

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**AGENDA
(Public Document)**

Barry Lang Centre, Pannawonica

18 September 2013

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 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 18 September 2013 at Barry Lang Centre, Pannawonica commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Frank Ludovico
A/CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

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 D Wilkes	Executive Manager, Community Development
Mr T Davies	Executive Manager, Technical Services
Mrs L Hannagan	A/Executive Manager, Corporate Services
Ms A Serer	A/Executive Manager, Strategic & Economic Development
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Officer CEO
Mrs C Newby	CEO & Councillor Support Officer

Mentors

Ms J Law	Manager, Advice and Support, Department of Local Government
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3.2 APOLOGIES

Ms A O'Halloran	Executive Manager, Strategic & Economic Development
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Mentors

Cr K Chappel	Shire President of Morawa Shire Council
Mr D Burnett	Chief Executive Officer, City of Kalgoorlie-Boulder

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 21 August 2013, there were no Public Questions taken on notice.

5. APPLICATIONS FOR LEAVE OF ABSENCE

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6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 21 AUGUST 2013

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 21 August 2013, as previously circulated on 28 August 2013, be confirmed as a true and accurate record, subject to the following amendment:

A. Change to Recommendation for Agenda Item 17.1 Proposed Differential Rates 2013/14 Point 4 Location of Ashburton Hall, Ashburton Avenue, Paraburdoo should be Paraburdoo Library, Ashburton Avenue, Paraburdoo.

B. The resolution for Agenda Item 10.3 Reimbursement of Alteration Costs for Shed Approval at Lot 461, HN 1 Hope Court, Onslow did show the complete resolution it should be:

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council not reimburse Ms Tina Smith approximately \$1800.00 for the alteration costs to achieve compliance and approval of the unauthorised external shed at Lot 461, HN 1 Hope Court, Onslow.

LOST 3/6

Crs Shields, Dias and Eyre voted for the motion.

Crs White, Rumble, Foster, Fernandez, Wright and Thomas voted against the motion.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council without prejudice reimburse Ms Tina Smith approximately \$1800.00 for the alteration costs to achieve compliance and approval of the unauthorised external shed at Lot 461, HN 1 Hope Court, Onslow.

LOST 3/6

Crs Foster, Fernandez, and White voted for the motion.

Crs Dias, Rumble, Eyre, Wright, Shields and Thomas voted against the motion.

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8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. DECLARATION BY MEMBERS

That Councillors have given due consideration to all matters contained in the Agenda presently before the meeting.

9.1 DECLARATION OF INTEREST

Councillors to Note

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

(a) In a written notice given to the Chief Executive Officer before the Meeting
or;

(b) At the Meeting, immediately before the matter is discussed.

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

(c) Preside at the part of the Meeting, relating to the matter or;

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it

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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'

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.”*

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10. CHIEF EXECUTIVE OFFICER REPORTS

10.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

FILE REFERENCE:	OR.MT.1
AUTHOR'S NAME AND POSITION:	Casey Newby CEO & Councillor Support Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 1.1 (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 of the processes for implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner.

Comment

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

The Information Bulletin is 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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Consultation

A/Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

Strategic Implications

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Casey Newby	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

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

FILE REFERENCE:	OR.DA.00.00
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO Susan Babao Administration Assistant, Planning & Health Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this 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 August 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).

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 August 2013 are set out below.

Planning Delegations

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

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

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Approval to Purchase Goods and Services by the Chief Executive Officer

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

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

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

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

Comment

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

This report is prepared for each Council meeting.

The Use of the Common Seal

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

- Seal 523 Funding Agreement – Community Events & Festivals Partnership
- Seal 524 Financial Assistance Agreement – Onslow Aerodrome – Cane River Pipeline Diversion Works between SoA & Chevron Australia
- Seal 525 Lease – SoA & Mr Richard Crooks
- Seal 526 RFT 04/13 – Contract Agreement – SoA & Boral Asphalt (WA)

Planning Delegations

Planning Delegations undertaken for the month of August 2013.

