no submissions were received.

Consultation with other Agencies

Hamersley Iron Infrastructure

Hamersley Iron Infrastructure (HII) is the service provider for reticulated water, power and sewer in Tom Price. The Shire advised HII of the application and sought comment on the provision of services to the site. At the time of preparing this Report, a response from HII had not been received.

It should be noted that HII has not advised the Shire that servicing residential land in Tom Price is un-available. Should comment be provided, it will be made available to Council under separate cover.

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Statutory Environment

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

Financial Implications

None anticipated

Strategic Implications

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

Policy Implications

Local Planning Policy - Social Impact Assessment
Local Planning Policy - Consultation for Planning Proposals
Local Planning Policy - Non-Residential Land Users in Residential Areas

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Shields

That Council:

1. **DETERMINE** the variations sought in Planning Application Shire Ref: 20130091 (P) for residential building development at Lot 76 Tamarind Street, Tom Price (as provided in ATTACHMENT 14.3A) with respect to Clauses 6.2.1 & 6.2.3 of Residential Design Codes ('RCodes') are acceptable.
2. **APPROVE** Planning Application Shire Ref: 20130091 (P) for residential building development at Lot 76 Tamarind Street, Tom Price generally in accordance with plans as provided in ATTACHMENT 14.3A to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:

1. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:
 - i. The design of the development modified such that the 'alfresco' and 'outdoor sitting area' are located away from the adjoining (eastern) boundary and oriented to the rear yard; and
 - ii. Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes.

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 if the development is not substantially

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commenced by 17 July 2014.

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. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.
 - iii. As part of the Stormwater Management Plan the following matters to be addressed:
 - (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
 - (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
 - iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.
 - v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
 - a) the location and type of fencing to be installed; and
 - b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.
 - vi. The design, materials and colours of the proposed development.
 - vii. A Staging and Construction Management Plan shall be prepared to

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the satisfaction of the responsible authority and endorsed to this Planning Approval. This plan is to address:

- a) staging of the development;
- b) noise;
- c) accommodation of builders/site workers;
- d) hours of construction;
- e) traffic management;
- f) parking management to allow operation of the existing commercial development;
- g) access management;
- h) management of loading and unloading of vehicles;
- i) heavy vehicle access;
- j) dust;
- k) protection of trees (to be retained); and
- l) any other relevant matters.

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

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

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concrete or brick paved to the satisfaction of the responsible authority.

- vii. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
 - viii. Prior to occupation of the residential building, smoke alarms along with emergency response plans (i.e. fire escape route maps, evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling.
5. Compliance with definition of 'residential building' of the Scheme as follows:
- “... a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*
- a) temporarily by two or more persons, or
 - b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, motel or a residential school.”
6. All car parking generated by the use shall occur within the boundaries of the property.
7. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 72 Tamarind Street, Tom Price.
8. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

Advice Notes

- i. Consent from the Shire of Ashburton will be required for construction of crossover/s.
- ii. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

CARRIED 9/0

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Reason for change of recommendation:

Point number 2 was changed from “*17 July 2014*” to “*17 July 2015*” at the request of the applicant so as to allow more time to complete the project.

Point number 8 had a typographical error and was changed from “*reside in Onslow*” to “*reside in Tom Price*”.

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14.4 PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION, LOT 851 CENTRAL ROAD, TOM PRICE

MINUTE: 11569

FILE REFERENCE: TP.CX.0851.000
20130160 (P)

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

NAME OF APPLICANT/RESPONDENT: Owner: Raminea Pty Ltd
Applicant: Greg Rowe & Associates

DATE REPORT WRITTEN: 1 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.03.16 – Ordinary Meeting of Council 16 March 2011
Agenda Item 13.12.87 – Ordinary Meeting of Council 15 December 2009
Agenda Item 15.07.107 – Ordinary Meeting of Council 20 July 2004

Summary

The Shire is in receipt of an Application for Planning Approval for a two story development comprising sixty-three (63) rooms for the purpose of Transient Workforce Accommodation. Although not formally part of the Application, the proposal will result in the demolition of twenty-three (23) existing 'motel' rooms.

The Applicant has undertaken a parking study which concludes car parking demands associated with the activities on the site will be "... comfortably contained entirely within the proposed 160 bay supply with a maximum demand anticipated to be in the order of 136 to 146 car parking bays."

The Application was advertised and referred to Hamersley Iron Infrastructure (HII) where no submissions or comments from HII were received.

Subject to conditions, it is recommend that planning approval issue.

Background

Lot 851 Central Road, Tom Price has an area of 1.3187ha and is occupied by the Tom Price hotel, motel, staff and guest accommodation and car parking. There is also an existing BBQ area central to the site for Motel guests and staff.

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The hotel consists of a drive-thru bottle shop, bar, lounge, function room, reception and toilets. There are 87 accommodation rooms currently at the subject site, including 16 staff accommodation rooms.

The Applicant has calculated that there are 159 car parking bays at the subject site. The parking area is bituminised although somewhat potholed in some areas. Curbing provided where it adjoins foot paths and landscaping areas.

It is difficult to determine the provision of parking for the hotel and the motel as it is not line-marked or dedicated for any particular use.



The establishment of the hotel and motel units has been a matter considered by Council over many years.

2004

Of significance is the decision of Council in April 2004 to approve an application for 18 motel units with a condition prohibiting transportable units. This was appealed by the Applicant and in July 2004, Council resolved to mediate an outcome where the condition was deleted but further detailed design was provided that was acceptable to Council.

2009

At the December 2009 Ordinary meeting of Council Planning Approval was issued for erect six (6) transportable accommodation units (4 units within one transportable and 2 units within one transportable) for workers accommodation purposes (associated with the motel).

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Comment

Shire of Ashburton Town Planning Scheme No. 7 – Zoning & Land Use

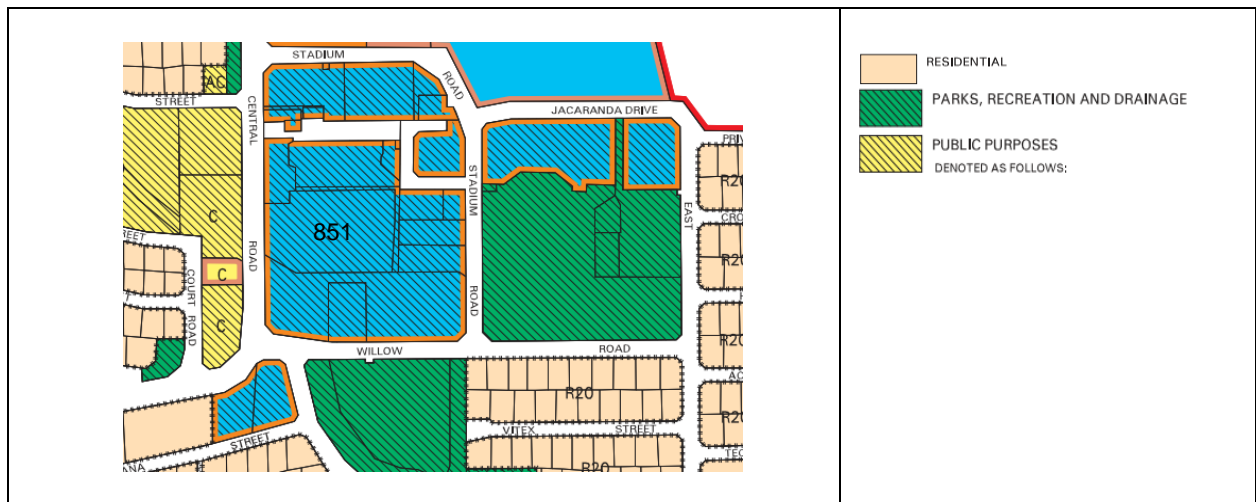
Under the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'), transient workforce accommodation is defined as:

“dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.”

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

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 4.2 Zoning Table
- Clause 5.1 Requirement for Planning Approval
- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application
- Clause 6.10 Commercial zones
- Clause 6.17 Vehicle Parking and Access

The subject site is zoned 'Commercial and Civic' 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

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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.”*

Under the Scheme, within the Commercial and Civic zone ‘Transient Workforce Accommodation’ has specific provisions that were recently approved by the Minister under Amendment No. 14 to the Scheme as follows:

“6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following –

- (a) the proposed transient workforce accommodation development is of a very high quality;*
- (b) the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
- (c) a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*
- (d) connection to reticulated sewer, water, and power is available;*
- (e) what time limit on the transient workforce accommodation use should be imposed; and*
- (f) where the development is of a permanent nature and where dongers, or transportable buildings or structures of any description are not proposed.*

6.10.5 *Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited.”*

Prior to the Gazettal of Scheme Amendment No. 14, TWA was prohibited in the Commercial and Civic zone. Under the Scheme, car parking for TWA is defined as:

“Two per every three sleeping units, plus one oversized vehicle parking bay per every 10 sleeping units (minimum two bays), plus at Local Government’s discretion the provision of oversized vehicle bays.”

Local Planning Policy - Assessment of Applications under Clauses 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7

In addition to the above Scheme provisions, Council adopted a local planning policy which includes specific provisions to guide assessment (including an assessment under the *Residential Design Codes (RCodes)* for applications for TWA.

ATTACHMENT 14.4B

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Section 7.0 of the Policy states:

“7.1 In addition to the provisions of the Scheme, Applications under Clause 6.10.4 the following will be applied by Council:

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

 - i) design quality;*
 - ii) potential for increased levels of noise, disturbance, car parking, and landscaping and the possible greater impact on the residential amenity; and*
 - iii) connection to reticulated water and sewer.**

- b) When considering a Approval of an Application, the following will apply:

 - i) where a proposed development is considered by Council to be inappropriate, consent may not be granted until a revised proposal representing a satisfactory standard; and*
 - ii) access/egress and car parking spaces will be constructed, kerbed and drained to the satisfaction and specifications of the Shire.**

- c) The Shire will refer all applications to the service provider for comment prior to determining an application. No response from the service provider will be considered by Council to be ‘no objection’ to the application. However, the Applicant is responsible to negotiate with the service provider for such services.”*

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 Council in making decisions under the Scheme however are not binding in respect of any application for planning approval.

ATTACHMENT 14.4C

Assessment

As noted, Clause 6.10.4 of the Scheme provides that TWA may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following.

Requirements:	Demonstrated?
<p><i>a) the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community</i></p>	<p>The Applicant’s comment:</p> <p><i>“The proposed development is modern yet respectful of the existing colour scheme and predominant construction materials present within the town of Tom Price. The design is highly articulated to avoid blank walls and generate interest. It is setback over 100 metres from the street in order to decrease the perception of bulk. No surrounding existing lots or buildings are orientated towards the development and as such there will be no impact on existing views. The inclusion of transient workforce accommodation within the town centre will promote more commercial activity and expenditure within the centre.</i></p>

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	<p><i>Further to this, increased density within the town centre will improve passive and active surveillance therefore improving perceptions of safety and decreasing opportunities for antisocial behaviour.</i></p> <p>Whilst the comments of the Applicant with respect to the perceived benefits of TWA in the town are respectfully queried, the proposal before Council appears to be of a quality far exceeding the accommodation on the subject site. The design itself whilst not being of any particular architectural merit is considered acceptable to the site.</p>
<p>b) <i>the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;</i></p>	<p><i>The Applicant's comment:</i></p> <p><i>"The proposed development is consistent with a motel/ resort style development with an existing reception area and laundry. Significant improvements to the existing landscaping within the subject site is proposed surrounding the accommodation modules and within the car parking areas. Specific plant species will include melaleuca leucadendron, eucalyptus collabah, cassia chatelliana, melaleuca glomerata, petalostylis labisheodis and acacia hilliana, which are compatible with the Pilbara's climatic conditions.</i></p> <p><i>There is an existing BBQ Area onsite. It is intended that patrons will utilise the Town's existing pool and tennis courts to the south of the site and sporting oval to the east as this will generate more activity within the town centre as well as business for the Town's economy."</i></p> <p>The Application before Council is a partial redevelopment of the site. The ability to provide additional recreation facilities etc would prove difficult to achieve. Accordingly, the use of public facilities by occupants of the TWA would be expected. However, the design doesn't provide any clear residential amenity for long or short term occupants as it doesn't provide balconies etc. This may be acceptable where the occupancy is for short term purposes. This is discussed further in this Report.</p>
<p>c) <i>a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;</i></p>	<p><i>The Applicant's comment:</i></p> <p><i>"This is to be determined at the discretion of Council. Currently a high percentage of the existing accommodation units' onsite are utilised by hotel staff whilst the portion occupied by tourists and TWA workforce varies dependent on such factors including (but not limited to) peak tourist season."</i></p> <p>The Scheme provision and the Local Planning Policy both provide the opportunity for Council to place a limit on the proportion of TWA within the development. It is noted that the remaining accommodation on the site is for motel purposes and not TWA use. It is open to Council to require a percentage of rooms for non TWA purposes however in this instance and because of the</p>

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	existing 'motel' use it is not recommended that such a limit be placed on the TWA use.
d) <i>connection to reticulated sewer, water, and power is available;</i>	Reticulated sewer, water, and power are all available to the site.
e) <i>what time limit on the transient workforce accommodation use should be imposed;</i>	<p>The Applicant does not provide any comment on this aspect of the Scheme provision although the Application does clearly state that the proposed TWA is on a "...temporary residential occupancy basis".</p> <p>It is the Shire Administration's view that the "...temporary residential occupancy..." period should be defined as a condition of any planning approval.</p> <p>In this regard, it is recommended that the continued occupation of a TWA room should be for a maximum period of 30 days. This would reflect a temporary nature of the use as described by the Applicant. Alternatively, Council could seek to modify the development such that rooms have individual open areas similar to a residential unit development.</p>
f) <i>where the development is of a permanent nature and where dongers and transportable buildings or structures of any description are not proposed.</i>	<p>The Applicant's comment:</p> <p><i>"The proposed development is of a permanent nature and no transportable dongas or structures are proposed."</i></p> <p>The comment of the Applicant is supported.</p>

Residential Design Codes (RCodes)

The proposal is required to comply with the RCodes, as if the land was coded R50. The Application complies with all relevant aspects of the RCodes, other than the following proposed variations:

Provision 7.3.1 Outdoor Living Areas

Acceptable Development Standard 7.3.1 'Outdoor Living Areas' requires *"each unit to be provided with at least one balcony or equivalent."*

The proposed accommodation rooms have been designed to reflect a motel type development, no rooms have been provided with balcony or equivalent. All accommodation users have access to the existing communal BBQ area whilst the subject site adjoins the local park, tennis courts and pool to the south. In this regard, the Applicant has requested the Shire accept a variation to the RCodes by approving the proposed development without balconies or the equivalent.

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Comment

As noted in comment on Clause 6.10.4 (e), the Applicant clearly states that the proposed TWA is for the purpose of "...temporary residential occupancy basis" however there is no limit sought to ensuring that the occupation is 'temporary'. The reality is that TWA can be for an indefinite period of time. The view of the Applicant for not providing balconies as per the RCodes is accepted provided there is means to ensure 'temporary' occupation.

Provision 7.3.2 Landscaping

The Acceptable Development Standard of the RCodes requires the provision of landscaping between every six consecutive external parking spaces. The Applicant has advised that the existing car parking arrangement is not proposed to be altered except for improvements to landscaping central to the parking bays and along the boundary.

"The inclusion of landscaping between every six bays would result in the loss of approximately 14 bays which would decrease the number of parking bays to 146 bays. Although 146 bays will meet the anticipated demand for parking bays at the subject site, the provision of more bays would allow the development to be more easily tailored towards a 'Motel' style development in the future."

Comment

With respect to *Provision 7.3.2 Landscaping*, the Applicant's position is supported in that the benefit of retaining as much parking as possible on site is a priority. Please note that the issue of the adequacy of parking is discussed further in this Report.

Provision 7.3.3 Onsite Parking

The car parking provisions outlined in the Acceptable Development Standards are not applicable to the use of the site for 'Motel' and 'TWA' purposes. Although there is no proposed provision of bicycle spaces, should Council deem them necessary then they will be included.

Comment

It is difficult to determine the level of bicycle use for a TWA, However if as suggested by the Applicant, occupants of the TWA will seek to use the oval and other community recreation sources it is possible that they may wish to access these by bicycle. In addition (and as discussed further) the Applicant is not providing store rooms for occupants. It is recommended that at least 5 bicycle racks be provided on the site for occupants of the TWA but not limited to motel users either.

Provision 7.4.1 Visual Privacy

The Acceptable Development Standard of the RCodes requires bedrooms with major openings to be setback a minimum of 4.5m from the boundary of the adjoining property or to be vertically screened to a height of 1.6m to restrict views from major openings of an active habitable place. The Applicant advises:

"Again this is a case of the R-Codes being tailed to development for permanent residential occupancy which is not the case for TWA or Motels. In this case the internal walkway is 2.1 metres wide, meaning there is a shortfall of 2.4m from the major opening of one room across the internal walkway to the opposite room. It is important to note that in this situation, it is not anticipated guests will be occupying the walkway for any other reason than to move to and from their rooms."

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Comment

The RCode requirement seeks to protect adjoining residential uses from overlooking. Given that there are no residential or 'sensitive' uses adjoining the site, it is recommended that the approval be conditioned for the windows to be screened to 1.6m, leaving 0.4m visually permeable.

Provision 7.4.3 Dwelling Size

As the proposed development is for the purposes of 'Motel' and 'TWA' land uses, a variation to the Acceptable Development and Performance Criteria is required.

Comment

Given the intended 'temporary' use of the development, it is agreed that the Shire not seek to impose a minimum 'dwelling' size of the units.

Provision 7.4.7 Essential Facilities

The proposal does include 4m² store rooms as required by the Scheme and the RCodes.

The Applicant advises that:

".....they will not be necessary for the temporary living arrangements of TWA and Motel accommodation. Rubbish will be collected by cleaners and will be stored in bins screened from view from Central Road. There is an existing laundry onsite for the use of accommodation guests. The above requested variations are consistent with 'Hotel/ Motel' styled developments. It is important to note that the R-Codes have been developed on the premise of permanent residential occupancy whereas the proposed development is for temporary residential occupancy basis. The proposed development does not impact neighbouring properties, nor will impact the future residential development of neighbouring properties due to the fact it meets minimum boundary setbacks and as a consequence of the existing easement to the east."