A	Advertising and Determining Applications for Planning Approval				
Adv or Det. App.	Date	Applicant	Description	Development location	
Delegated Approval 20130121	27/05/2013	Jakamo Remote Services	TWA (mobile camp for 30 persons)	Within Exploration Lease E47/1299 Dindo Mill Road, Mt Stuart	
Delegated Approval 20130184	12/08/2013	John Devereux	Residential House	Lot 103 House 32 Hooley Avenue, Onslow	
Delegated Approval 20130268	19/08/2013	Holcim (Australia) Pty Ltd	Office, Batch, Storage, Ablutions	Lot 19 (Plan 241873) Mine Road TOM PRICE WA 6751	
Advertised 20130270	28/08/2013	Chevron	Change of Use from Chevron TWA to Wheatstone TWA	Lot 500 Onslow Road (ANSIA/Macedon Access Road), Ashburton North SIA	
Advertised 20130264	28/08/2013	JAG Marine Holdings	Laydown & Utility Yard to Support Marine Service Operations at Beadon Creek	Lot 8 DOR Harbour Reserve, Onslow	
Delegated Approval 20130254	29/08/2013	Deighton Pty Ltd	Proposed Mobile Telephone Base Station	Lot 84 Great Northern Highway, Munjina	
Delegated Approval 20101070	29/08/2013	BHP Billiton	Macedon Construction Camp - Intended Short Term Accommodation Use by Chevron	Macedon Construction Camp Lot 500 Onslow Road, Ashburton North	
B	Advertising draft Development Plans				
	- none				

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C	Advertising Extension for Town Planning Scheme Amendments and Development Plans - none			
D	Subdivision and Development Design - none			
E	Consideration of WAPC Referrals of Applications for Subdivision Approval - 13/8/13 WAPC 148196 - Lot 906 McGrath Ave, Onslow - No objection - 13/8/13 WAPC 667-13 - Lot 267 Third Ave, Onslow - No objection			
F	Clearance of Local Government Conditions associated with Subdivision Approval - none			
G	Issue of Certificates (Strata Titles) - none			
H	Directions regarding unauthorised development - none			
I	Responsible Authority Reports to the Development Assessment Panel			
	Date	Applicant	Description	Development Location
	20/08/2013	Megara Development	Mixed Use Development - Residential and Commercial	Lot 351 Second Ave, 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 August 2013.

Approval Date	File Ref	Title	Decision
	PE.EM.000.00	Acting CEO – Leave Arrangements	The appointment of Mr Don Burnett as A/CEO for the period 26 – 30 August 2013.

Consultation

The Use of the Common Seal

Acting Chief Executive Officer

Planning Delegations Issued

Acting Chief Executive Officer

Principal Town Planner

Approval to Purchase Goods and Services by the Chief Executive Officer

Nil

Statutory Environment

The Use of the Common Seal

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

Planning Delegations Issued

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Planning Delegations Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

There are no financial implications related to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Planning Delegations Issued

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Recommendation

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

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

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10.3 PILBARA REGIONAL COUNCIL AUGUST 2013 MINUTES

FILE REFERENCE:	OR.IG.03.08
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Assistant CEO
NAME OF APPLICANT/RESPONDENT:	Pilbara Regional Council
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton is a member of the Pilbara Regional Council with Councillors Kerry White and Lorraine Thomas as delegates.

The Regional Council meets on a bi-monthly basis to discuss issues of regional importance to the four Pilbara local governments.

Attached are the minutes of the most recent Regional Council meeting for Council's review.

Background

The Shire of Ashburton is a member of the Pilbara Regional Council with Councillors Kerry White and Lorraine Thomas as delegates.

The Regional Council meets on a bi-monthly basis to discuss issues of regional importance to the four Pilbara local governments.

Attached are the minutes of the most recent Regional Council meeting for Council's review.

ATTACHMENT 10.3

Comment

Nil

Consultation

A/Chief Executive Officer

Statutory Environment

There is no Statutory Environment applicable to this matter.