Comment

Given the intended 'temporary' use of the development, it is agreed that the Shire not seek to impose a requirement for storage units for each 'dwelling'.

Local Planning Policy 10: Design Guidelines for the Tom Price Town Centre

The Application addresses the above Guidelines over pages 14-16. The Shire Administration accepts the views as expressed in the Application with the exception of the following:

- 5.5 Awnings

The Policy States:

- *"Awnings should be employed over external glazing to limit solar exposure"*

The plans do not show awnings to windows on the north side of the building.

The Applicant's comment is as follows:

Awnings over the external glazing have not been incorporated within the design of the modules as they will detract from the overall appearance. Rather the external windows are smaller to increase solar protection. Should Council deem awnings to be essential, then they will be incorporated into the design."

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There appears to be no justification to the northern windows being exempt from having awnings for both limiting solar exposure and design benefit. Should Planning Approval issue, plans should be required showing awnings as described.

Carparking

As noted, the Applicant has undertaken a parking study which concludes car parking demands associated with the activities on the site will be "... comfortably contained entirely within the proposed 160 bay supply with a maximum demand anticipated to be in the order of 136 to 146 car parking bays."

The parking study concludes (page 8) the following:

"A review of the Shire of Ashburton's Town Planning Scheme No. 7 – Amendment No. 14 standard for transient workforce accommodation was adopted which would result in a required supply of 171 bays; however given that there is a proposed commercial arrangement between the developer of the site and associated mining and resource contractors, the majority of tenants will be fly-in/fly-out (FIFO) workers and hence not have access to private vehicles to be parked on the site. The surplus on the site will also cater to conventional tourist and visitor custom with the majority of tourists likely to be accommodated at the local caravan park.

It should also be noted that car parking for oversized vehicles such as caravans and buses will be discouraged due to potential risks of vehicular conflict within the site. As a result of extensive surveys at a similar operation in regional Western Australia and a review and application of this anecdotal technical evidence, it is anticipated that the car parking demands associated with the activities on the site will be comfortably contained entirely within the proposed 160 bay supply with a maximum demand anticipated to be in the order of 136 to 146 car parking bays. The proposed car parking supply on the site of 160 bays in association with the redevelopment can be justified."

It is noted that the parking study refers to "...proposed commercial arrangement between the developer of the site and associated mining and resource contractors, the majority of tenants will be fly-in/fly-out (FIFO) workers and hence not have access to private vehicles to be parked on the site." However this is not discussed in relation to the Application." The Application doesn't refer to such arrangements and in any case, it isn't something that can readily be addressed in planning approvals as such.

From the parking assessment, there is a potential shortfall of at least eleven (11) spaces. In addition, from staff observations over many mornings/nights reveal numerous oversized vehicles (in particular work trucks from occupants of the motel or patrons at the hotel) parked on the site. In this regard, the Shire Administration view of the parking study is that it fails to acknowledge that oversized vehicles (e.g. work trucks) are often taking up car bays.

Irrespective of the parking arrangements, it is clear that there is no opportunity for the land owner to substantially increase the number of car spaces for the development.

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The Scheme refers to two means by which parking can be addressed off site – one is by a cash-in-lieu arrangement and the other is to determine that the required parking standard can be reduced:

- “6.17.3 As an alternative to subclause 6.17.1, and subject to Local Government approval, a cash-in-lieu payment, to the equivalent cost of providing the required carparking plus the value of the area of land which would have been occupied by the spaces, shall be paid to the Local Government. This payment is to contribute to a fund set aside by Local Government for the purposes of providing public carparking areas.*
- 6.17.4 Where the amount of cash-in-lieu payable under clause 6.17.3 cannot be agreed it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985 or some other method agreed upon by Local Government and the developer.*
- 6.17.5 Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1.”*

Consideration under Cl6.17.5 is not recommended as the development clearly reflects the level of parking required under the Scheme. Importantly, this proposal represents one of the first new developments within the town and a reduction in parking standards on an ad-hoc basis would result in an unfortunate precedent and create uncertainty for the Shire and proponents.

However, a parking study has commenced whereby a review of the Scheme formulae for parking is being reviewed. Such arrangements will provide the opportunity for the Shire to introduce a cash-in-lieu arrangement for parking (pursuant to Cl 6.17.3 and 6.17.4). It is anticipated that this strategy will be concluded within 12 months.

In this regard, it is suggested that although a parking strategy is yet to be completed, (hence the Shire is not in a position to establish land on which to build a car park for cash-in-lieu purposes), a reasonable alternative would be for the Shire and land owner) to enter into an agreement that whereby the land owner would agree to a cash-in-lieu arrangement within a 5 year period. The actual time frame of implementation would depend upon the timing of the adoption of the parking strategy.

It should be noted that the Pilbara JDAP has in the recent past, has agreed to similar a condition of development in Onslow under its jurisdiction.

Conclusions

Subject to conditions as addressed in this Report, it is concluded that Planning Approval be issued.

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Consultation

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

The Application was advertised in accordance with the Scheme with:

- Sign on site;
- Notice in the Pilbara News; and
- Notification to all adjoining land owners.

In addition, the Application was referred to Hamersley Iron Infrastructure (HII).

No submissions (or comments from HII) were received.

Statutory Environment

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

Policy Implications

Local Planning Policy - Design Guidelines for the Tom Price Town Centre
Local Planning Policy - Assessment of Applications under Clauses 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 03 - Unique Heritage and Environment
Objective 01 - Flourishing Natural Environments
Objective 02 - Leading Regional Sustainability

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. APPROVE the Planning Application made by Greg Rowe & Associates for a two story development comprising sixty-three (63) rooms for the purpose of Transient Workforce Accommodation at Lot 851 Central Road, Tom Price generally in accordance with the submitted plans and subject to the following conditions:**
 - 1. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:**
 - i. awnings to windows on the north side of the building; and**
 - ii. two 'oversized' parking bays.**

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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 if the development is not substantially commenced by 17 July, 2015 and/or a reticulated water supply is not available to service the development by this date.
3. 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.

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

4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
 - i. 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. A stormwater management plan prepared by a certified practicing 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.
 - iii. As part of the stormwater management plan the following matters to be addressed:
 - (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
 - (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
 - iv. All approved drainage and stormwater infrastructure shall be installed

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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.

5 Prior to the commencement of the development, the landowner shall enter into an agreement with the Shire of Ashburton (with the landowner responsible for all associated costs) to pay cash-in-lieu for the shortfall in car parking as follows:

- (a) In order to address the shortfall of eleven (11) car parking spaces from the development of the land under this Planning Approval, the landowner shall pay into a future 'cash-in-lieu' parking fund to be established by the Shire in accordance with the provision of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Should the 'cash-in-lieu' paid into the parking fund not be expended before 17 July 2018, this requirement to pay 'cash-in-lieu' parking shall lapse and the monies shall be returned in full to the landowner.
- (b) If the car parking is reduced by any Car Parking Strategy prepared by the Shire, or amendment to the operatable Town Planning Scheme, then the shortfall in car parking mentioned in (a) above shall be adjusted accordingly.
- (c) The agreement shall be for a maximum of 5 years and valuation of land shall be at the time of the agreement being struck, and shall establish the cost of the land component and the construction cost (plus CPI). If a parking fund is not in place at the end of 5 years, the Shire is responsible for any 'deficient' parking.
- (d) If Car Parking Strategy identifies that car parking can be accommodated on Shire owed land, road reserves or crown reserved land, then the valuation referred to in (c) above shall be based only on the construction costs.

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 any adjoining road verges.

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.

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- i. **Bicycle-parking facilities for a minimum of 5 bicycles are to on site in accordance with Australian Standard AS 2890.3.**
 - ii. **Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.**
 - iii. **The landscaping and reticulation is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority**
 - iv. **The development shall be connected to a reticulated water supply and sewerage system to the requirements of Hamersley Iron Infrastructure.**
 - v. **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 Central Road.**
 - vi. **The provision of on-site parking bays for the overall all development with parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] to be designed, constructed, sealed, drained, marked and thereafter maintained.**
7. **The use when established shall at all times comply with the definition of "Transient Workforce Accommodation" as contained within the Scheme as follows:**
- "dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas."*

Advice Notes

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

CARRIED EN BLOC 9/0

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14.5 PLANNING APPLICATION - FOUR (4) ADDITIONAL MOTEL UNITS, FUNCTION ROOM AND SINGLE BEDROOM CARETAKER RESIDENCE IN ASSOCIATION WITH THE MOTEL / RESTAURANT DEVELOPMENT, LOT 447 SECOND AVENUE, ONSLOW

MINUTE: 11569

FILE REFERENCE: ON.SE.0447.00
20130173 (P)

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

NAME OF APPLICANT/RESPONDENT: Applicant: Property Development Solutions
Owner: Mackerel Islands Pty Ltd

DATE REPORT WRITTEN: 3 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5 (Minute No. 11439) - Ordinary Meeting of Council 13 February 2013
Agenda Item 13.3 (Minute No. 11418) - Ordinary Meeting of Council 23 January 2013
Agenda Item 13.7 (Minute No. 11096) - Ordinary Meeting of Council 16 December 2011
Agenda Item 13.07.45 - Ordinary Meeting of Council 20 July 2011
Agenda Item 13.09.53 - Ordinary Meeting of Council 15 September 2009

Summary

Council has issued a number of Planning Approvals for motel and restaurant at Lot 447 Second Avenue, Onslow. The most recent Approval was issued by Council in February 2013 for 34 motel units and restaurant. The application before Council comprises four (4) additional motel units, function room and single bedroom caretaker residence.

The Application before Council is considered to be appropriate based on design however parking is somewhat problematic as the proposed use/development generates a total of 15 car parking spaces. There is no opportunity to provide these spaces on site and hence, they will need to be considered as off site parking.

It is recommended that seven (7) of the spaces be provided under the Local Planning Policy – Interim Car Parking Provisions (Onslow) and the remaining eight (8) spaces would be provided as a cash-in-lieu arrangement as defined in this report.

Background

The 8,463m² site at Lot 447 Avenue, Onslow had been used for low key tourist use for many years. Land adjoining to the south is Lot 654 which is owned by the Shire and occupied by

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aged persons units ('Carinya Units').

The land is essentially at two levels, with sealed parking and access is from Third Street.



Aerial photo courtesy of LandGate

Consideration of Development Applications on the subject land

15 September 2009

Council issues planning approval for development comprising 48 Motel units and 210m² Restaurant at Lot 447 Second Avenue, Onslow. The land is zoned Commercial and Civic zone and within the Onslow Coastal hazard Area under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Save for the restaurant, the development of 48 units has been completed.

July 2011

The Applicant requested that Council remove a condition requiring an acoustic fence to the adjoining aged person units:

"The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing of adjoining Lot 654 shall consist of an appropriate acoustic materials, a minimum 1.8 metres in height (above 5AHD) and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application."

Council resolved that the condition would stay. The acoustic fence is yet to be completed and has been secured by a \$30,000 bond (from the applicant).

November 2011

A further Planning Application was lodged replacing the existing single story units fronting (unmade) First Avenue and restaurant as approved by Council on 15 September 2009. The Application failed to provide the necessary detail assessment concerning impacts on the proposed development from potential flooding and storm surge. Under the Scheme, the Shire had 60 days to determine the Application which would have expired before Council met in February 2012.

16 December 2011

To assist the Applicant and to provide the necessary Council direction, the matter was

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considered at the Ordinary meeting of 16 December 2011 where Council determined as follows:

"That Council request the Chief Executive Officer to:

- i Require the applicant for 34 motel units and restaurant at Lot 447 Second Avenue, Onslow to provide an assessment, prepared to the Chief Executive Officer's satisfaction, addressing the impact of potential flood and storm surge events on the proposed development in accordance with Clause 6.20.4 of the Shire of Ashburton Town Planning Scheme No. 7.*
- ii Determine the Application for 34 motel units and restaurant at Lot 447 Second Avenue, Onslow subject to compliance with the relevant provisions of the Scheme and Council Policies."*

September 2012

The Applicant has provided the Shire with a report, prepared by JDA Consultant Hydrologists. JDA make reference to a 'Karratha Coastal Vulnerability Study' and support the floor levels of the Application.

November 2012

The Shire to the Applicant proposing a condition relating to finished floor levels in the following terms:

"Where the commercial development is 5.9m AHD or less, it will either be removed or adapted or other arrangements to the requirements of the responsible authority by 31 December 2060. All electrical fuse boxes and substations shall be at a minimum of 5.9 AHD."

23 January 2013

The Application was referred to the 23 January 2013 Ordinary meeting of Council for determination. The Shire recommendation was to refuse the application largely on grounds associated with the necessary finished floor levels of the development. Council resolved as follows:

"That Council:

- 1. That Item 13.13 be laid on the Table until the next available Ordinary Meeting of Council.*
- 2. That the Chief Executive Officer be requested to:*
 - i. prepare (for discussion purposes) an alternate Recommendation to Item 13.13 that addresses the concerns raised by the applicant and which provides draft conditions of Planning Approval that amongst other things:*
 - a. no time limit for use and operation of any approved development; and*
 - b. a legal arrangement in the form of a memorial on title and other appropriate instrument that ensures that in perpetuity, the land owner recognizes the potential impact from sea level rise on any development subject of Item 13.3 and absolves the State of Western Australia and Shire from any liability in the event of damage caused by such an event."*

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13 February 2013

Council issues planning approval for 34 motel units (in addition to the 48 Motel units approved in 2009) and restaurant subject to requiring 125 car parking spaces on site and within the Third Street road reserve. The units are currently under construction.

Summary of Planning Approvals

The result of the issued planning Approvals for the Ashburton Resort Motel comprises 82 single bedroom short stay apartments with a supplementary 104-person restaurant, swimming pool and reception. A total of 124 bays (2 disabled) are to be provided of which 106 are to be located within the site and 18 bays within the eastern verge of Third Street (motel side).

Proposal

The application comprises

- 4 additional motel units; and
- function room; and
- single bedroom caretaker residence;

To be contained in a second storey of the previously approved restaurant and administration building. It is understood that the 'function centre' will operate independently of the restaurant.

The function room is to be constructed to the entry of the motel on the north east corner of the site overlooking the foreshore and ocean. It will be elevated approximately 1.5 metres above Third Street road level and will consist of a ground floor level with reception lounge, bar, restaurant / kitchen with associated service facilities together with upper storey consisting of a manager's accommodation and conference room and balcony.

The floor areas of the restaurant/function room comprise:

- Ground floor 403.0 m²
- Alfresco – veranda 72.6 m²
- Service area 40.1 m²
- First floor 194.5 m²
- Balcony 22.0 m²

The bar, restaurant, conference facilities and alfresco are to be licenced for the sale of liquor.

In support of the proposal, the Applicant advises:

"The provision of an on-site single bedroom caretaker residence will allow a greater level of service and security to the resort, and is replacing an existing single bedroom caretaker residence developed as part of the old Onslow Mackerel Motel. The inclusion of a small function room on the second level of the restaurant will service the corporate sector for events and training, and provide an option to local residents as a venue for parties, weddings etc in a prominent building commanding expansive ocean views.

In the future, post the current demand for accommodation and function facilities generated by resource projects, this function room will provide the Ashburton Resort Motel with the ability to market to corporate clients to provide onsite training and

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conference facilities to continue to draw corporate clients to Onslow which will be beneficial to the local tourist industry and economy.

This proposal also seeks to gain approval to develop an additional 4 executive apartments as shown on the attached plans. There is an ongoing and growing shortage of accommodation within Onslow townsite. Allowing the development of these additional 4 units will assist in addressing this issue in a logical extension of the existing development at the Ashburton Resort Motel. These units are located towards the centre of the subject site and will not impact in any way on the public streetscape.

The proposed addition of 4 units plus the function room requires additional parking under the Scheme. Parking for units is calculated at 1 bay per unit plus 1 bay for every 5 units for visitors, resulting in an increased requirement of 5 bays.

Parking for the function room is calculated at 1 bay per 6m², and at 80m² in area the function room will require 13 bays to be allocated to its use. Total parking on site and proposed to be constructed in the Third Street road reserve at the developers cost, will total 125 bays. This represents a shortfall of 17 bays and this application seeks discretion from Council to allow the shortfall.

A Parking Assessment Study has been undertaken by Transcore to assess current and future parking demand and the ability of proposed parking to adequately address needs generated by the uses on site. A copy of the report is attached to this application. Due to the reciprocal nature of uses on site, where the accommodation, restaurant and function room will largely be utilised by the same guests of the resort, the Parking Assessment Study concludes that there will be a surplus of car bays provided for the uses at peak periods.”

**ATTACHMENT 14.5A
ATTACHMENT 14.5B**

Comment

Shire of Ashburton Local Planning Scheme No. 7

Under the Local Planning Scheme No. 7 ('Scheme'), the land is zoned 'Commercial and Civic, and is included in the 'Onslow Coastal Hazard Area Special Control Area'.

The proposed function room is defined under the Scheme as 'reception centre' as follows:

“land or buildings used by parties for functions on formal, business, social or ceremonial occasions, but not for unhosted use or general entertainment purposes.”

Setback to First Avenue

Between 26 & 28 July 2011 the Shire hosted a LandCorp inspired 'enquiry by design' process (also referred to as a 'charette') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential development needs for Onslow. Although a finalised concept plan for the commercial area of Onslow is still to be produced, it is possible that in the future, First Avenue could be constructed such that it continues in front of Lot 447. In this regard, it is appropriate that any plans endorsed take this possibility into account and buildings set back accordingly.

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Building Design

The building design generally reflects the existing development and as part of the Shire's *Local Planning Policy - Onslow Interim Design Guidelines*.