Financial Implications

There are no Financial Implications applicable to this matter.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective03 – Council Leadership

Policy Implications

There are no policy implications applicable to this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council receive the Minutes of the Pilbara Regional Council Meeting from 26 August 2013.

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

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10.4 PROPOSED CHANGE OF DATE OCTOBER 2013 COUNCIL MEETING

FILE REFERENCE:	OR.MT.1
AUTHOR'S NAME AND POSITION:	Frank Ludovico Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The October 2013 Council Meeting is scheduled to occur 3 days prior to the October 2013 biennial election of Councillors.

This agenda item suggests that the October 2013 Meeting is deferred until after the Council elections so a separate meeting is not held so there is no delay in swearing in Councillors, the election of Shire President, Deputy President and the appointment of committee members.

Background

The 2013 Council elections are scheduled for Saturday, 19 October 2013. Council's Ordinary Council Meeting is scheduled for 16 October 2013 in Tom Price.

The first activity after Council elections is to swear in new Councillors, elect Shire President and Deputy President and to make appointments to Council committees. In 2011 the Council election occurred the Saturday before the Ordinary Council Meeting and these processes were undertaken at that meeting.

Council has a number of options, these are:

- Conduct a Special Meeting after the elections in order to swearing in Councillors and elect Shire President, Deputy President and committees members.
- Defer the October 2013 Ordinary Meeting to the week following the election.
- Conduct Ordinary Meeting of Council on 16 October 2013 and perform the swearing in of Councillors and election of Shire President, Deputy President and committee members at the November 2013 Ordinary Meeting of Council.
- Conduct a Special Meeting of Council via instantaneous communication (teleconference).

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Comment

The four options have different merits.

Conducting a Special Meeting of Council via instantaneous communication (teleconference) is not appropriate as the swearing in of Councillors in different locations could be logistically challenging and ballots need to be performed in person.

Delaying the swearing in of Councillors and the election of the Shire President, Deputy President and committee members until November 2013 is not a viable option. With the activities in the Shire it is necessary these positions are determined as soon as possible after the election.

Organising a Special Meeting has proved difficult in the past, and the amount of travelling involved for what could be a very short meeting may not be justifiable.

Delaying the October 2013 until the next week (ie 23 October 2013) will avoid the additional cost of a Special Meeting and allows the swearing in of Councillors and the election of positions to be conducted soon after the election.

One disadvantage is that there will be a delay in determining the various issues that require Council consideration. It is the view of the Administration that this delay is acceptable and provides an extra period submitting items for consideration.

Consultation

A/Chief Executive Officer

A/Executive Manager – Corporate Services

Statutory Environment

Sections 5.3, 5.4 and 5.5 of the Local Government Act 1995

Any changes to the advertised Council Meeting date needs to be advertised.

Financial Implications

There will be a cost of advertising the change of meeting dates.

Deferring the October meeting will save the expense of a Special Meeting.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective03 – Council Leadership

Policy Implications

There no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

The Council conducts its Ordinary meeting of Council on Wednesday 23 October 2013 commencing at 1.00pm at the Civic Centre, Tanunda Street, Tom Price.

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

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10.5 REQUEST FOR COMMENT ON APPLICATION TO SEEK EXEMPTION FROM THE MINISTER FOR LOCAL GOVERNMENT TO REDUCE THE MINIMUM DISTANCE BETWEEN CARAVANS / ACCOMMODATION UNITS DISCOVERY PARKS CARAVAN PARK, LOTS 557 AND 563 BEADON BAY ROAD, ONSLOW

FILE REFERENCE:	ON.BD.0557.00
AUTHOR'S NAME AND POSITION:	William Hardy Principal Environmental Health Officer
NAME OF APPLICANT/RESPONDENT:	Discovery Parks Onslow
DATE REPORT WRITTEN:	16 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Note: Council has considered numerous Reports on the Beadon Bay / Discovery Parks Caravan Park, Lots 557 and 563 Beadon Bay Road, Onslow however this is the first matter specifically addressing the siting of caravans.