Parking

The submitted plans provide for 124 car spaces, of which 106 are located on site and 18 located within the Third Street road reserve immediately adjacent to the restaurant and reception area. Considering the Scheme requirements, the additional development components (4 additional single bedroom apartments, function room and single bedroom caretaker residence) would generate the following car parking:

- Four motel units (one per accommodation unit, plus one per every five units for visitors and staff- rounded up to 5 spaces in total).
- First floor (194.5m²) and balcony (22.0m²) (total 216m²) function room. The plans depict:
 - Functions (78.5m²)
 - Pre- Functions (23.5m²)
 - Balcony (22.0m²)
 - Prep Kitchen (10.7m²)

It is suggested that the total area relating to car parking generation would be for the function room only and exclude the balcony, pre function and prep kitchen. As noted, the 'function room' is defined as 'reception centre' which under the Scheme calculates as one space per 4m² of function area (total of 20 spaces). However, it is open for Council to treat the parking calculation of a 'function room' the same as it has for a restaurant whereby under *Local Planning Policy – Interim Car Parking Provisions (Onslow)*, it has defined such parking as 1 space per 4 seats/6m² of public area. In this regard if Council agrees to a parking ration for the function room as one space per 6m², parking for the function room would calculate to 13 spaces.

- Single bedroom caretaker residence (one space).

Using the above calculations, the Application would generate an additional 19 car parking spaces.

Transcore Parking Assessment Study

As noted, the Applicant has arranged for a parking assessment study (undertaken by Transcore) to assess current and future parking demand for the whole of the development.

ATTACHMENT 14.5B

Transcore conclude as follows:

"The parking modelling of the proposed amendment DA which was based on the existing motel transportation pattern and parking demand suggests that ample parking will remain available at the site even with the proposed facility upgrades and apartment expansion. The future Ashburton Resort Motel parking demand modelling suggests that under conservative motel operational conditions and with 125 parking bays provided at the site a surplus of about 60 parking bays would be available for the proposed function room and restaurant patrons. This parking allocation is in excess of 12 bays already allocated to general public parking for restaurant patrons.

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It is therefore concluded that the proposed amended DA parking supply satisfies the anticipated future parking demand."

The modelling referred makes assumptions as to the specific operation of the overall development with the basis of the assumptions defined as follows:

"It is however generally accepted that the subject development is primarily a short stay accommodation development with restaurant and function room being secondary/ancillary use. It is also generally accepted that due to the remoteness of Onslow to any other townships in this part of Pilbara and low local population the restaurant and the function room are likely to be patronised mainly by motel guests and occasionally by some local residents." (pages 7 and 8)

The Shire Administration finds the assumptions and conclusions made with respect to there being a surplus of about 60 parking bays difficult to accept. Whilst it is acknowledged that with the limited restaurant facilities available in Onslow and with no meal preparation facilities in the motel rooms (except a microwave and small bar fridge), it is reasonable to assume that motel patrons may seek to use the restaurant. But there is no clear link with the function room.

The nature of a 'function' especially when it is associated with corporate entertainment will involve the invitation of local residents and residents directly associated with the commercial entity. The Transcore report has specifically referred to the temporary use occupation of the motel by Chevron. However, the report fails to acknowledge that Chevron and its development partner Bechtel along with numerous contractors associated with Wheatstone currently occupy four boatels, an unspecified number of houses in Onslow and of course, the Wheatstone TWA camp.

The conclusion that both the restaurant and function room will be used "...occasionally by some local residents' appears to be without foundation.

Although it is reasonable to assume some degree of reciprocal parking with the function room and motel users, it isn't the 100% arrangement as suggestion by Transcore. Importantly, Transcore make parking assumptions based on current management arrangements associated with a contract with Chevron. Whilst the Shire is prepared to accept the management arrangements that may currently exist (noting that the arrangements would appear to be more for transient workforce accommodation than a motel), it is emphasised that these arrangements can change at any period whilst the planning approval (once developed) will last in perpetuity.

Accordingly, Council needs to weigh up the long-term use of the overall motel/restaurant/function room development as well as acknowledging the community benefit of the accommodation and restaurant/function room use will have for the town.

It should be noted that the Pilbara Joint Development Assessment Panel (PJDAP) recently considered an application for an hotel (with accommodation) at Lots 256-258 Second Avenue, Onslow (DAP Ref: 20130031) where it accepted a request from the Applicant that a 20% reduction to the total number of car spaces based on the level of reciprocity of hotel/accommodation use.

In this regard and using the outcome of the PJDAP application, it is reasonable to allow a 'reciprocal use' of 20% for parking. This would result in an additional fifteen (15) car parking spaces being required for the shortfall of parking associated with current Application.

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Local Planning Policy – Interim Car Parking Provisions (Onslow)

Clause 6.17.3 of the Scheme does provide the opportunity for 'cash-in-lieu' contributions for car parking however the Shire is yet to establish a 'cash-in-lieu' parking scheme for Onslow.

Under the Scheme, the minimum dimension of a car bay is 2.5m x 5.5m with a reversing area of 6.0m. A disabled bay is 3.0m x 5.5. When considering parking for the original Planning Approval in September 2009, Council did not have any specific parking Policy for Onslow. In July 2011, Council adopted *Local Planning Policy – Interim Car Parking Provisions (Onslow)* that provide parking incentives for the Onslow townsite as follows:

- Where the development area is 2000m² NLA or less, Council may accept up to a maximum of 20% of the car parking requirement to be located within the Shires road reserve, as directed by Council.
- Where the development area is 2001m² NLA or more, Council may accept a maximum of 10% of the parking requirement to be located within the Shires road reserve, as directed by Council.

In this regard, payment of \$4,800 per space would be paid for parking in the road reserve. However, the developer would be required to construct the road reserve parking as they will be the sole beneficiary of the parking arrangement. The development of the land would have a development area less than 2000m² NLA and accordingly, Council may accept up to a maximum of 20% of the car parking requirement to be located within the Shires road reserve.

Parking (total)

Total parking required for the approved motel/restaurant is 125 spaces.

The Shire Administration consider that the motel units, function room and caretaker residence generate a parking need of fifteen (15) spaces (140 spaces in total).

The Applicant has approval to have 18 bays established 'off site' in accordance with *Local Planning Policy – Interim Car Parking Provisions (Onslow)*, although the spaces will not be for the exclusive use of the restaurant or the motel. The *Policy* provides the opportunity to seek such a parking arrangement for the entire motel/restaurant/function room on the land to a maximum of 25 spaces.

This would allow the opportunity for an additional seven (7) spaces to be attributed for the current Application under the *Policy* which would equate to payment of \$4,800 per bay (7 bays x \$33,600). However, the Council need to address the remaining eight (8) bays that fall outside of the *Policy*.

Cash-in-lieu of parking

The Scheme refers to two means by which the remaining eight (8) parking spaces can be addressed off site – one is by a cash-in-lieu arrangement and the other is to determine that the required parking standard can be reduced:

“6.17.3 As an alternative to subclause 6.17.1, and subject to Local Government approval, a cash-in-lieu payment, to the equivalent cost of providing the required carparking plus the value of the area of land which would have been occupied by the spaces, shall be paid to the Local Government. This

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payment is to contribute to a fund set aside by Local Government for the purposes of providing public carparking areas.

6.17.4 *Where the amount of cash-in-lieu payable under clause 6.17.3 cannot be agreed it shall be determined by arbitration in accordance with the Commercial Arbitration Act 1985 or some other method agreed upon by Local Government and the developer.*

6.17.5 *Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1.”*

Consideration under Cl16.17.5 is not recommended as the development clearly reflects the level of parking required under the Scheme. Importantly, this proposal represents one of the first new developments within the town and a reduction in parking standards on an ad-hoc basis would result in an unfortunate precedent and create uncertainty for the Shire and proponents.

However, a parking study has commenced whereby a review of the Scheme formulae for parking is being reviewed along with a potential site for a 'parking station. Such arrangements will provide the opportunity for the Shire to introduce a cash-in-lieu arrangement for parking (pursuant to Cl 6.17.3 and 16.17.4). It is anticipated that this strategy will be concluded within 12 months.

In this regard, it is suggested that although a parking strategy is yet to be completed, (hence the Shire is not in a position to establish land on which to build a car park for cash-in-lieu purposes), a reasonable alternative would be for the Shire and land owner) to enter into an agreement that whereby the land owner would agree to a cash-in-lieu arrangement within a 5 year period. The actual time frame of implementation would depend upon the timing of the adoption of the parking strategy.

Any valuation of land would be undertaken at the time of signing the agreement thus establishing the actual cost of the land component and the construction cost (plus CPI). If a parking strategy is not in place at the end of 5 years, the Shire would be responsible for 'deficient' parking.

It should be noted that the Pilbara JDAP has also used the above arrangements for the hotel development and another development at Lot 308 Second Avenue/Lot 309 First Avenue Onslow (DAP Ref: DP/20110655).

Conclusion

The Application before Council is considered to be appropriate based on design however parking is somewhat problematic as based on the overall development, a total of 32 spaces need to be provided off site. It is recommended that seven (7) of the spaces be provided under the *Local Planning Policy – Interim Car Parking Provisions (Onslow)* and the remaining eight (8) spaces would be provided as a cash-in-lieu arrangement as defined in this report.

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- 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.

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

4. Prior to the commencement of the development, the landowner shall pay the Shire of Ashburton car parking to the amount of \$33,600 (plus CPI should the development not commence within 12 months from the date of this Planning Approval) as payment for seven (7) off site car parking spaces in accordance with the Shire's *Local Planning Policy – Interim Car Parking Provisions (Onslow)*.
5. Prior to the commencement of the development, the landowner shall enter into an agreement with the Shire of Ashburton (with the landowner responsible for all associated costs) to pay cash-in-lieu for the shortfall in car parking as follows:
 - a) In order to address the shortfall of eleven (11) car parking spaces from the development of the land under this Planning Approval, the landowner shall pay into a future 'cash-in-lieu' parking fund to be established by the Shire in accordance with the provision of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Should the 'cash-in-lieu' paid into the parking fund not be expended before 17 July 2018, this requirement to pay 'cash-in-lieu' parking shall lapse and the monies shall be returned in full to the landowner.
 - b) If the car parking is reduced by any Car Parking Strategy prepared by the Shire, or amendment to the operatable Town Planning Scheme, then the shortfall in car parking mentioned in (a) above shall be adjusted accordingly.
 - c) The agreement shall be for a maximum of 5 years and valuation of land shall be at the time of the agreement being struck, and shall establish the cost of the land component and the construction cost (plus CPI). If a parking fund is not in place at the end of 5 years, the Shire is responsible for any 'deficient' parking.
 - d) If Car Parking Strategy identifies that car parking can be accommodated on Shire owed land, road reserves or crown reserved land, then the valuation referred to in (c) above shall be based only on the construction costs
6. Prior to occupation of the motel units, 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

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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.
7. Prior to the commencement of the motel units, 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.
8. The design, materials and colours of the proposed development are to be to the satisfaction of the responsible authority.
9. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the

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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.

10. 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 any adjoining road verges.

11. 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 of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
- ii. An emergency response plan/s (i.e. fire escape route maps, evacuation contingency associated with cyclone threat etc).
- iii. The landscaping and reticulation is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
- iv. The development shall be connected to a reticulated water supply and sewerage system to the requirements of Water Corporation.
- v. 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.

12. 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.

13. The uses when established shall at all times comply with the definition of "Motel" and "Restaurant" as contained within the Scheme as follows:

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“Motel: any land or buildings providing accommodation in a manner similar to a hotel but in which special design provision is made for easy access to rooms by patrons with motor vehicles and may or may not include an entertainment venue, Restaurant or sell liquor”.

“Reception centre’: land or buildings used by parties for functions on formal, business, social or ceremonial occasions, but not for unhosted use or general entertainment purposes.”

Advice Notes

- i. In relation to condition 4, the Shire may be prepared to offset the cost of the contribution specified should the landowner seek to undertake works to the requirements and specification of the Shire. In this regard, it is recommended that you discuss this further with the Executive Manager, Technical Services.**
- ii. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).**

CARRIED EN BLOC 9/0

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Declaration of Interest

Prior to consideration of this Agenda Item Crs Foster, Dias, Rumble and Wright declared an interest in Agenda Item 14.6 in accordance with Section 5.60A of the Local Government Act.

Cr Foster's interest being that his partner is employed by Rio Tinto and part of his employment conditions is that he is provided with a home owned by Rio Tinto.

Cr Dias' interest being that he is an employee of Rio Tinto and a shareholder, having a total value exceeding \$10,000.

Cr Rumble's interest being that he is a shareholder, having a total value exceeding \$10,000.

Cr Wright's interest being that he is an employee of Rio Tinto.

Crs Dias, Wright, Rumble and Foster left the room at 2.12 pm.

14.6 PLANNING APPLICATION - PROPOSED MOBILE VETERINARY FACILITY AND MOBILE DENTAL FACILITY, LOT 806 ANZAC COURT, PARABURDOO

MINUTE: 11584

FILE REFERENCE: PA.AZ.0806
20130174 (P)

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

NAME OF APPLICANT/RESPONDENT: Applicant/Owner: RTIO

DATE REPORT WRITTEN: 3 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

There is demand for the veterinary and dentist services and visits in Paraburadoo. As a means to address the need for these services, RTIO seek planning approval to establish separate temporary mobile facilities for dental and veterinary services at Lot 806 Anzac Court, Paraburadoo.

It is proposed that the mobile services will be provided to residents of Paraburadoo twice a month or on an as needs basis. The trailers are proposed to sit nose to nose to allow the trailers to open up and will have individual leases within Lot 806. Sufficient on-site parking exists within the immediate vicinity of the facilities to cope with any increase in demand for the veterinary and dentist services and visits.

Subject to conditions, it is recommend that planning approval issue.

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Background

Lot 806 Anzac Court, Paraburdoo is land owned by RTIO and sealed for parking purposes at the rear of the Paraburdoo shopping centre.

There is demand for the veterinary and dentist services and visits in Paraburdoo. As a means to address the need for these services, RTIO seek planning approval to establish separate temporary mobile facilities for dental and veterinary services at Paraburdoo.

Proposal

The Application seeks to establish mobile veterinary and dentist services for residents of Paraburdoo twice a month or on an as needs basis. The trailers are proposed to sit 'nose to nose' to allow the trailers to open up and will have individual leases (with RTIO) within Lot 806. RTIO propose a lease area for each service of 839m². RTIO has referred to the mobile clinics being 'temporary' without clearly defining what period of time the clinics will be in operation.

ATTACHMENT 14.6



Comment

Shire of Ashburton Local Planning Scheme No. 7

Under the Local Planning Scheme No. 7 ('Scheme'), the land is zoned 'Commercial and Civic' where the uses are permitted but planning approval is required on a parking basis. Where veterinary and dentist services are located within buildings, the parking requirements are as follows:

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Place of Animal Care: Six per practitioner where practice is limited to domestic pets, all other places at Local Government's discretion

Consulting Rooms: Four per consulting room for the first two rooms, one per additional consulting room plus one per employee at the time of peak operation

Clause 6.17.5 of the Scheme provides Council with the discretion to vary the parking standards:

"Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1"

It is not considered necessary to require dedicated parking to be provided for the facilities, as sufficient on-site parking exists within the immediate vicinity of the facilities to cope with any increase in demand for the veterinary and dentist services and visits.

It should be noted that the proposed mobile veterinary and dentist services is to be located on the bitumen hard stand and not the grassed area abutting it on Lot 806 which will not impact any development potential as may be sought under the Paraburdoo Town Centre Master Plan (as referred below).

Conclusion

The mobile facilities are a means to provide dental and veterinary services at Paraburdoo.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No 7

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Policy Implications

There are no financial implications relevant to this matter.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Thomas

That Council:

1. **RESOLVE** that with respect to Planning Application for temporary veterinary facility and temporary mobile dental facility at Lot 806 Anzac Court, Paraburdoo Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1 of the Shire of Ashburton Local Planning Scheme No. 7.
2. **APPROVE** Planning Application for temporary veterinary facility and temporary mobile dental facility, Lot 806 Anzac Court, Paraburdoo generally in accordance with the plans included with the Shire Report (ATTACHMENT 14.6) and subject to the following conditions:
 1. The mobile facilities will only operate from the sites designated on the endorsed plan.
 2. Prior to commencement of the mobile facilities, connection to a reticulated water supply and sewerage system shall be undertaken to the requirements of Hamersley Iron Infrastructure and the satisfaction of the Shire of Ashburton.

Advice Notes

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

CARRIED 5/0

Crs Dias, Wright, Rumble and Foster entered the room at 2.13 pm.

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14.7 REVISED RESIDENTIAL DESIGN CODES (2013)

MINUTE: 11585

FILE REFERENCE: PS.DV.04.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Western Australian Planning Commission has advised that new Residential Design Codes (RCodes 2013) will be gazetted and introduced on 2 August 2013.

The new RCodes 2013 are the result of a review that has considered a range of submissions and seeks to respond to changes taking place in society concerning housing preferences and sustainable development. Many of the changes reflect the concerns of the development industry that controls have been too restrictive and accordingly the changes can be characterised as generally enabling development to occur on smaller and more constrained sites.

The Shire is seeking clarification from the Department of Planning as to whether the adopted Local Planning Policy reflects the specific needs of the Shire and overrides the new RCodes 2013. It is anticipated that the response will be available under separate cover to the Council meeting.

It is recommended that Council note the changes to be introduced to the new RCodes 2013 on 2 August 2013 as outlined in the Report.

Background

The Residential Design Codes (RCodes) are an important determinant of residential design in Western Australia. They have been established since 1991 at the State Government level and thereafter automatically introduced by reference into local government planning schemes to guide development approval for all dwelling types. Periodic reviews have been undertaken of the Codes, most notably resulting in an overhaul in 2002 and the introduction of a separate Multi-unit Code in 2010.

The Department of Planning commenced a review of the RCodes in 2010. In July 2011 various changes were advertised for public comment.

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Proposal

The RCodes have been reviewed in the light of the 108 submissions received and a new Code has been approved for gazettal on 2 August 2013.