Summary

In July 2013 the Shire reminded all caravan park owners and managers of the requirement under the Caravan and Camping Grounds Regulations 1997 that all caravans be a minimum distance of 3 meters apart. This minimum distance is required due to potential fire risk.

Discovery Parks has appealed to the Minister for Local Government, against Schedule 7 Division 1 Section 8 (1) of the Caravan and Camping Grounds Regulations 1997 which requires that caravans have at least a 3m separation. The Shire understands that Discovery Parks are seeking a separation of between 2m – 2.3m. The Minister's office has sought the opinion of the Shire in relation to this appeal and in particular the following points:

1. Whether the Shire supports the application? If the Shire supports / does not support the application, can you please provide some reasons?
2. Has the Shire considered the impact the lesser distance between the caravans has on other sites? This includes privacy with neighbours etc.
3. Whether the approval of this exemption will set precedent in the caravan park and is likely to cause problems in the future. For example, other caravan parks within the Shire may all want to have lesser distance between caravans.

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4. Whether the Shire thinks that the change in conditions and distances is appropriate for tourist accommodation?
5. Are there any health and safety issues involved if this exemption is approved?
6. Will the exemption be inconsistent with the Shire's Town Planning Schemes or other strategies?

The Shire is not aware of Discovery Parks providing any clear rationale for the reduction sought. Occupant safety of the Park is paramount to all concerned, however on the information provided the Shire is unable to support the sought.

Accordingly, it is recommended that Council advise the Minister for Local Government that on the information provided, it cannot support the application from Discovery Parks in Onslow for exemption from the Caravans and Camping Ground Regulations 1997, Schedule 7 Division 1, Section 8 (1).

Background

In July 2013 a letter was sent to all caravan park owners and managers highlighting the requirement in the Caravan and Camping Grounds Regulations 1997 ('Regulations') that all caravans be a minimum distance of 3m apart. Three (3) metre separation is the minimum distance required under the Regulations to address potential fire risk.

Subsequently, the operators of the Discovery Parks Caravan Park, Lots 557 and 563 Beadon Bay Road, Onslow contacted the Shire Health Section to advise to that several caravan accommodation units at the park were sited such that they did not comply with this requirement. Discovery Parks advised that they did not consider that the siting of the caravans did not pose a fire risk and would seek exemptions to this regulation.

Discovery Parks installed the caravans / accommodation units prior to October 2012 and they have been occupied since then.

The Shire subsequently advised Discovery Parks to seek an exemption from the Minister for Local Government who is the only authority capable of providing a 'dispensation' to the siting of caravans in the Regulations.

Proposal

On 6th August 2013, Discovery Parks formally requested the Minister for Local Government to allow an exemption from the Regulations to allow for a reduction in the distance between caravans at the Park. The Shire understands that Discovery Parks are seeking a separation of between 2m – 2.3m. The document included a risk assessment matrix together with other supporting documentation.

ATTACHMENT 10.5A
ATTACHMENT 10.5B

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Comment

The Minister's office has sought the opinion of the Shire in relation to this appeal as follows:

- 1. Whether the Shire supports the application. If the Shire supports / does not support the application, can you please provide some reasons?**

Response:

The Shire Administration does not support the exemption from the Regulations on the basis that Discovery parks has not demonstrated that the reduction in separation distances will not add to the risk of fire.

- 2. Has the Shire considered the impact the lesser distance between the caravans has on other sites? This includes privacy with neighbours etc.**

Response:

The units appear to not open on the side facing the other units so privacy would appear not to be an issue but the lesser distance may allow noise issues to arise. The main issue for the lesser distance is the increased risk of fire spreading from one unit to the next and the increased difficulty of fighting such a fire in a narrower space.

- 3. Whether the approval of this exemption will set a precedent in the caravan park and is likely to cause problems in the future. For example, other caravan parks within the Shire may all want to have lesser distance between caravans.**

Response:

Caravan parks changing into camps for mining developments are occurring across the Pilbara. The risk of a precedent being set should this application be approved is a real one and could result in the lowering of fire safety standards.

- 4. Whether the Shire thinks that the change in conditions and distances is appropriate for tourist accommodation?**

Response:

The Shire understands that the vans in question are not being occupied for tourist purposes. Discovery Parks provide accommodation for workers associated with developments of local and State significance. The occupants are believed to be on a fly-in-fly –out program and are essentially 'residents' of the Park. If the vans were proposed on an irregular tourist occupation, the Shire may have a more lenient perspective. It is considered appropriate that the Minister satisfies himself of the purpose of the caravan occupation prior to determining the request for dispensation.

- 5. Are there any health and safety issues involved if this exemption is approved?**

Response:

The 3m separation distance is a fire safety measure set down in the regulations to reduce the risk of the spread of fire. To reduce that distance for a year or more increases the risk should a fire occur. The fire safety measures proposed may in part address the risk but the 3m distance is an important safety margin which is why it is in the Regulations. Importantly,

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Discovery Park do not indicate that to offset the separation distance that it intends to upgrade its fire safety and protection systems.

6. Will the exemption be inconsistent with the Shire's Town Planning Schemes or other strategies?

Under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), the land in question is zoned 'Tourist' and located with the Onslow Coastal Hazard Area Special Control Area. The Scheme does not stipulate separation distances for caravans. Accordingly, the Shire relies upon the provisions of the Regulations.

Consultation

A/Chief Executive Officer
Manager – Building Services
Principal Town Planner

Statutory Environment

Caravan and Camping Ground Regulations 1997, Schedule 7, Division 1, Section 8 (1) provides:

"There is to be at least 3 metres between a caravan, annexe or camp on a site in a facility and –

- (a) a caravan, annexe or camp on any other site; or*
- (b) any building on the facility that is not on a site"*

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

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

Policy Implications

Whilst there are no direct policy implications relative to this issue, it is likely that support for a reduction in the distance between caravans at Discovery Park could become the standard for other caravan park operators in the Shire.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Advise the Minister for Local Government that the Council does not support the application from Discovery Parks in Onslow for exemption from the Caravans and Camping Ground Regulations 1997, Schedule 7 Division 1, Section 8 (1) on the grounds that:
 - i. The 3m separation distance is a fire safety measure set down in the Caravan and Camping Grounds Regulations 1997 ('Regulations') to reduce the risk of the spread of fire between caravans.
 - ii. To reduce that 3m separation distance increases the risk should a fire occur.
 - iii. Discovery Park has not indicated that to offset the separation distance that it intends to upgrade its fire safety and protection systems.
2. Provide the Minister for Local Government with copy of the Shire Report to Council.

Author: William Hardy	Signature:
Manager: Frank Ludovico	Signature:

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10.6 CHIEF EXECUTIVE OFFICER'S DESIGNATED LEAVE ARRANGEMENTS

FILE REFERENCE:	PE.EM.000.00 JA002
AUTHOR'S NAME AND POSITION:	Frank Ludovico Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	Not Applicable
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Chief Executive Officer (CEO) designate Mr Neil Hartley is proceeding on leave between 4 to 27 November inclusive.

It is necessary to appoint an acting CEO during this absence.

Background

The CEO designate Mr Neil Hartley is proceeding on leave between 4 to 27 November inclusive. This was arranged as part of his appointment process, as he required this period of 'leave without pay' to accommodate a prior personal commitment.

Council needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position, during this period.

Comment

The CEO designate has been able to secure the services of Mr EH (Jim) Kelly, who is a Local Government professional expert with many years of direct CEO experience, but also most fortuitously, has undertaken the Acting CEO role at the Shire of Ashburton several years ago (so has a firsthand level of experience with the area and its community).

Consultation

Shire President
CEO Designate Mr Neil Hartley

Statutory Environment

Sections 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions, and Section 5.36 relating to employees.