No changes are proposed to the Multiunit Code which was only recently introduced. The main changes to be introduced in the new Code are:

- New objectives – these broadly reflect the original objectives ones rather than those advertised.
- A new flow diagram for the approval process to assist in understanding approval processes.
- A reduction to the minimum lot size below which proposals require planning approval from 350m² lots to 260m².
- The provision of a new comprehensive table (under Accompanying information – Part 3) listing the information requirements for each type of application.
- The change in a number of the Table 1 standards to reduce:
 - Lot size minimums in the R20 to R80 codes by 25%-60%;
 - Lot size averages in R20 (from 500m² to 450m²), R60 and R80;
 - Required areas for rear battle-axe lots for R20 to R80 lots;
 - Required open space and front setback requirements for higher density codes for R50-R80 (as per the Table in **ATTACHMENT 14.7A** which was included in the Department of Planning's supporting information on the new Code).
 - Onsite parking requirements are reduced generally within 800m of a railway station and 250m of a high frequency bus route (not applicable the Shire of Ashburton).
 - Height of boundary walls to increase permitted heights to 3.5m max and 3.0m average for one third boundary length behind front setback in R20 and R25 – compared with 3m, 2.7m and 9m.
 - An additional clause has been introduced to deal with the situation where a development overshadows a lot but that overshadowed lot also abuts another lot to allow for the "sharing" of the permitted overshadowing.
 - An additional provision limits the ability to overshadow more than 50% of a solar collector and north facing major openings to habitable rooms within 15 degrees of north on an adjacent lot.
 - Outbuildings in low density are able to be setback from the rear boundary as defined in Table 2 to the RCodes 2012), and thereby not apply the 6m rear setback requirement.

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- Ancillary dwellings to relax provisions to no longer require occupants to have a family relationship with the house owner, to increase the floor area from 60 to 70m² and relax the need to meet outdoor living area or street surveillance requirements.
- Single bedroom dwellings to increase the permitted floor area from 60 to 70m² and reduced outdoor living area.
- A number of Definitions have been modified or introduced for the first time – including: “decision-maker” to replace “Council”, new defined term of “deemed to comply” which replaces “Acceptable Development”, and “design principles” to replace “performance criteria”.
- New figures are included to illustrate how truncations and laneways are taken into account in lot size calculations and to illustrate measuring setbacks from communal streets. Generally more figures are provided within the Code to graphically illustrate how to calculate boundary setbacks and the like. Some of the figures are brought into the main Code from the Explanatory Guidelines.

ATTACHMENT 14.7B

Comment

More permissive standards

The new RCodes 2013 provide a relaxation of a number of development standards from the current RCodes as follows:

- 26 less exacting standards have been introduced into Table 1.
- The size of lots requiring planning approval has been reduced from 350m² to 260m² (Clause 2.3).
- Height of boundary walls in R20-25 increased from 3m to 3.5m.
- Reduced parking standards for dwellings close to public transport.
- The previous provision that crossovers be limited to 40% of the lot frontage (old clause 6.5.4 A4.2) has been deleted.
- Privacy setback standards (Clause 5.4) for development over R50 have been made more permissive.
- Clause 5.4.3, setback of outbuildings in R15 or less, to be 1-2m not 6m.
- Ancillary dwellings – less exacting requirements on the residency requirement, size an open space.
- Single bedroom dwellings less restricted by increasing permitted floor area from 60m² to 70m².

Only a few standards have been increased:

- The minimum width of balconies for multiple dwellings has increased from 2m to 2.4m under clause 5.3.1, and some of the overshadowing requirements are more exacting to protect solar access to solar collectors and windows on adjacent property.

The supporting Planning Bulletin prepared by the Department of Planning notes as follows:

"Generally, the local government and community sought increased certainty, whilst the development industry sought increased flexibility. Often these fundamental differences in opposing views and positions resulted in conflicting objectives, issues

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and comments, which required careful consideration and analysis. Wherever possible, a considered and balanced outcome was found.”

The new RCodes 2013 has generally resulted in the view of the development industry prevailing and more “developer friendly” standards and processes are the result. As a consequence it will be more difficult for local governments to retain the level of amenity previously provided to neighbours.

Small lot development approval

The new RCodes 2013 have reduced the size of lots for which Planning Approval is required 350m² to 260m². It would appear that this change was not advertised in 2011 but it is significant for the Shire where future planning seeks ‘cottage’ lots.

Small lots often result in planning difficulties in particular for access, although in many cases the purpose is merely to demonstrate that the lot can accommodate a dwelling.

A 260m² lot can, according to the 55% site coverage limit under R30, only have a ground floor area of 143m² - a dwelling of not much over 100m² when you take out the ubiquitous double garage. This is well under the size of the dwellings currently being constructed (in particular) in Onslow.

R20 lot development

The significant changes to lot size averages in R20 are less important to the Shire as it has introduced a minimum site area of 875m².

Minimum lot sizes for normal lots and rear battleaxe lots

The reduction in the minimum lot sizes for normal lots and rear battleaxe lots will be of some significance in assessing future applications leading to the need to be more careful in ensuring that setbacks to neighbours are maintained, however the key determinant is average lot size which generally has not changed.

Ancillary Accommodation

For ‘Ancillary accommodation, the current RCodes require that they be occupied by a family member and that floor area be limited by right to 60m². The Shire introduced a Local Planning Policy which was approved by the WAPC in May 2013 whereby the need for a family member was removed but confirming that they would be one bedroom. This allowed housing units to be established areas on existing lots as well as the need to accommodate those with transitional housing needs such as students.

The Shire has sought advice from the Department as to whether the Local Planning Policy will still has currency over the new RCodes 2013.

Code Presentation

The new Code is split into five sections (Context, Streetscape, Site Planning and Design, Building Design and Special Purpose Dwellings) rather than the ten elements of the 2002 and later Code (which was derived from the Australia-wide Amcord) and with numerous minor changes to headings which are considered inconsequential.

Conclusion

The new RCodes 2013 will be gazetted and introduced on 2nd August 2013.

The new RCodes 2013 are the result of a review that has considered a range of submissions and seeks to respond to changes taking place in society concerning housing preferences and sustainable development. Many of the changes reflect the concerns of the development

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industry that controls have been too restrictive and accordingly the changes can be characterised as generally enabling development to occur on smaller and more constrained sites.

The Shire is seeking clarification from the Department of Planning as to whether the adopted Local Planning Policy reflects the specific needs of the Shire and override the new RCodes 2013. It is anticipated that the response will be available under separate cover to the Council meeting.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

The Department of Planning consulted on the revisions to the Code in July 2011.

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No 7

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Policy Implications

It is not clear as to whether there are policy implications relevant to this matter.

The Shire is seeking clarification from the Department of Planning as to whether the adopted Local Planning Policy reflects the specific needs of the Shire and override the new RCodes 2013.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr I Dias

That Council lay this agenda item on the table until the next Ordinary Meeting of Council to be held on 21 August 2013.

CARRIED 5/4

**Cr's White, Thomas, Rumble, Dias and Fernandez voted for this motion
Cr's Foster, Shields, Eyre and Wright voted against this motion**

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14.8 REQUEST TO CONSIDER DRAFT DEVELOPMENT PLAN - LOT 381 THIRD AVENUE FROM SECOND AVENUE, ONSLOW AND SHIRE PROPOSAL FOR DRAFT 'LOCAL PLANNING POLICY - LOT 381 SECOND AVENUE/THIRD AVENUE ONSLOW'

MINUTE: 11569

FILE REFERENCE: ON.TH.0381.00

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

NAME OF APPLICANT/ RESPONDENT: Applicant: Dykstra Planning
Owner: Herbert Mining & Earthmoving Pty Ltd
Lennard David Butler
Mattie Jean Butler

DATE REPORT WRITTEN: 5 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.2, Minute No. 11029 Ordinary Meeting of Council 21 September 2011
Agenda Item 13.02.10, Ordinary Meeting of Council 16 February 2011
Agenda Item 10.12.29, Ordinary Meeting of Council 15 December 2010
Agenda Item 10.11.26 Ordinary Meeting of Council 17 November 2010

Summary

Lot 381 Third Avenue, Onslow has an area of 2.37ha and is situated north-west of the town centre and is bounded by Unvested Crown Land (UCL) to the north and west and a Reserve to the south. The surrounding land is generally undeveloped vacant land except for the presence of residential development to the south east of the site.

Over the recent years, Council has considered matters associated with access and zoning concepts for the land.

The land owner has requested that Council consider a proposed Development Plan over Lot 381 to facilitate development of a Hotel and Holiday Accommodation facility and long stay /residential use. In addition, the Development Plan is intended to provide a framework for the potential survey-strata subdivision of lots to accommodate complimentary permissible uses, including permanent residential use (grouped dwellings).

The development identified in the submitted draft Development Plan has merit as it reflects the intent and purpose of the Tourist zone. However, Council could establish a Local Planning Policy (LPP) that generally reflects the purpose and direction of a 'development plan'.

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This is the same 'strategic' process carried out for RTIO's Rocklea Palms development at Paraburdoo ('LPP – 'Rocklea Palms Paraburdoo Concept Plan') and development at the Beadon Bay Caravan Park, Onslow ('Local Planning Policy - 'Beadon Bay Village Concept Plan').

Monitoring of erosion patterns of the adjoining foreshore reserve has been recommended by the land owner's consultant. This is an onerous responsibility for the State of Western Australia however no mechanism has been recommended. It is appropriate that the draft LPP states that this is not be a responsibility of the Shire as it does not have the technical expertise to assess the data or to undertake any identified protection works.

It is recommended that Council adopt draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' as a Local Planning Policy and to advertise it in accordance with the provisions of the Scheme. Once advertised the matter would be referred back to Council for determination.

Background

Lot 381 Third Avenue, Onslow has an area of 2.37ha and is situated north-west of the town centre and is bounded by Unvested Crown Land (UCL) to the north and west and a Reserve to the south.

The surrounding land is generally undeveloped vacant land except for the presence of residential development to the south east of the site. Legal access to the land is from Third Avenue however informal access is via a track over UCL direct from Second Avenue. This track also provides access to the Water Corporation tank. The existing informal access to Lot 381 was probably established during the Second World War.

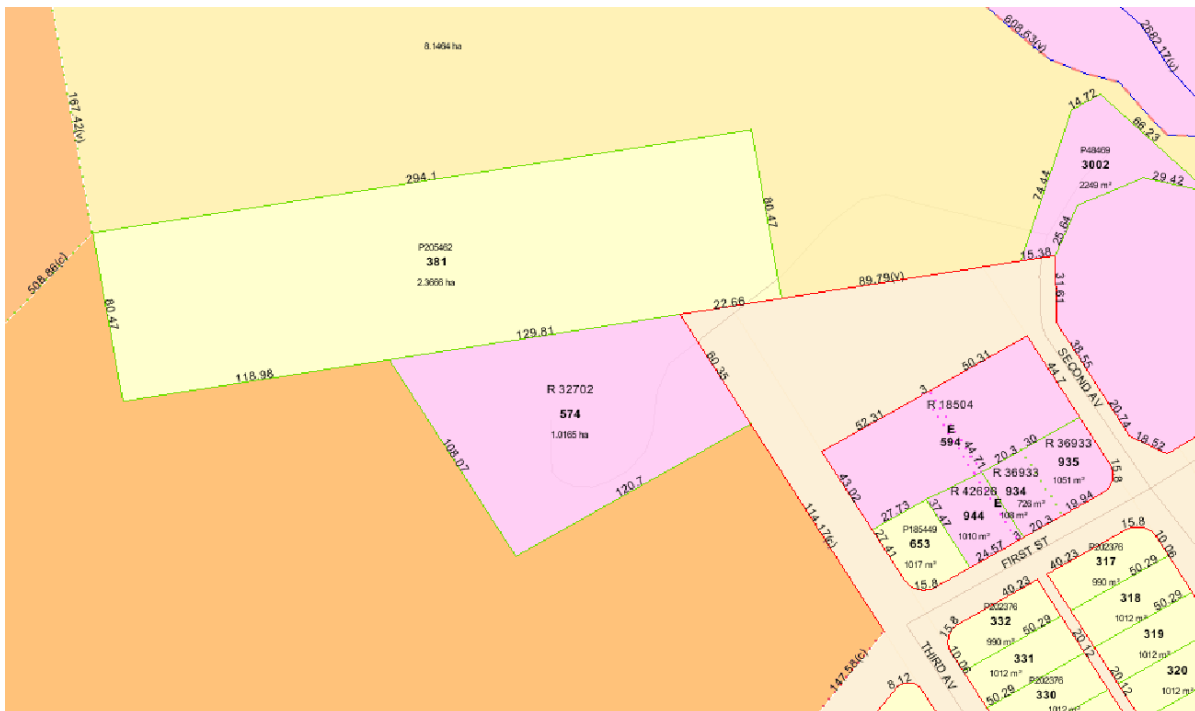


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The subject site is currently unoccupied vacant land with historical infrastructure been demolished and is stockpiled on the land. Historically, Lot 381 was a portion of a larger bulk storage facility that comprised four 2,000 tonne above ground storage tanks and pump houses.

The storage tanks contained bunker fuel oil, marine distillate (diesel) and aviation fuel used to supply the Potshot Naval Base in Exmouth. Two of the four above ground storage tanks were located on Lot 381. These two tanks contained bunker fuel oil. The pump house was used to supply marine vessels with bunker fuel oil which was stored on site.

A memorial that had previously been placed on the Certificate of Title under the *Contaminated Sites Act 2003* has since been removed as the land owner completed various cleaning, demolition and remediation activities on the subject land.



The land has legal frontage to the existing Third Avenue/Second Avenue road reserve adjacent to its south-eastern boundary. However this portion of the road has not been formally constructed, and due to the steep slope, unlikely to be accessible to vehicles.

Vehicular access is provided over Unvested Crown Land (UCL) from Second Avenue. Originally, this arrangement also provided access to the Water Corp tank however this has since been modified such that access to the tank is now totally removed from Lot 381. Lot 381 has been the subject of previous decisions of Council (as follows):

September 2011

“That Council:

- 1. Resolve that for the purposes of discussion with State agencies, Council resolve to support the concept of road connection between Lot 381 and Second/Third Avenue, Onslow, subject to 2. below.*
- 2. Request the Chief Executive Officer to:*

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i) Advise the owner of Lot 381 that in relation to 1 above, the owner will be responsible for all costs related to the process which would include (but not necessarily be limited to):

- surveying costs;
- Shire administration costs;
- Native title assessments;
- all costs associated with 'acquisition' from State Land Services;
- all costs associated with a 'subdivision' application to the Western Australian Planning Commission; and ultimately
- all construction costs associated with the road connection between Lot 381 and Second Avenue.
- Seek confirmation in writing from the owner of Lot 381 accept the costs referred to in 2. above.
- Commence the process of a new road reserve as described in 1. above once the land owner has responded as required in 2(ii) above.
- Continue discussions with the owner of Lot 381 in relation to determining the most appropriate access arrangements to Lot 381."

February 2011

Council resolved as follows:

"That Council:

1. Advise Onslow Developments that in principle, it supports a Scheme Amendment for Lot 381 Third Avenue, Onslow that achieves the objective of the Onslow Townsite Strategy of "...a mixed zoning that provided for residential use in the context of an overall tourist/residential development", subject to the land owner addressing/providing in detail the following:

- a Structure Plan that adequately guides future subdivision and development of the land;
- access to the land;
- WAPC Tourism Planning Taskforce Report 2006;
- WAPC Planning Bulletin 83/2009 Planning for Tourism
- formal Scheme Amendment documentation consistent with the requirements of the Town Planning Regulations (1975); and
- payment of amendment fee to the Shire.

2. Advise Onslow Developments that that in-principle support is informal/conceptual in order to gain some indication as to whether or not a Scheme Amendment is likely to be viewed favourably. It should not be construed that the amendment will be initiated or will be finally adopted."

December 2010

Council resolved as follows:

"That Council advises the Water Corporation:

(a) Supports the realignment of the water main down Third Avenue on the eastern side of the reserve on the approved Water Corporations alignment offset, the

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along the south side of the road reserve which joins Second Avenue to Third Avenue until re-joining the water main at the laneway easement.

- (b) Suggests that the Water Corporation may wish to implement an interim access track realignment through arrangements with the owner of lot 381 until formal access to lot 381 is resolved as part of a formal development application at which time the access can be constructed to an approved Shire standard at cost between relevant parties.*
- (c) When the final Road is constructed to an agreed standard and approved alignment the Shire of Ashburton will then gazette the road and become responsible for all ongoing maintenance.”*

Proposal

The land owner has requested that Council consider a proposed Development Plan over Lot 381 to facilitate development of a Hotel and Holiday Accommodation facility and long stay /residential use.

In addition, the Development Plan is intended to provide a framework for the potential survey-strata subdivision of lots to accommodate complimentary permissible uses, including permanent residential use (grouped dwellings). The land owner's planning consultant has prepared a comprehensive draft Development Plan and the following extract notes as follows:

“The proposal also demonstrates the use is appropriate in this location, having regard to coastal management considerations. Council, at its Meeting of 16 February 2011 considered a request seeking “In principle” support for a Scheme Amendment to enable some of the land to be used for residential purposes. Council confirmed its support for the proposal subject to a suitably comprehensive application being submitted. In considering this preliminary proposal, Council consulted with the Department of Planning, who indicated a mixed zoning could be contemplated, given this would be consistent with the recommendations of the Onslow Townsite Strategy.

Having undertaken further concept planning for the site, including a review of the permissibility of land uses within the Tourism zone, it is apparent the Scheme is sufficiently flexible to enable the landowner's intended use for Lot 381. Hence, a Scheme Amendment is not required. Instead, a Development Plan is considered the appropriate mechanism to enable Council and the Western Australian Planning Commission to consider the proposed use of the land.”

ATTACHMENT 14.8

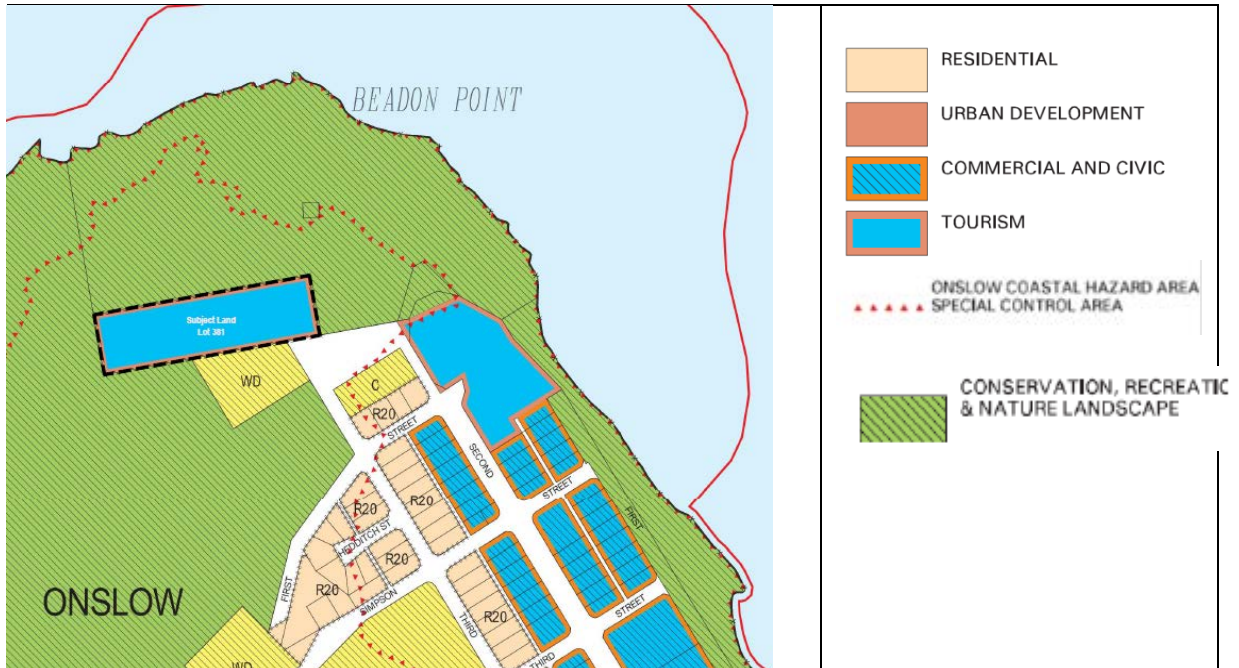
Legislation & policy:

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

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Shire of Ashburton Local Planning Scheme No. 7

Lot 381 is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7. Land immediately adjacent to Lot 381 is reserved 'Parks Recreation and Drainage' to the north, east and west and 'Public Purpose – Water and Drainage'. Importantly, the subject site is not located within the 'Onslow Coastal Hazard Area Special Control Area'.



Clause 6.10 of TPS No.7 applies:

"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 planning application, shall take into account other matters it consider 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 an 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."

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The permissibility of land uses within the Tourism zone is set out within the Zoning Table and is summarised below:

LAND USE CLASSIFICATION	TOURISM ZONE
Caretaker's Dwelling	Incidental
Grouped Dwelling	Discretionary
Holiday Accommodation	Prohibited
Hotel	Discretionary
Multiple Dwellings	Discretionary (requires advertising)
Single House	Prohibited
Transient Workforce Accommodation	Discretionary
Restaurant	Permitted
Shop	Discretionary
Take-away Food Outlet	Discretionary
Reception Centre	Discretionary

The requirement for a 'development plan' is specified in Clause 6.4 of the Scheme. As the following indicates, a 'development plan within the Tourist zone is not able to be established:

“6.4 DEVELOPMENT PLANS

6.4.1 Local Government may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:

- (a) Urban Development zones*
- (b) Industrial and Mixed Business Development zones*
- (c) Rural Living zones*
- (d) Rural Settlement developments.”*

However, Council could establish a Local Planning Policy (LPP) that generally reflects the purpose and direction of a 'development plan'. This is the same 'strategic' process carried out for RTIO's Rocklea Palms development at Paraburdoo ('LPP – 'Rocklea Palms Paraburdoo Concept Plan') and development at the Beadon Bay Caravan Park, Onslow ('Local Planning Policy - 'Beadon Bay Village Concept Plan'). This is discussed further in 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. 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.

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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; 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 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 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. For the general case of development on an undeveloped sandy shoreline, the SCPP recommends using the following criteria to calculate the appropriate PPS:

- Severe Storm Erosion (S1) - Allowance for short-term erosion caused by a design storm event. S1 is calculated using the SBEACH profile change model to simulate the response of the shoreline to the design storm event.
- Historic Shoreline Movement Allowance (S2) - Allowance for chronic long-term trends caused by the local coastal dynamics. This needs to provide a buffer for the coming 100 years. This value is calculated from aerial photographs and surveys showing the movement of the vegetation line over at least a 40-year period.

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- Sea Level Change Allowance (S3) - Allowance for possible recession of the shoreline as a result of anticipated sea level rise in the coming 100 years. The Position Statement released by the WAPC in 2010 introduced the requirement for a 0.9 m allowance for sea level rise by 2110. This allowance is based upon the Intergovernmental Panel on Climate Change (IPCC) AR4 model scenario and CSIRO (2008).
- The AR4 scenario tracks the highest IPCC predictions for sea level rise and is a large increase from the previous requirement of 0.38 m, which allowed for sea level rise predicted by the mean of the median model of the 2007 IPCC working group report.

The WAPC prepared a draft revised SPP 2.6 replacing the above policy gazetted in 2003 and amended in 2006. The draft was released for comment by the 31st May 2012. The Shire concluded that there were serious impacts for Onslow in this revision and which specifically relates to Lot 318 Specifically, A report prepared by MP Rogers and Associates (MRA) on behalf of Landcorp, titled "*Onslow Townsite Planning Coastal Setbacks and Development Levels*" was prepared in 2011. The document examines the extent of a Physical Processes Setback from the Horizontal Setback Datum (HSD) along the Onslow shore line. The MRA report recommended coastal setbacks which significantly impacted upon Lot 381. This is discussed further in this Report.

WAPC Planning Bulletin 83 - 2013 - Planning for Tourism

Planning Bulletin 83 guides decision making by the WAPC and local government for subdivision, development and Scheme Amendment proposals for Tourism purposes. Planning Bulletin was adopted to implement the recommendations of the Tourism Planning Task Force which was formed to address the following key issues:

- Pressure to redevelop tourism sites for residential purposes; and
- Potential conflict between short stay tourists and permanent residents.

The Planning Bulletin sets out the criteria whereby residential development may be considered within tourism sites and where subdivision of Tourist zoned land would be supported.

The relevant criteria set out in the Planning Bulletin have been addressed by this proposal as follows:

Mixed Use / residential development within tourism sites

Proposals for non-tourist accommodation developments (such as permanent residential, commercial, restaurant etc.) within tourism sites should be considered on a case by case basis. In this situation, the Tourism Zone under TPS No.7 provides for a range of land uses, including commercial type uses (shop/restaurant) and permanent residential uses (grouped dwellings/multiple dwellings).

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Further, the adopted Onslow Townsite Strategy specifically acknowledges the prospect of residential uses in the context of an overall tourist /residential development. The draft Development Plan process enables an integrated approach to considering the appropriate balance between the proportion of short stay holiday accommodation and long stays residential use, having regard to relevant design and site management considerations. In terms of design, long stay accommodation would be located separately to short stay accommodation and sited so as to achieve appropriate separation from the more intensive tourist uses on the site, such as the Restaurant/ Hotel facility.

In this regard, the draft Development Plan for Lot 381 proposes a proportion of the overall accommodation to potentially be used for long stay residential use. The final percentage would be dependent on the design on the hotel component, in particular.

Subdivision of tourist zoned land

Limited survey-strata subdivision is proposed as part of the Development Plan to provide for separate land tenure of the proposed Grouped Dwelling and some long stay accommodation sites.

Given these sites will remain as part of the original parent lot, a management statement for the overall site could address common onsite management issues.

Regional Planning Framework

- Pilbara Framework

The Western Australian Planning Commission (WAPC) has prepared and released for public comment the draft *Pilbara Planning and Infrastructure Framework (Framework)* which seeks to define a strategic direction for the future development of the Pilbara region, over the next 25 years. The *Framework* concludes that:

“...by 2035, the region will have a resident population of more than 140 000, based on a more diverse economy that has capitalised on its competitive advantages. As part of the Pilbara Cities vision, the Pilbara will have two cities: Karratha and Port Hedland, each with a population of 50 000.

These would be supported by the Newman sub-regional centre with a population of 15 000 and the major towns of Tom Price, Onslow and Wickham.”

Under the *Framework*, Onslow is defined as a ‘major town’. The *Framework* observes that:

“.....Onslow, will also expand and have new roles. This will involve an investment partnership between government and the private sector.”

iv) Onslow Townsite Strategy 2010

The Onslow Townsite Strategy (‘OTS’) 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.

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The OTS identifies the following actions applicable to Tourism considered necessary to progress the implementation of the Strategy.

“3.7 Tourism

- *Identify areas for a range of tourist accommodation types and facilities.*
- *Encourage a potential marina development to include tourist accommodation and facilities.*
- *Ensure that transit workforce accommodation is not located within areas zoned for tourism.”*

The proposed use of the site as identified under the draft Development Plan is predominantly for a Hotel/Holiday Accommodation facility is consistent with the Strategy action referenced above.

Further, the Onslow Townsite Strategy Map includes the following notation:

“In preparing the Structure Plan, alternate access to Lot 381 and the Water Corporation site be considered. In relation to Lot 381, Council would be prepared to consider a mixed zoning that provided for residential use in the context of an overall tourist/residential development.”

The draft Development Plan for Lot 381 has regard for the intent for the site identified in the Strategy, including the need to resolve access issues. Land to the south of the site is identified as part of a “Proposed Development Investigation Area (subject to detailed Structure Planning).” Further planning work has been progressed over the investigation area in the form of the Onslow Townsite Expansion Stage 1 Development Plan (adopted January 2013).

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.

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Local Planning Policy - Percent for Public Art Local Planning Policy

All development proposals for mixed use, commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars), linked to WA Construction Index, shall be regarded as eligible proposals under this Policy. It is possible the commercial component of the development may trigger this LPP should it eventually result in an Application for Planning Approval.

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.

Comment

The development identified in the submitted draft Development Plan has merit as it reflects the intent and purpose of the Tourist zone. However, the Scheme does not provide an appropriate 'head of power' for the consideration of a development plan. In this regard, Council could either support an amendment to the Scheme (as reflected in the resolution of Agenda Item 13.02.10, Ordinary Meeting of Council 16 February 2011) or as a local planning policy as undertaken for Beadon Bay Caravan Park and RTIO's Rocklea Palms development at Paraburdoo.

Although the Scheme amendment process provides a 'statutory' definition for the land, the issues that relate to development of Lot 318, coastal setbacks, impacts on adjoining foreshore reserve and access will provide the necessary guidance for the strategic direction of the land and area.

The following discusses the above matters to be addressed:

Development of Lot 318

The purpose of the draft Development Plan is to facilitate the development of a Hotel /Holiday Accommodation facility as well as a proportion of long stay /permanent residential accommodation, including two grouped dwellings, on Lot 381.

- The draft Development Plan design incorporates the following components:
- Two 942 m² sites each containing a grouped dwelling;
- Two 894 m² sites each containing potentially four (4) long stay accommodation units;
- A Hotel/Holiday Accommodation site, accommodating a Hotel, Restaurant, Reception, Pool, short stay and long stay accommodation, car parking, visitor amenities etc;
- Internal driveway system; and
- Landscaping

The draft Development Plan depicts the location and scale of development on the site, as well as the relationship to surrounding land and development.

Accordingly, the development identified in the submitted draft Development Plan has merit as it reflects the intent and purpose of the Tourist zone.

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Coastal setbacks

The impacts of coastal setbacks on the development potential of Lot 381 are probably the most significant issue to be addressed for the land owner and ultimately, the Shire. The land owner sought professional advice from Damara WA Pty Ltd – Coastal Engineers who undertake a site-specific assessment of potential coastal hazards (including inundation and erosion) affecting the site and evaluate their potential mitigation (forming part of the draft Development Plan) .

The Report advises:

“Lot 381 Second Avenue Onslow is located in the high dunes landward of Beadon Point, at the northern end of Onslow townsite. The site has a 150m wide erosion buffer, which includes primary dunes with sufficient width and height to resist erosion from an extreme storm sequence.

It is considered that this buffer is adequate for the protection of the site against coastal change for the next 100 years if consideration is given to the stabilising influence of the intertidal rock platform and ongoing sand supply from the Ashburton River. However, due to the uncertainty associated with projecting coastal change, particularly at a site which may be affected by tropical cyclones, it is appropriate the erosion hazard to Lot 381 to be managed through an adaptive framework.

The recommended approach for management is a focus upon dune resilience through growth and post-event recovery, as the fore-dune field and primary dunes provide an effective dynamic buffer against storm events. Triggers for active management are broadly based upon monitoring of the coastal dune width relative to the Lot 381 boundary:

- For a dune width of >70m, no direct adaptation is considered necessary. The setback buffer should continue to be maintained (i.e. no development seaward) and general management works to encourage dune recovery should be considered following informal (non-technical) monitoring on an annual basis;*
- For dune field width of 35-70m, increased attention should be given to maintenance of the setback buffer and encouraging dune resilience. Dune monitoring should be formal (surveyed), with inspection twice per year. The potential for significant management actions should be assessed in more detail if the dune field is <70m width;*
- For a dune width of <35m, direct action to mitigate the risk associated with erosion hazard is recommended. Detailed evaluation and implementation of management options should be undertaken. In the event that available management options are not economic or effective, then managed retreat should be planned. Dune monitoring should be formal (surveyed and interpreted by a coastal engineer), occurring after every storm event.*

It is re-iterated that the existing buffer is considered likely to be adequate for the next 100 years, with the majority of management being limited to assessment (monitoring) rather than on-ground actions. However, the adaptive management framework provides a basis with which to securely manage the erosion hazard to Lot 381.”

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The Damara recommendation provides a detailed assessment of the coastal hazard risks and provides a qualified conclusion that “.....existing buffer is considered likely to be adequate for the next 100 years”.

The Shire is not in a position to query either Damara's professional coastal hazard assessment conclusions. These are best addressed by the Department of Planning who will eventually need to address coastal hazard matters as part of a subdivision application.

Foreshore reserve adjacent to lot 381

A draft Foreshore Management Framework (FMF) has been prepared to establish guidelines for management of the foreshore reserve adjacent to lot 381 which anticipates implementation of an endorsed FMF would be required as a condition of development and subdivision approval.

The FMF proposes a Legal Deed to be prepared and proposed mechanism for funding adaptation and management works that may be necessary to develop Lot 381. However the unresolved issue that remains is the means by which contributions should (or shouldn't) be required over the reserve for “... *adaptive management*...” that if necessary, may not be required for 50 or so years!

Monitoring of erosion patterns of the adjoining foreshore reserve has been recommended by the land owner's consultant. This is an onerous responsibility for the State of Western Australia however no mechanism has been recommended. It is appropriate that the draft LPP states that this is not be a responsibility of the Shire as it does not have the technical expertise to assess the data or to undertake any identified protection works.

Access to Lot 381

As noted, Gazetted road frontage to Lot 381 is derived from the Third Avenue road reserve. However, Lot 381 is currently provided with vehicular access via a track over Unallocated Crown Land extending from the Second Avenue Road reserve.

The landowner of Lot 381 has previously requested the Shire consider supporting an extension of Second Avenue up to the eastern boundary of Lot 381. In addition, the landowner has previously consulted the Department of Regional Development and Lands who advised a formal resolution of Council would be required in order to facilitate the dedication of (an extension to) a public road.

At its 21 September 2011 Meeting, the Council resolved to support, in principle, the concept of establishing a new road reserve connection between Second Avenue, to the eastern boundary of Lot 381. As part of its Resolution, Council advised the owner he would be responsible for various administrative, consultancy and construction costs associated with the proposed road extension.

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The land owner's planning consultant notes as follows:

"Whilst the landowner has progressed survey work to assist the design of the new road, it was considered prudent to progress planning work via the Development Plan process, particularly given potential constraints to development of the site associated with coastal erosion risk. Once the Development Plan approval process has substantially progressed, detailed road design could be finalised and the dedication of the land progressed through the Department of Regional Development and Lands.

Construction of the road extension would be to Council's specifications and could be required as a condition of Development Approval. Internally to the site, a sealed driveway arrangement would be constructed to provide access to Holiday Accommodation Units, the Hotel/Restaurant building, car parking and service areas."

The desire to achieve support for the development approach for Lot 381 as outlined by the land owner's planning consultant is considered appropriate.

Conclusion

It would be appropriate for Council to support the development direction as provided for in the draft Development Plan as addressed in this Report and for this to form draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow'.

ATTACHMENT 14.8

In this regard, it is recommended that Council:

- i. Adopt draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' as a Local Planning Policy under the provisions of Cl. 2.3 of the Scheme.
- ii. Authorise the A/Chief Executive Officer to advertise 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' in accordance with the provisions of the Scheme.
- iii. Request the A/Chief Executive Officer to prepare a further report to Council once advertising is complete.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager Strategic and Economic Development

The Application was informally referred to the Department of Planning for comment prior to referring this Item to Council. At the time of preparing this Report, no response had been received.

However, should Council resolve to support 'initiation' of the draft Local Policy that includes the submitted (draft) Development Plan, the Shire would formally refer the draft to the Department of Planning along with the following State Agencies/Corporations:

- Water Corporation
- Horizon Power
- Department of Indigenous Affairs
- Department of Health
- Department of State Development

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- Department of Regional Development and Lands
- Main Roads WA
- Department of Environment & Conservation

In addition, it would be advertised for 21 days in accordance with Clause 5.7 'Advertising of Applications' of the Scheme where such advertising would comprise:

- Notice in the Pilbara News (the first day of advertising).
- Notice in the Onslow Times
- Notification on the Shire's Website and Shire offices in Onslow and Tom Price
- Sign on the Beadon Creek Road Frontage

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No 7

State Planning Policy 2.6 - The State Coastal Planning Policy

State Planning Policy 3.4 – Natural Hazards and Disasters

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Policy Implications

'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' will establish a policy position for the Council, Shire Administration, the land owner and the community.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. Adopt draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' (ATTACHMENT 14.8B) as a Local Planning Policy under the provisions of Cl. 2.3 of the Scheme.
2. Authorise the A/Chief Executive Officer to advertise draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' in accordance with the provisions of the Scheme and to bring to the attention of relevant State Agencies that:
 - monitoring of erosion patterns of the adjoining foreshore reserve has been recommended by the land owner's consultant;
 - this is an onerous responsibility for the State of Western Australia however no mechanism has been recommended; and
 - the draft LPP states that this is not be a responsibility of the Shire as it does not have the technical expertise to assess the data or to undertake any identified protection works.
3. Request the A/Chief Executive Officer to prepare a further report to Council once advertising is complete.