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Financial Implications

There are only minor financial implications (approximately \$23,217) to Council in respect to the CEO's leave as all leave entitlements are provided for within the Adopted Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

There are no known policy implications relevant to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Note Chief Executive Officer's designate Leave arrangements from Monday 4 November to Wednesday 27 November 2013 (inclusive).
2. Appoint Mr EH (Jim) Kelly as Acting Chief Executive Officer and delegate all powers of the Chief Executive Officer for the period from Monday 4 November to Wednesday 27 November 2013 (inclusive).

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

11. COMMUNITY DEVELOPMENT REPORTS

11.1 REQUEST FROM THE ONSLOW COMMUNITY RESOURCES CENTRE FOR THE SHIRE OF ASHBURTON TO TAKE OVER ITS GOVERNANCE AND MANAGEMENT FUNCTIONS

FILE REFERENCE:	ON.SE.0675.00
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Onslow Community Resource Centre
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not applicable

Summary

On 6 June 2013 the Onslow Community Resource Centre (CRC) sent a letter to the Acting CEO requesting the Shire to consider assuming the governance and operational functions of the CRC.

Meetings have subsequently been held with the CRC and advice sought from the Department of Regional Development and Lands, and FaHCSIA (Department of Families, Housing, Community Services and Indigenous Affairs) both of whom fund significant services at the CRC, and the Pilbara TAFE from whom the building is rented.

Additionally, meetings have been held with other LGA's who operate or contribute to their local CRC's and with the Small Business Centre West Pilbara (SBCWP) who have expressed interest in taking over the functions of the CRC.

Background

The Onslow Community Resource Centre has been operating in Onslow for the past 14 years. It operates as a community not-for-profit organisation, with a committee and with funding from a variety of sources.

The CRC provides a range of valuable services to the Onslow community, including

- A Centerlink agency
- FaHSCIA Emergency Relief Fund
- Video conference for court hearings and Rural In Reach Women and Family Health Services
- Broadband for Seniors

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The CRC also offers a meeting room that can be booked by community members and businesses, and prior to 30 June 2013, when the committee decided not to renew the contract, offered Licensing Services through the Department of Transport.

On 6 June 2013, the Onslow Community Resource Centre (CRC) sent a letter to the Acting CEO (Attachment 1) explaining that the CRC was no longer constitutional as they could not attract sufficient members to their committee. They sought the support of the Shire of Ashburton in taking over their governance and management functions to allow the CRC to continue to operate.

ATTACHMENT 11.1A

Due to staff shortages the CRC had already decided to close for the month of August, but requested a meeting with the Shire to explore options moving forward.

Prior to the meeting the Executive Manager Community Development contacted the Department of Regional Development and Lands to seek clarification on how other LGAs' managed this situation and received information that approximately 10 other LGA's (almost exclusively in the southwest and wheat belt regions) assist their CRC's through the provision of free or low cost accommodation, or through having a staff/council member as part of the committee/board. Only one LGA (Corrigin) had full operational control of their CRC.

On 24 July 2013 a meeting was held between several committee members from the CRC, CRC staff member Sue Van Nunspeet, Shire President White and Councillor Eyre and the Executive Manager Community Development.

At the meeting, Administration explained to the CRC Board members that this was not core business of the Shire but that in the absence of any other interested groups or organisations to take over the functions of the CRC, an agenda item would be put to the Council seeking to have the Shire take over the functions of the CRC. As it was acknowledged that the Shire should be used only as an option of last resort, and only in a temporary manner, it was also discussed that this arrangement should be for no longer than 2 years, and that during this time active recruitment of a new committee would be ongoing.

On 14 August 2013, some 3 weeks after that meeting and agreement, the Small Business Centre West Pilbara (SBCWP) contacted the Shire to express their interest in taking over the governance of the CRC and continuing to run services as they currently operate.

The SBCWP contacted the CRC, the Department of Regional Development and Lands and the Pilbara TAFE to further explore this option, and a meeting was held on 27 August with the SBCWP and CRC, and RDL to discuss this option. The Shire was invited to this meeting, but due to a technical difficulty (insufficient phone lines) was unable to participate.

At that meeting the CRC stated they could not proceed with a consideration of having the SBCWP take over their functions until both a formal Letter of Intent had been sent to the CRC and the Council agenda item had been presented and a recommendation made.

The SBCWP have now sent a Letter of Intent (attachment 2) to the Onslow CRC.

ATTACHMENT 11.1B

Comment

The Onslow CRC is a valuable and much needed resource in the Onslow community and it is critical the Centre remain open, if at all possible, to service the needs of the vulnerable and other parts of the Onslow population.

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The CRC is a fully funded, well-resourced organisation, but is currently suffering from an inability to source Board members, and the associated burn out to those remaining members. The CRC allowed administration full access to its financial statements and business plans, and based on that data would present little, if any, financial burden to the Council, should a recommendation be made to take it over.

While initial discussions with the CRC were that an agenda item would be presented to Council for it to consider assuming functions of the CRC, the situation has possibly changed with the Expression of Interest from the SBCWP. CRC's traditionally operate more effectively for the community when they are separated from conventional structures such as a Shire, and instead governed and managed by community committees.

While it is open for the Council to consider assuming the governance and management functions of the CRC, it should also bear in mind that this is not core business for the Shire and presents a deviation from our adopted Corporate Business Plan.

Administration has conducted meetings with all key CRC stakeholders, including RDL, FAHCSIA and Pilbara TAFE, all of whom they have indicated they would support either the Shire or the SBCWP in this venture. Both RDL and FAHCSIA have acknowledged this is not core business for the Shire.

FAHCSIA have expressed some concern that one of the benefits of the CRC operating as a separate entity is that vulnerable sections of the community feel "safe" to utilise the services, and some concern has been expressed that this may not be the case should the Shire assume these functions.

At the same time some members of the CRC committee have expressed their clear preference for the Shire to take over these functions.

To date the Shire has not had a formal relationship with the CRC, and the current situation presents an opportunity to change that, with the extent of that change being open for Council to decide.

Part of the RDL funding given to the CRC is for the running of community programs, many of which align or complement programs already being run by the Shire. Should the Shire assume the functions of the CRC these programs would fall under the Shire's portfolio, however, the Shire could also support the SBCWP with the running of these programs if it wished to assist and support the CRC, via the SBCWP.

Concern has also been expressed that the majority of the SBCWP Board is from Karratha. Both Councillor Erye and the Executive Manager Community Development have recently been appointed to positions on the SBCWP Board and Council could consider a recommendation that this level of ongoing representation would ensure that Onslow's interests were clearly recognised and brought to the Board's attention.

Consultation

A/Chief Executive Officer

Onslow Community Resource Centre committee and staff (CRC)

Small Business Centre West Pilbara (SMCWP)

Department of Regional Development and Lands (RDL)

Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

Pilbara TAFE

Shire of Corrigin

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Statutory Environment

There is no statutory environment.

Financial Implications

There are no financial implications.

Strategic Implications

Shire of Ashburton Community Strategic Plan 2012- 2022

Goal 01 – Strong and Vibrant Communities

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

Ensure the needs of changing communities are understood, planned for and contributed to by government, industry and the private sector.

If the Council decides to assume the governance and management functions of the Onslow CRC, when a community group has also expressed interest in doing this, it would represent a change in strategic direction as previously the intent has been to support local community groups to operate as independently and sustainably as possible.

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Supports the Small Business Centre West Centre, subject to its due diligence, to assume the governance and management functions of the Onslow CRC, as this is not core business for the Shire and is outside the accepted Corporate Business Plan.
2. Recommends to the Small Business Centre West Pilbara that if it does assume the governance and management functions of the Onslow Community Resource Centre, that one Onslow based Councillor and one Onslow based senior staff member be included as Board members to ensure issues relevant to the Onslow Community are represented.
3. Reconsiders this matter if the Small Business Centre West Pilbara does not assume the governance and management functions of the Onslow Community Resource Centre.