CARRIED EN BLOC 9/0

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14.9 PLANNING APPLICATION - TEMPORARY WORKERS CAMP ON PART OF UCL LOT 571 BEADON CREEK ROAD, ONSLOW

MINUTE: 11569

FILE REFERENCE: ON.BD.0571.00

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

NAME OF APPLICANT/RESPONDENT: Applicant: TPG Town Planning and Design
Owner: State of Western Australia (LandCorp)

DATE REPORT WRITTEN: 5 July 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.1, Minute No. 11247 Ordinary Meeting of Council 18 July 2012
Agenda Item 13.5, Minute No. 11192 Ordinary Meeting of Council 16 May 2012

Summary

Application for Planning Approval has been lodged for a temporary workers camp on part of UCL Lot 571, Beadon Creek Road Onslow in order to accommodate the contractors associated with the construction of the first stage of LandCorp's the Onslow townsite expansion. The Shire's Onslow Townsite Expansion Stage 1 Development Plan ('Development Plan') was approved by Council on July 2012 and endorsed by the Western Australian Planning Commission (WAPC). The Development Plan provides a framework to guide the subdivision and development of the first stage of the Onslow townsite expansion.

In addition to the approval of the Development Plan, LandCorp has also received conditional subdivision approval from the WAPC to deliver the first stage of the townsite expansion (WAPC Refs: 146528 and 146533).

It is considered that for the duration of the construction of LandCorp's Onslow townsite expansion, the camp is likely to have a minimal impact on the Bindi Bindi community or any other sensitive land use. However the Shire Administration's concern relates to ensuring that the camp is only operating for townsite construction purposes and doesn't by default, become a long term quasi-multi user camp for those not directly associated with the construction works.

In this regard, it is considered appropriate that should Council seek to support the Application, a condition be included that places a two year time limit on the camp which should reasonably reflect the development of stages 1A and 1B of the townsite expansion and the infill lot development that LandCorp is committed.

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Should LandCorp determine stage 1C of the townsite expansion be undertaken, Council can determine whether this camp facility should be given an extension of time or whether some other arrangement would be more appropriate. In any case, a time limit will ensure that Council can control the period the camp will stay.

In addition, in order to ensure that the camp facility is for townsite expansion purposes, it is considered appropriate that LandCorp enter into an Agreement with the Shire confirming this purpose.

The Shire's assessment of the development pursuant to the Scheme and Local Planning Polices is that it can be acceptable subject to relocating the camp totally within the boundary of the WAPC approved subdivision (WAPC 146528) and effluent disposal to the satisfaction of the Department of Health.

Background

The Shire's *Onslow Townsite Expansion Stage 1 Development Plan* ('*Development Plan*') was approved by Council on July 2012 and endorsed by the Western Australian Planning Commission (WAPC). The *Development Plan* provides a framework to guide the subdivision and development of the first stage of the Onslow townsite expansion.

In addition to the approval of the *Development Plan*, LandCorp has also received conditional subdivision approval from the WAPC to deliver the first stage of the townsite expansion (WAPC Refs: 146528 and 146533). LandCorp advise that it is currently seeking to appoint contractors to commence construction. Stage 1 consists of 220 residential lots, including a range of grouped housing sites, as well as two areas of public open space and represents a significant step forward in delivering much needed housing in Onslow. Stage 1 is proposed to be built over three stages, subject to the availability of services.

The first stage of the townsite expansion will be a significant investment in Onslow by the State and will provide essential new housing to the town.

Proposal

Application for Planning Approval has been lodged for a 70 bed temporary workers camp on part of UCL Lot 571, Beadon Creek Road Onslow in order to accommodate the contractors associated with the construction of the first stage of LandCorp's the Onslow townsite expansion.

The proposed 0.75ha camp is intended to comprise a maximum of 70 self-contained accommodation units, arranged in pods of 10 units. Each of the units will be connected by a 1.2m wide footpath and the camp will also include a site office and store room, as noted on the plans as 'service area'. A total of 75 car bays are proposed.

Access to the site will be from the existing Eagle Nest Road with an access track following the alignment of future roads to the camp site. The camp is to be connected to reticulated power and water with waste water to be treated on site.

The Applicant notes as follows:

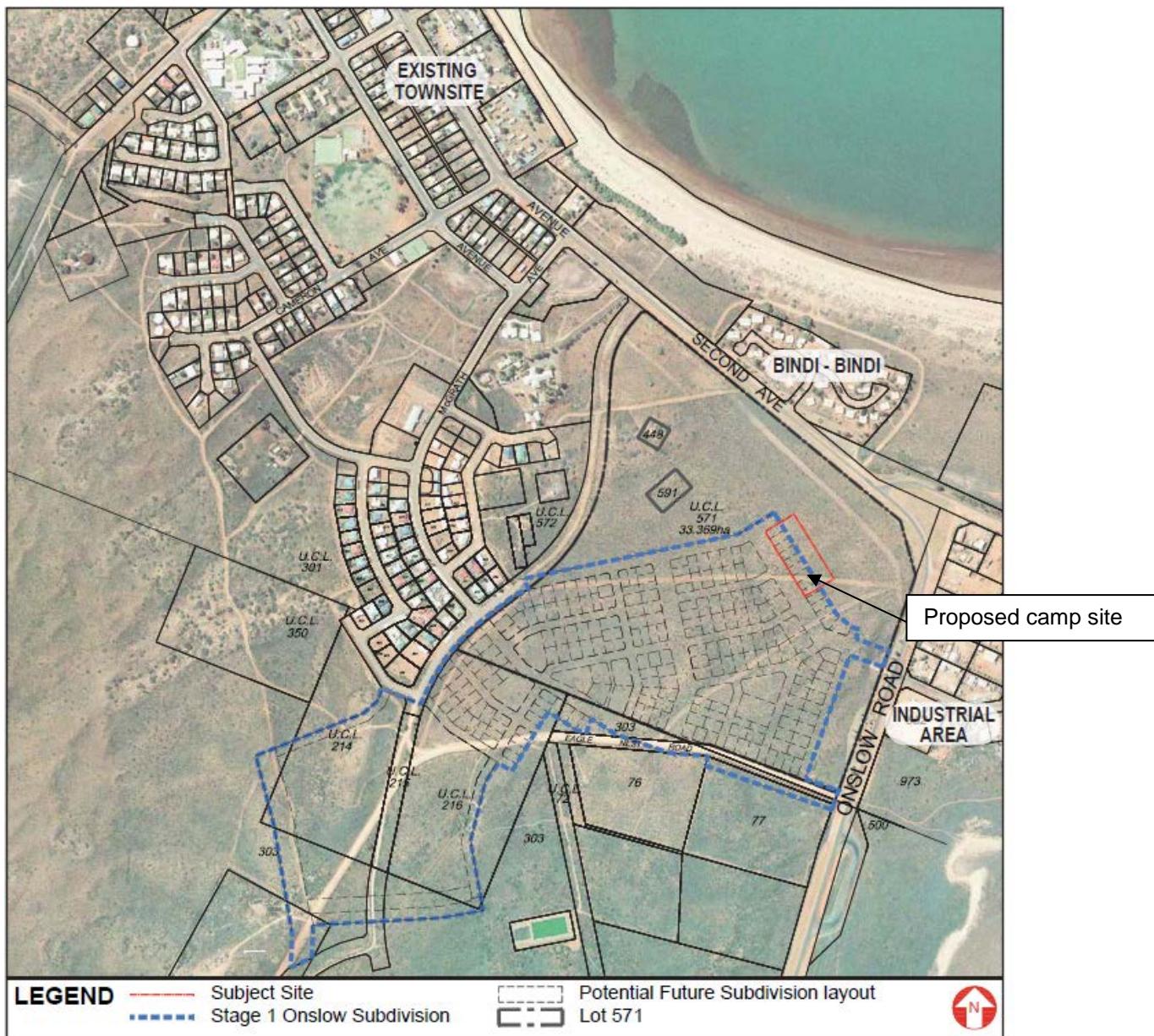
"With the progression of planning for the Ashburton North Strategic Industrial Area (ANSIA), and with construction having already commenced on Chevron's Wheatstone development (which forms part of Stage 1A of the ANSIA), residential lots are desperately needed in Onslow to meet the demand created from the construction and operation of the ANSIA.

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LandCorp has now received conditional subdivision approval to deliver 220 residential lots, however one of the key constraints for prospective contractors is the ability to secure accommodation in town. The delivery of a temporary workers camp on UCL Lot 571 will provide accommodation for contractors, which will in turn maximise efficiency of construction and expedite the delivery of the Stage 1 subdivision.

The camp is intended to be similar to the workers camp that was recently constructed at the airport to accommodate contractors associated with the airport project. Given the temporary nature of the proposed camp, and LandCorp's commitment to local business in town, it is envisaged that there be collaboration with other businesses in town to provide meals, laundry facilities etc that would usually be associated with the camp."

ATTACHMENT 14.9A



Source: TPG Town Planning and Design

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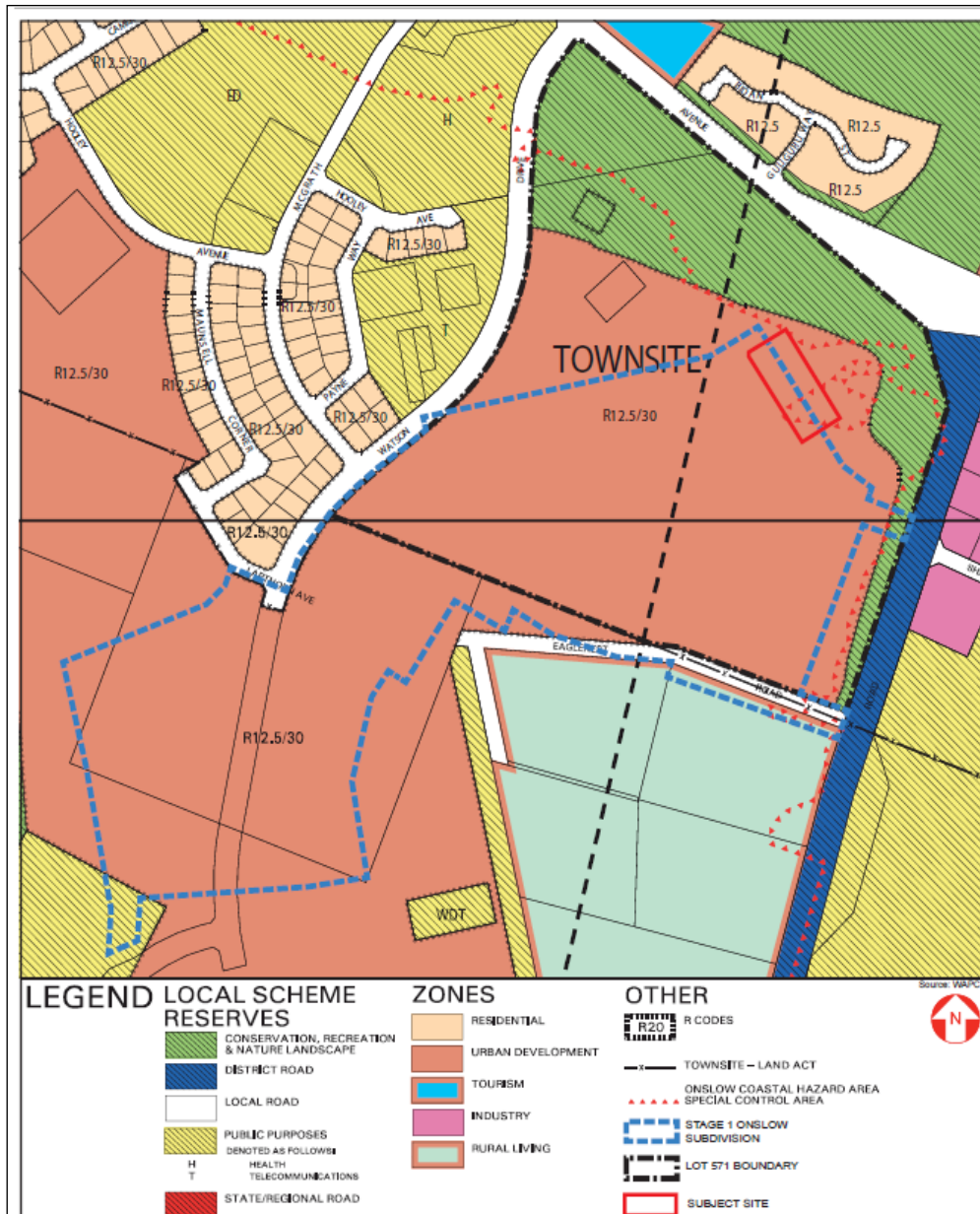
Comment

Shire of Ashburton Local Planning Scheme No. 7

Under the Shire of Ashburton Local Planning Scheme No. 7, Lot 571 traverses both the 'Urban Development' zone, 'Conservation, Recreation & Nature Landscape' reserve and the 'Onslow Coastal Hazard Area Special Control Area'.

The portion of the site intended for the location of the workers camp lies within the 'Urban Development' zone and the 'Special Control Area'.

Transient Workforce Accommodation (TWA) is a discretionary use within 'Urban Development' zone and therefore, the Shire has the ability to approve the land use across this area.



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The following clauses provided for in the Scheme are relevant:

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 3.1 (Reserve) Categories
- Clause 3.2 Use and Development of Reserves
- Clause 4.2 Zoning Table
- Clause 5.1 Requirement for Planning Approval
- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application
- Clause 6.10 Commercial zones
- Clause 6.17 Vehicle Parking and Access
- Clause 6.20 Flood and Storm Surge Prone Land
- Clause 7.1 Operation of Special Control Areas
- Clause 7.3 Coastal Hazard Area

Under the Scheme, 'Transient Workforce Accommodation' is defined as:

"Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas."

Reserved Land:

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

"Use and Development of Reserves

- 3.2.1 *A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.*
- 3.2.2 *Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.*
- 3.2.3 *The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.*
- 3.2.4 *The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve.*

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- 3.2.5 *The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.*
- 3.2.6 *The Local Government may prepare or require to be prepared an assessment of environmental values of the “Conservation, Recreation and Natural Landscapes” reserves prior to considering a planning application on this reserve.*
- 3.2.7 *In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.”*

In this regard, referral to the DEC was undertaken and at the time of writing, no response had been received.

The other relevant Scheme provisions are as follows:

“6.8 Urban Development Zone

6.8.1 *Before considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government may require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Local Government.*

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

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

6.9 Transient Workforce Accommodation

6.9.1 *All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.*

6.9.2 *Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning Codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.*

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6.9.3 Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the site.

6.9.4 Local Government may require, by signed agreement, a commitment to the date and details of rehabilitation and conversion the subject of subclause 6.9.3."

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 concerning the 'Onslow Coastal Hazard Area' and relevant to the Application is as follows:

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

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

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The Shire administration considers that as prescribed under the Scheme, the minimum floor level of any accommodation unit will be 4mAHD. Whilst levels have not been provided with the Application, the Shire understands that the general ground level in the development is in excess of 4mAHD.

Clause 5.9 Matters to be considered

Matters considered relevant to the application are as follows:

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

- (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,
- (j) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (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;
- (u) the potential loss of any community service or benefit resulting from the planning approval;
- (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.

Local Planning Policy – Transient Workforce Accommodation

The Shire's *Local Planning Policy – Transient Workforce Accommodation* was prepared in order to control the development of various forms of TWA camps, acknowledging that fly-in, fly-out (FIFO) workers are an important factor in developing the resources of the Pilbara. The objectives of the policy are:

- *“To provide advice for potential developers of transient workforce accommodation for the mining, construction and other industries.*
- *To ensure that operators and developers are aware of the requirements in providing, managing and removal of the camps.*
- *To establish guidelines to be used in considering any applications proposed for the development of these camps.*
- *Specify a time period for approval of transient workforce accommodation camps.”*

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Under the policy, the proposed camp would be classified as a 'Type B Camp', which generally operate independently of existing permanent urban areas and include exploration and fly camps, remote construction camps and remote operational villages. The proposed camp has been addressed by the Applicant against the Policy (pages 13, 14 and 15 of the Application) and is considered by Shire Administration to meet the objectives and the requirements of the Policy

Location

In support of the proposal, the Applicant provides the following comment with respect to 'location':

"The camp has been located so as to minimise ground disturbance and earthworks, avoid access off Onslow Road given its current classification in the road hierarchy, and ensure adequate separation from the Bindi Bindi community. The location of the 0.75ha camp site lies within an area that is relatively flat, compared to areas closer to Beadon Creek Road and Onslow Road, where there is currently a sharp level drop to the road.

The proposed location will ensure that minimal earthworks are required, thereby expediting the construction of the camp. The sharp level difference adjacent to Onslow Road has also mean that direct access off Onslow Road is unfeasible and has resulted in a separation distance of over 100m from Onslow Road.

The location of the site also ensures that the Bindi Bindi community will not be disturbed as the site is located approximately 200m from the entrance to Bindi Bindi."

Comment

It is agreed for the duration of the construction of LandCorp's Onslow townsite expansion, the camp is likely to have a minimal impact on the Bindi Bindi community or any other sensitive land use.

However the Shire Administration's concern relates to ensuring that the camp is only operating for townsite construction purposes and doesn't by default, become a long term quasi-multi user camp for those not directly associated with the construction works.

In this regard, it is considered appropriate that should Council seek to support the Application, a condition be included that places a two year time limit on the camp which should reasonably reflect the development of stages 1A and 1B of the townsite expansion and the infill lot development that LandCorp is committed.

Should LandCorp determine stage 1C of the townsite expansion be undertaken, Council can determine whether this camp facility should be given an extension of time or whether some other arrangement would be more appropriate. In any case, a time limit will ensure that Council can control the period the camp will stay. In addition, in order to ensure that the camp facility is for townsite expansion purposes, it is considered appropriate that LandCorp enter into an Agreement with the Shire confirming this purpose.

A matter that has arisen from the receipt of submissions is an objection lodged on behalf of the Buurabalayji Thalanyji Aboriginal Corporation. Whilst this is discussed in **ATTACHMENT 14.9B** to this Report, it is considered that to ensure that the camp does not encroach upon the any claim or any site of aboriginal heritage interest, it is appropriate that the camp be sited totally within the portion of land that is totally within the boundary of the WAPC approved subdivision (WAPC 146528). Accordingly, the Shire considers that a condition of any Planning Approval should state:

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“Where the land owner is required and fails to achieve a clearance under Section 18 of the Aboriginal Heritage Act 1972 to develop land outside of the boundary of WAPC subdivision approval 146528, the camp shall be sited totally within the portion of land subject of WAPC approved subdivision (WAPC 146528).”

Design of the Camp

The Applicant provides the following comment with respect to the design of the camp:

“The proposed camp is intended to comprise a maximum of 70 self-contained accommodation units, arranged in pods of 10 units. Each of the units will be connected by a 1.2m wide footpath and the camp will also include a site office and store room, as noted on the plans as ‘service area’. A total of 75 car bays are also proposed, representing a parking ratio of over 1 bay per person/accommodation unit, which is considered adequate to meet the needs of the camp.

The camp is intended to be a temporary facility that is vital in accommodating the contractors associated with developing the Stage 1 subdivision. Given that the proposed camp is only considered to be necessary for the construction of Stage 1, it is anticipated that the camp be removed upon clearance of Stage 1 and the issue of titles for the 220 lots across the stage subdivision area.”

Comment

The design of the camp facility is considered and Council can take some comfort in the temporary nature of the camp on the basis that mess facilities are not included onsite. With respect to parking, the Scheme requires as follows:

“Two per every three sleeping units, plus one oversized vehicle parking bay per every 10 sleeping units (minimum two bays), plus at Local Government’s discretion the provision of oversized vehicle bays.”

The provision of 70 bays is supported and whilst the plan doesn’t provide for oversized vehicle parking it is reasonable to assume that there is adequate scope within the land parcel for oversized parking arrangements if required.

Access

The Applicant provides the following comment with respect to access:

“Access has been located to ensure adequate separation distance from the intersection of Onslow Road and the Bindi Bindi community. Access to the site will be from the existing Eagle Nest Road with an access track following the alignment of future roads to the camp site.”

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Comment

Whilst access is from the existing Eagle Nest Road, it intersects with Onslow Road and it is necessary to ensure that adequate intersection works to Onslow Road are undertaken (by the developer) to the requirements of Main Roads WA and the satisfaction of the Shire.

Whilst it is preferable that the intersection works be undertaken before commencement of the camp, it is likely that this is not practical as the workers for such intersection construction will need accommodation. In this regard, the following conditions are considered appropriate:

“x Prior to the commencement of the temporary workers camp, the developer is to submit information in relation to the design and construction of the Onslow Road and Eagle Nest Road intersection and addressing the following:

- access from the facility and connection to Onslow Road;*
- road signage and markings on Onslow Road; and*
- scheduling of the necessary intersection works;*

all to the requirements of Main Roads WA and to satisfaction of the Shire of Ashburton.

xi Arrangements being made to the requirements of Main Roads WA and to satisfaction of the Shire of Ashburton for the upgrading and construction of the Onslow Road and Eagle Nest Road intersection at the cost of the developer and in accordance with the requirements acceptable to the Shire of Ashburton as addressed in Condition X.”

With respect to the sealing of Eagle Nest Road, it is not considered necessary to require this to be sealed as it will be undertaken as part of the overall subdivision and development.

Servicing

The Applicant provides the following comment with respect to servicing:

“The proposed camp is to be connected to power and water, given the site’s proximity to existing connections and the significant cost savings available to LandCorp in doing so. It is anticipated that waste water will be treated on site. As indicated on the plan, arrangements are to be made with the relevant service agencies for the provision of essential infrastructure to service the camp.”

Comment

Although the proposed camp is to be connected to reticulated power and water, the Department of Health has advised that the *“...location of the proposed wastewater treatment pond is not acceptable as there is insufficient buffer to the accommodation camp and to adjacent land uses. Until it can be demonstrated that wastewater treatment and disposal is achievable within the nominated lot boundary, the DOH is not prepared to support the development.*

In addition, the Shire’s Health Surveyor has also expressed concern with the proposal to include a ‘water treatment pond’ some 35-40m from the accommodation units and that the ponding will add to the waste water an additional water source for mosquitos.

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Whilst this is a significant matter, it is likely that an alternative to the siting as proposed in the Application can be determined within the bounds of the site and as a condition of any Planning Approval. It is noted that these camps are often totally self-contained in terms of water, sewer and power services and various innovations exist to optimise the operation of such facilities.

Conclusion

The Shire's assessment of the development pursuant to the Scheme and Local Planning Polices is that it is acceptable subject to conditions of planning Approval. 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 conditional Planning Approval be issued for a 70 bed temporary workers camp on part of UCL Lot 571, Beadon Creek Road Onslow.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager Strategic and Economic Development

The Application was advertised for 14 days in accordance with Clause 5.7 'Advertising of Applications' of the Scheme. Advertising comprised:

- Pilbara News (the first day of advertising).
- Notice in the Onslow Times
- Notification on the Shire's Website and Shire offices in Onslow and Tom Price
- Sign on the Beadon Creek Road frontage
- Notice to the Buurabalayji Thalanyji Aboriginal Corporation

The Shire notified the following State Agencies/Corporations:

- Water Corporation
- Horizon Power
- Department of Indigenous Affairs
- Department of Health
- Department of State Development
- Department of Planning
- Main Roads WA
- Department of Environment & Conservation

At the end of the advertising period, one submission of objection and four 'agency' submissions were received. These are addressed in the Schedule of Submissions.

ATTACHMENT 14.9B

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No 7

Financial Implications

There are no financial implications relevant to this matter.

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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

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. **Acknowledge the submissions received during the consultation process as provided in ATTACHMENT 14.9B to this Report.**
2. **Approve Planning Application for 70 bed temporary workers camp on part of UCL Lot 571, Beadon Creek Road Onslow generally in accordance with the plans included with the Shire Report (ATTACHMENT 14.9A) and subject to the following conditions:**
 1. **The use shall not commence until the landowner has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the development upon the advice of the Water Corporation and to the satisfaction of the responsible authority.**
 2. **The temporary workers camp is to be generally carried out in accordance with the submitted plans and modified to the requirements of the responsible authority as follows:**
 - i. **Deletion of waste-water system as shown on the submitted plan and replaced with a system that can be approved by the Department of Health WA; and**
 - ii. **The camp be sited totally within the portion of land that is totally within the boundary of the WAPC approved subdivision (WAPC 146528).**
3. **Prior to the commencement of the temporary workers camp, the developer is to enter into an agreement with the Shire of Ashburton (with the developer responsible for all associated costs) as follows:**
 - i. **The camp shall only be occupied by persons directly involved with LandCorp's infill lot development and townsite expansion as provided for under WAPC subdivision Approvals 146528 and 146533; and**
 - ii. **The camp will be a temporary facility and will be removed from the site on or before 17 September 2015 or other period of time as agreed to by the Council of the Shire of Ashburton.**

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4. Prior to the commencement of the temporary workers camp, the developer is to submit information in relation to the design and construction of the Onslow Road and Eagle Nest Road intersection and addressing the following.
 - i. Access from the facility and connection to Onslow Road;
 - ii. Road signage and markings on Onslow Road; and
 - iii. Scheduling of the necessary intersection works;all to the requirements of Main Roads WA and to satisfaction of the Shire of Ashburton.
5. Prior to the commencement of the temporary workers camp, 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. 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.
6. Prior to occupation of the temporary workers camp 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 of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
 - ii. An emergency response plan/s (i.e. fire escape route maps, evacuation contingency associated with cyclone threat etc).
 - iii. The development shall be provided with a water supply and sewerage system to the requirements of Water Corporation and the Department of Health.
7. Arrangements being made to the requirements of Main Roads WA and to satisfaction of the Shire of Ashburton for the upgrading and construction of the Onslow Road and Eagle Nest Road intersection at the cost of the developer and in accordance with the requirements acceptable to the Shire of Ashburton as addressed in Condition 4.
8. The transient workforce accommodation facility shall be designed and

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constructed to allow easy access for people with disabilities to the satisfaction of the responsible authority.

9. The installation of an approved effluent disposal system to the satisfaction of the responsible authority and/or the Health Department of WA prior to occupation of the development. Such a system is to be designed and submitted by a plumbing consultant or other suitably qualified person and based on a geotechnical report on the absorptive capacity of the soil and the anticipated water usage.
10. The uses when established shall at all times comply with the definition of "Transient Workforce Accommodation" as contained within the Scheme as follows:
"dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas."

Advice Notes

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

- ii. The Department of Health advise as follows:

"1. Sewerage Disposal

The location of the proposed wastewater treatment pond is not acceptable as there is insufficient buffer to the accommodation camp and to adjacent land uses. Until it can be demonstrated that wastewater treatment and disposal is achievable within the nominated lot boundary, the DOH is not prepared to support the development.

2. Public Health Issues

Enclosed is a scoping tool that should be considered in relation to this type of development. The scoping tool is available for download at:

<http://www.public.health.wa.gov.au/cproot13937/2/Mine%20sites%20and%20exploration%20camps%20JUNE%202011.pdf>

You should also consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles in your decision making process. For your information and guidance, you may access the relevant information at the following sites:

HIA - <http://www.public.health.wa.gov.au/2/1400/2/healthriskassessment.pm>

PHA - <http://www.public.health.wa.gov.au/2/1399/2/publichealthassessment.pm>

- iii. The Department of Environment and Conservation advise as follows:

Nature conservation:

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DEC notes that native vegetation is present on the site. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

Emissions and discharges:

DEC understands that wastewater from the temporary accommodation village may be treated onsite. Sewage facilities that treat more than 20m³ per day of wastewater are regulated under the Environmental Protection Act 1986 (the Act). Landcorp will need to contact DEC Industry Regulation Pilbara to obtain advice regarding what approvals may be required under the Act for the proposed onsite wastewater treatment.”

iv. Water Corporation advise as follows:

“Further to the Water Corporation letter of 10 June 2013 regarding the above Development Application the following clarification of potential water supply arrangements is provided.

As previously advised the Corporation cannot commit to a standard water supply connection to what remains a speculative and temporary proposal. However, subject to the proponent accepting certain terms and conditions a non-standard and limited level of water supply remains a possibility:

The proponent would be responsible for the provision and management of on-site water storage capable of sustaining the demands and managing the peak draws on the site. The Corporation could provide a small water service with a limited flow rate capacity on the understanding that should the scheme capacity be required for permanent development elsewhere in town that the carting of water by the proponent might be required.

The proponent has undertaken to provide the Corporation with further information on timeframes, anticipated water demands and their profile over the next month. Once this information has been provided the Corporation will be better placed to determine the viability of a limited water supply to the site.”

v. 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>.

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

vii. This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of

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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>.

CARRIED EN BLOC 9/0

15. OPERATIONS REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item Cr Fernandez declared an interest in Agenda Item 15.1 in accordance with Section 5.60A of the Local Government Act. The interest being that she submitted a tender for a vehicle.

Cr Fernandez left the room at 2.19 pm.

15.1 TENDER EVALUATION OF RFT 07/13 - DISPOSAL OF LIGHT VEHICLE AND PLANT BY TENDER

MINUTE: 11588

FILE REFERENCE: AS.TE.07.13

AUTHOR'S NAME AND POSITION: Michelle Tovey
Project, Administration and Technical Support

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 June 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

As per the Local Government Act 1995, a local government can only dispose of property through public auction, by tender, or by private treaty in a prescribed form.

Request For Tender RFT 07/13 "Disposal of Light Vehicle and Plant" was called to dispose of fifteen items of plant and equipment that were due for renewal, in accordance with the Shire's plant renewal program. The tender closed on Thursday 13th June 2013.

The tendered offers were evaluated on price, with the highest price being preferred. Vehicles that received tendered offers greater than 80% of the estimated auction price have been recommended for disposal by RFT 07/13. It is recommended that all tenders for vehicles that did not receive offers greater than 80% of the estimated auction price are declined.

Six of the fifteen vehicles received tendered offers greater than the evaluated acceptable price. Seven vehicles did not receive tendered offers greater than the evaluated acceptable price and two vehicles did not receive any offers.

Therefore, following evaluation it is recommended that six of the vehicles be disposed of through RFT 07/13 and the remaining nine vehicles be disposed of through other means.

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Background

The following table shows the evaluation of RFT 07/13. It is recommended that the preferred offers for vehicles 1, 2, 10, 12, 14 and 15 be accepted. This is based on the preferred offer exceeding the evaluated acceptable price of 80% of the estimated auction price.

It is recommended that the tendered offers for vehicles 3, 4, 5, 6, 7, 8, 9, 11 and 13 are declined as none of the tendered offers exceeded the evaluated acceptable price.

The summary of the recommendations can be found below. A more detailed table outlining all tendered offers for all vehicles can be found in the Attachments.

RFT 07/13 Disposal of Light Vehicle and Plant by Tender - Evaluation

Proposed Accepted Tenders for RFT 07/13						
	Vehicle # 1	Vehicle # 2	Vehicle # 10	Vehicle # 12	Vehicle # 14	Vehicle # 15
Estimated Auction Price	\$41,000	\$35,000	\$7,000	\$2,000	\$3,000	\$2,000
Evaluated Acceptable Price	\$32,800	\$28,000	\$5,600	\$1,600	\$2,400	\$1,600
Highest Tendered Price (inc GST)	\$37,521	\$36,410	\$7,590	\$1,650	\$5,016.28	\$2,420
Recommendation	Accept Highest Offer	Accept Highest Offer	Accept Highest Offer	Accept Highest Offer	Accept Highest Offer	Accept Highest Offer

Proposed Rejected Tenders for RFT 07/13									
	Vehicle # 3	Vehicle # 4	Vehicle # 5	Vehicle # 6	Vehicle # 7	Vehicle # 8	Vehicle # 9	Vehicle # 11	Vehicle # 13
Estimated Auction Price	\$15,000	\$15,000	\$17,000	\$17,000	\$10,000	\$10,000	\$17,000	\$25,000	\$20,000
Evaluated Acceptable Price	\$12,000	\$12,000	\$13,600	\$13,600	\$8,000	\$8,000	\$13,600	\$20,000	\$16,000
Highest Tendered Price (inc GST)	\$8,800	\$7,150	\$12,222.10	\$12,650	No Bid	No Bid	\$11,000	\$19,250	\$9,047.56

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Recommendation	Decline Offers	Decline Offers	Decline Offers	Decline Offers	Decline	Decline	Decline Offers	Decline Offers	Decline Offers
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ATTACHMENT 15.1

Comment

The practice of recommending acceptance of tenders that are 80% of the estimated auction price was adopted due to the additional costs associated with disposing vehicles through public auction. These primarily include staff labour, transport and auction commission fees.

Consultation

A/Chief Executive Officer
Executive Manager – Operations
A/Executive Manager – Corporate Services
A/Executive Manager – Technical Services
Fleet Manager

Statutory Environment

Local Government Act 1995 - S 3.58 Disposing of Property

Financial Implications

It is questionable whether this exercise is acceptable financially.

When comparing estimate auction price and highest tender, the vehicles recommended for sale breakeven. The cost of transport to auction compared to the administration costs for the tender also breakeven. So for those vehicles public tender may be the best outcome.

However when you compare the unsuccessful tenders only achieving 55% of the estimated auction price in may not be so. Additionally we now need to transport the vehicles to auction. So with the administration of tenders and the transport costs, for these vehicles, it was a costly exercise.

The other advantage of trade-in or auction compared to sale by tender is the cashflow aspect. A tender process takes almost a 2 month period. Whereas a trade-in or auction results in a faster inflow of funds.

Overall staff believe that a public tender process for the sale of vehicles is not the best outcome for the Shire and sale by trade-in or auction is more efficient and yield better results financially.

It is important we test the tender market periodically, which we have now done, but with this result staff do not intend to pursue this route into the future.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Exemplary Team and Work Environment

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Policy Implications

This is in accordance with the FIN12 Purchasing and Tender Policy

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Shields

SECONDED: Cr I Dias

That Council:

1. Dispose of vehicles 1, 2, 10, 12, 14 and 15 through RFT 07/13 Disposal Of Light Vehicle and Plant by Tender to the following tenderers outlined below;

Vehicle Number and Description	Preferred Tenderer	Price (including GST)
Vehicle 1 2009 Toyota Prado GXL T/T AT + Accessories	Ryan Kelliher	\$37,521.00
Vehicle 2 2011 Toyota Prado GXL T/D AT + Accessories	Mike Hawes	\$36,410.00
Vehicle 10 2004 Toyota Hilux 4x4 D/C V6 5 speed manual	Tom McKee	\$7,590.00
Vehicle 12 2002 Ford Econvan	Rhys Devenyns	\$1,650.00
Vehicle 14 1997 Landini 7880 Tractor with fork attachment	John Gerovich	\$5,016.28
Vehicle 15 2002 Toyota Hilux 4x4 T/D D/C (damaged)	Steve O'Neill	\$2,420.00

2. Decline all tenders for vehicles 3, 4, 5, 6, 7, 8, 9, 11 and 13.

CARRIED 8/0

Cr Fernandez entered the room at 2.21 pm.

16. COUNCILLOR AGENDA ITEMS

There are no Councillor Agenda Items for this agenda.

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

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

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

- 17.1 RETROSPECTIVE PLANNING APPLICATION – TEMPORARY SHOP USE WITHIN THE ONSLOW MULTI-PURPOSE COMPLEX (RESERVE 45561), LOT 500 HOOLEY AVENUE ONSLOW WITH ACCESS FROM LOT 501 MCGRATH AVENUE ONSLOW**
- 17.2 ENDORSEMENT OF THE EMERGENCY AGREEMENT FOR THE PROVISION OF SUPERMARKET SERVICES, ONSLOW**
- 17.3 LETTER OF SUPPORT TO LANDCORP FOR A DEWATERING LICENCE ON RESERVE R42091 ONSLOW IN ASSOCIATION WITH THE BINDI BINDI SEWER EXTENSION PROJECT**
- 18.1 CONFIDENTIAL – APPOINTMENT OF A CHIEF EXECUTIVE OFFICER**

CARRIED 9/0

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17.1 RETROSPECTIVE PLANNING APPLICATION TEMPORARY SHOP USE WITHIN THE ONSLOW MULTI-PURPOSE COMPLEX (RESERVE 45561), LOT 500 HOOLEY AVENUE ONSLOW WITH ACCESS FROM LOT 501 MCGRATH AVENUE ONSLOW

MINUTE: 11587

FILE REFERENCE: ON.MG.500.00
ON.MG.501.00
Application No. 20130228

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

NAME OF APPLICANT/RESPONDENT: Applicant: Onslow General Pty Ltd
Owner: Shire of Ashburton (Reserve 45561)
Department of Fire and Emergency Services (Lot 501)

DATE REPORT WRITTEN: 14 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

On 1 July 2013, the Onslow Supermarket in Second Avenue, Onslow was damaged by fire. The store is the only premises in Onslow where the community can purchase groceries and the like.

Due to the emergency need for a venue for a 'grocery shop' in Onslow, the Shire has allowed temporary use of the Onslow Multi-Purpose Centre (MPC) for such purposes. The Shire has established an agreement to support Onslow Supermarket to operate in an emergency capacity from the MPC for a limited period. This period can be extended based on the timing of the redevelopment of the Onslow Supermarket in Second Avenue.

Subject to conditions, it is recommend that Retrospective Planning Approval issue.

Background

The Onslow Multi-Purpose Complex (MPC) is located on Reserve 45561), Lot 500 Hooley Avenue Onslow and comprises a 1500m² (approximately) building that provides four (4) main purposes:

- Emergency Evacuation
- Indoor Sport and Recreation (seating for up to 138 persons)
- Function Hire
- Child Care

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The MPC provides an alternative to outdoor sport and recreation activity for all community members and is used for productions, bands and other performances. It also provides a hire out venue for functions such as dances, weddings, conferences and so on.

The MPC (along with the adjoining FESA building on Lot 501) is reserved under the Shire of Ashburton Local Planning Scheme ('Scheme') as "*Public Purposes - Education*". However, the Reserve under the Land Administration Act is vested with the Shire for '*Civic Purposes-Recreation*'.

On 1 July 2013, the Onslow Supermarket in Second Avenue, Onslow was damaged by fire. The store is the only premises in Onslow where the community can purchase groceries and the like. Due to the emergency need for a venue for a 'grocery shop' in Onslow, the Shire has allowed temporary use of the Onslow MPC for such purposes.

ATTACHMENT 17.1A
ATTACHMENT 17.1B

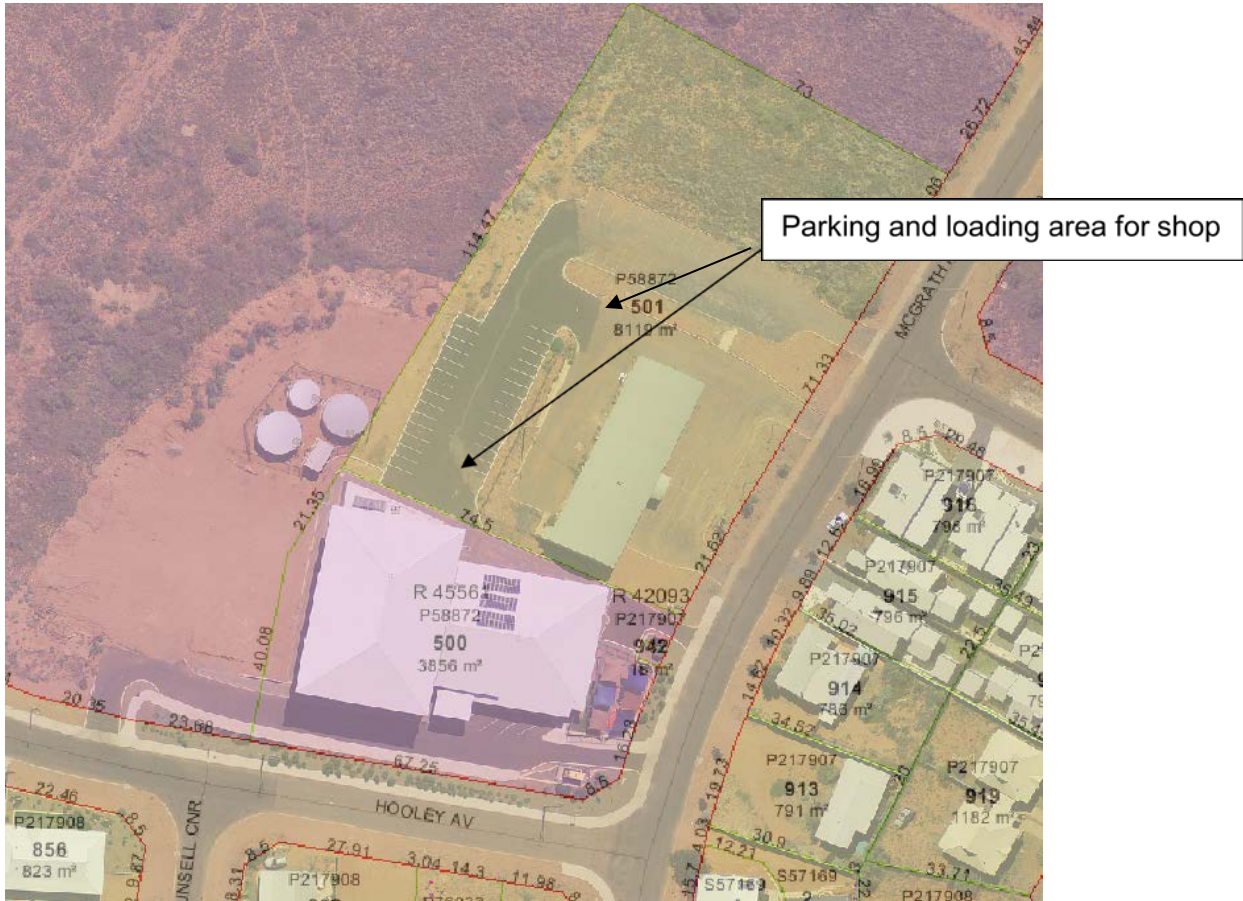
The Shire has established an agreement to support Onslow Supermarket to operate in an emergency capacity from the MPC for a limited period. This period can be extended based on the timing of the redevelopment of the Onslow Supermarket in Second Avenue.

Proposal

The Retrospective Planning Application has been by lodged by the owners of the Onslow Supermarket in Second Avenue. The need for planning approval is due to a shop not being a use that has been approved under the Reserve.

Vehicular access to the 'shop' is through the FESA car park. FESA has advised that such access for a temporary period is acceptable.

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Comment

Shire of Ashburton Local Planning Scheme No. 7

Under the Scheme a shop use requires parking at a ratio of one space per 30m², however Clause 6.17.5 of the Scheme provides as follows:

"Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1"

Conclusion

The Council will need to weigh the community need associated with providing a commercial outlet for the Onslow Supermarket for Onslow (while the premises in Second Avenue rebuilds) and the possible inconvenience to operations of the MPC and parking overflow.

The shop outlet has been operating for nearly two weeks and whilst sporting activities at the MPC have been curtailed, there have been no negative comments from the community on the use, probably as it is seen to be for a limited period of time.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Executive Manager Strategic and Economic Development

Community consultation was not undertaken as the proposal is for an 'emergency' purpose and for temporary period of time.

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Statutory Environment

Planning and Development Act 2005
Shire of Ashburton Local Planning Scheme No 7

Financial Implications

The Shire is able to donate planning fee associated with this Application (\$295) as it is for an 'emergency' community need.

Strategic Implications

Under the Shire of Ashburton '10 Year Community Plan 2012-2022' the following goal and objectives apply:

Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Policy Implications

There are no financial implications relevant to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Shields

That Council:

1. **RESOLVE** that advertising of Retrospective Planning Application for:
 - a 'shop' within the Multi Purpose Centre (MPC) on Reserve 45561, Lot 500 Hooley Avenue Onslow; and
 - parking and access from Lot 501 McGrath Avenue Onslow;is not required due:
 - The use being for an 'emergency' purpose; and
 - The use being for a temporary period.
2. **DONATE** the Planning Application fee of \$295 due to the Application being for an emergency' community need and advertising is not required.
3. **RESOLVE** that with respect to Retrospective Planning Application for:
 - a 'shop' within the MPC on Reserve 45561, Lot 500 Hooley Avenue Onslow; and
 - parking and access from Lot 501 McGrath Avenue Onslow;

Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1 of the Shire of Ashburton Local Planning Scheme No. 7.

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4. APPROVE Retrospective Planning Application for:

- a 'shop' within the MPC on Reserve 45561, Lot 500 Hooley Avenue Onslow; and
- parking and access from Lot 501 McGrath Avenue Onslow;

and subject to the following condition:

1. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the satisfaction of the Chief Executive Officer.
2. The land use and development shall cease by 17 September 2013 or other period as agreed by the Chief Executive Officer.

Advice Notes

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

CARRIED 9/0

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17.2 ENDORSEMENT OF THE EMERGENCY AGREEMENT FOR THE PROVISION OF SUPERMARKET SERVICES, ONSLOW

MINUTE: 11589

FILE REFERENCE: RE.SE.R.39509

AUTHOR'S NAME AND POSITION: Emma Heys
A/Economic & Land Development Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 15 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Onslow Supermarket sustained damage as a result of a fire during the early hours of Monday 1 July 2013.

A temporary hire agreement was offered to, and currently exists between, the Onslow Supermarket and the Shire of Ashburton for the use of the Multi-Purpose Centre Hall in Onslow. The Shire President used her emergency powers under the Local Government Act to make this agreement.

In order for the Onslow Supermarket to continue to operate and provide essential services to the community of Onslow, approval for the emergency agreement to extend for a further twelve (12) weeks is now being sought.

Background

The Onslow Supermarket sustained damage as a result of a fire during the early hours of Monday 1 July 2013.

A temporary hire agreement was offered to, and currently exists between, the Onslow Supermarket and the Shire of Ashburton for the use of the Multi-Purpose Centre Hall in Onslow.

The agreement was developed under section 6.8.1(c) of the Local Government Act in conjunction with the Shire President and A/CEO. This agreement is to support the Onslow Supermarket operating from the Onslow Multi-Purpose Centre Hall at Lot 500 McGrath Avenue for a period of three (3) weeks, in an emergency capacity only.

ATTACHMENT 17.2A

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In order for the Onslow Supermarket to continue to operate and provide essential services to the community of Onslow, approval for the emergency agreement to extend for a further twelve (12) weeks is now being sought.

Comment

Approval for the Emergency Agreement to extend for a further twelve (12) weeks is being support for Onslow Supermarket to operate out of the Onslow Multi-Purpose Centre Hall. Twelve (12) weeks will see the agreement commence on 22 July 2013 and end on the 20 October 2013. This allows reasonable time for repairs and the reinstatement of the supermarket to occur.

Alternate sites were explored locally with business's and land owners. Unfortunately reasons such as existing commercial agreements, health requirements and space limited the options.

Key facets of the agreement are –

- Payment of Rent
- Payment of Power charges
- Protection of floor
- Payment Cleaning and repairs
- Cancellation of the agreement and take back full control of the Hall in the event of any other emergency or serious conflict with Shire usage.

The Onslow supermarket management has requested the use of the Multi-Purpose Centre Hall kitchen. Extensive consultation has occurred in this regard and it is not recommended to include the kitchen in the emergency arrangement. . The kitchen has considerable community usage and needs to remain available to the community during the terms of the agreement.

ATTACHMENT 17.2B

Consultation

Shire President

A/Chief Executive Officer

Manager Advice and Support – Dept of Local Government and Communities

Executive Manager – Strategic & Economic Development

Executive Manager – Community Development

Strategic, Revitalisation and Relationship Manager

Statutory Environment

Local Government Act 1995 s6.8(1)(c)

Local Government (Functions and General) Regulations 1996 s30(2)(e)

Financial Implications

The total value of the Lease is likely to net Council \$35,280 over the twelve (12) week period, other costs incurred like electricity etc will be billed on user pays system.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

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Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That Council:

- 1. Endorse the Shire Presidents decision to enter into an emergency site usage agreement with Onslow General PTY LTD for three (3) weeks as per ATTACHMENT 17.2A and made under section 6.81 of the Local Government Act 1995.**
- 2. Extend the emergency agreement with Onslow General PTY LTD for the Hall Portion of the Multi-Purpose Centre, Onslow for the purposes of operating the Onslow Supermarket for the nominated period of twelve (12) weeks as per ATTACHMENT 17.2B.**
- 3. Authorise the Shire President and the A/Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to the emergency agreement.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Cr Eyre congratulated staff on the wonderful effort to assist the Onslow Supermarket to reopen so quickly.

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17.3 LETTER OF SUPPORT TO LANDCORP FOR A DEWATERING LICENCE ON RESERVE R42091 ONSLOW IN ASSOCIATION WITH THE BINDI BINDI SEWER EXTENSION PROJECT

MINUTE: 11590

FILE REFERENCE: RE.MG.R.42091

AUTHOR'S NAME AND POSITION: Emma Heys
A/Economic and Land Development Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 15 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

LandCorp are undertaking an extension of the sewer infrastructure for the Bindi Bindi Community in Onslow. In order to progress these works, LandCorp have applied to the Department of Water for a dewatering licence.

The Bindi Bindi Sewer Extension Project includes works undertaken on Reserve 42091 Onslow, a Reserve currently vested in the Shire of Ashburton for the purposes of Drainage.

Connection to the main wastewater treatment plant then provides a regularised Waste Water Treatment Plant (WWTP) for the Bindi Bindi community and frees up constrained land for future development.

LandCorp are seeking a letter of support from the Shire in relation to the dewatering licence application.

Background

The Bindi Bindi Sewer Extension project is being undertaken by LandCorp, Chevron and the Department of Housing and is being led by the Department of State Development. The purpose of the project is to connect the current Bindi Bindi community to the town's main wastewater treatment facility. Currently the community is connected to their own facility.

Connection to the main wastewater treatment plant then provides a regularised Waste Water Treatment Plant (WWTP) for the Bindi Bindi community and frees up constrained land for future development.

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LandCorp's role in the project is designing and constructing a gravity sewer between McGrath Avenue pump station and the Bindi Bindi community. The Department of Housing is responsible for the decommissioning and remediation of the Bindi Bindi WWTP and the existing infrastructure within the Bindi Bindi community and the associated sewer evaporation ponds.

A request was made by LandCorp on 25 June 2013 to the Shire for a Letter of Support for a dewatering licence with the Department of Water. The application for a dewatering license is for the works to be undertaken on Reserve 42091 Onslow in association with the Bindi Bindi Sewer Extension Project.

Reserve 42091 Onslow is currently vested in the Shire of Ashburton for the purposes of Drainage.

Comment

The Administration support the provision of a letter of support to LandCorp as the project will provide regularised Waste Water Treatment Plant (WWTP) for the Bindi Bindi community and frees up constrained land for future development.

Consultation

A/Chief Executive Officer
Executive Manager – Strategic & Economic Development
Principal Town Planner
Department of Local Government

Statutory Environment

There are no statutory requirements.

Financial Implications

There are no financial implications.

Strategic Implications

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. Provide a letter of support to LandCorp for a dewatering licence with the Department of Water for works to be undertaken on Reserve 42091 Onslow in association with the Bindi Bindi Sewer Extension Project.**

CARRIED 9/0

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council adjourn the meeting for a break at 2.24 pm.

CARRIED 9/0

Cr's White, Rumble, Shields, Foster, Fernandez, Eyre, Dias, Wright and Thomas left the room at 2.24 pm.

Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Troy Davis, Lisa Hannagan, Keith Pearson, Rob Paull, Janyce Smith, Kelly Domingo and members of the public gallery left the room at 2.24 pm.

Cr's White, Rumble, Shields, Foster, Fernandez, Eyre, Dias, Wright and Thomas entered the room at 2.48 pm.

Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Troy Davis, Lisa Hannagan, Keith Pearson, Rob Paull, Janyce Smith, Kelly Domingo and members of the public gallery entered the room at 2.48 pm.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr I Dias

That Council reconvene the meeting from the break at 2.50 pm.

CARRIED 9/0

18. CONFIDENTIAL REPORTS

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

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

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

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

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

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council close the meeting to the public at 3.22pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

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Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Troy Davis, Lisa Hannagan, Keith Pearson, Rob Paull, Janyce Smith, Kelly Domingo and members of the public gallery left the meeting at 3.22 pm.

10.3 ACTING CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENT

MINUTE: 11592

FILE REFERENCE: PE.EM.000.00

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

NAME OF APPLICANT/RESPONDENT: Frank Ludovico
A/Chief Executive Officer

DATE REPORT WRITTEN: 5 July 2013

DISCLOSURE OF FINANCIAL INTEREST: The author is the person referred to within the report and therefore declares a financial interest.

PREVIOUS MEETING REFERENCE: Not Applicable

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr P Foster **SECONDED:** Cr C Fernandez

That Council:

1. Note and endorse the Acting Chief Executive Officer's Leave arrangements from Monday 26 August 2013 to Friday 30 August 2013 (inclusive).
2. Delegate to the Acting Chief Executive Officer, subject to the Shire President's approval, authority to appoint an Acting Chief Executive Officer and delegate all powers of the CEO to that person for the period from Monday 26 August 2013 to Friday 30 August 2013 (inclusive).

CARRIED 8/1

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

Cr Shields voted against the motion

Change of Recommendation:

Cr White tabled an alternative to point 2 of the recommendation believing an experienced CEO was required to perform the role.

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

That Council re-open the meeting to the public at 3.15 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Troy Davis, Lisa Hannagan, Keith Pearson, Rob Paull, Janyce Smith, Kelly Domingo and members of the public gallery re-entered the meeting at 3.15 pm.

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 21 August 2013, at the Onslow Sports Club, Lot 535 Third Avenue, Onslow commencing at 1.00 pm.

20. CLOSURE OF MEETING

The Shire President closed the meeting at 3.22 pm.