Author: Deb Wilkes	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

11.2 PROPOSED TRANSFER AND CHANGE OF LICENCE/LEASE OVER BODYLINE GYMNASIUM TOM PRICE, PORTION OF RESERVE R40835 TO A COMMERCIAL LEASE

FILE REFERENCE: AS.LE.182
RE.EA.R.40835

AUTHOR'S NAME AND POSITION: Mabel Gough
Facilities Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 September 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.06.05 – Ordinary Meeting of Council 16 June 2010
Confidential Agenda Item 15.10.113 – Ordinary Meeting of Council 19 October 2004
Confidential Agenda Item 15.07.90 – Ordinary Meeting of Council 15 July 2003
Agenda Item 8.05.164 – Ordinary Meeting of Council 16 May 2000

Summary

The present licensee and owners of Bodyline Gymnasium wish to transfer the occupancy of the facility which currently houses the gymnasium, located on a portion of Reserve R40835, to new owners.

The change of licence provides the Shire of Ashburton the opportunity to review and reconsider the current Licence Agreement as a Commercial Lease.

Background

The present licensee and owner of Bodyline Gymnasium, Dane and Rheannan Bloem wish to transfer the occupancy rights of the facility to new owners, that being Tony and Kim Bloem.

In June 2010 Council entered into a ten year licence agreement with Dane and Rheannan Bloem for the premises known as the Bodyline Gymnasium. The gymnasium was transferred to Dane and Rheannan Bloem in fair condition, suitably fitted out and air conditioned for the community of Tom Price to enjoy a professionally developed physical training centre after previous owners of the gym moved to Perth.

ATTACHMENT 11.2

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Under the current agreement Dane and Rheannan Bloem are responsible for cleaning of the facility including cleaning of the toilets/change rooms which are shared amenities with the Tom Price Bowling Club. Bodyline Gymnasium is also responsible for all power and electricity accounts.

The facility was previously renovated by original gymnasium owner, Lee Tullett. Among conditions of the licence a requirement was that Lee Tullett would renovate the building to ensure that the facility was suitable for activities of a gymnasium subject to building and health requirements. Mr Tullett was responsible for repairs and maintenance of the building and cleaning of the common toilets/change rooms shared with the Tom Price Bowling Club. Lee Tullett became the occupier of the rooms after expressing interest in the facility in 2005 when the facility was formally known as the Spinifex Club and was not a gymnasium.

Comment

Currently the occupancy licence for Bodyline Gymnasium has been drawn up as a Licence Agreement as per Policy REC05 Establishment of Sporting Club and Community Group Leases. Presently Bodyline Gymnasium is operating as a commercial business and whilst providing a vital service to the community should not fall under this policy. The purpose of this policy is to support non-for-profit sporting and community groups.

The policy also outlines that a Licence Agreement should only be in place for oval users, any groups that store equipment in Shire operated buildings between uses and any group that has shared use of a Shire facility.

Given that Bodyline Gymnasium is suited to a Commercial Lease, the reassignment of the licence provides an opportunity for the Shire of Ashburton to review and alter the form of occupancy licence and fee.

Should a Commercial Lease be granted the matter must be advertised for a minimum period of 14 days by State Wide Public Notice in the Western Australian inviting public comment. Any objection received in response to the statutory advertising of the proposed Commercial Lease must be referred back to Council for consideration.

The Bodyline Gymnasium has been an asset to the community by addressing the needs of the community's fitness through cardio vascular and resistant training as well as muscle building. It has contributed towards the general health and wellbeing of its members and provides an opportunity for community members to participate in physical activities with indoor comfort. The gym has a large membership and offers the only gym equipment for residents and visitors of Tom Price.

Dane and Rheannan Bloem can no longer operate the Bodyline Gymnasium from Perth and therefore have opted to sell the gym equipment. The proposed new occupiers of the gym, Tony and Kim Bloem have requested that due to large capital investment required to upkeep the machines; replace machines and ongoing electrical and water usage fees that this be considered when determining a licence fee and amending the licence/lease.

Should Bodyline Gymnasium continue to be considered a Community and Sporting group under Policy REC05 as opposed to a Commercial Business, the Bodyline Gymnasium occupancy licence should be in the form of a lease as opposed to a licence agreement which is for any group that has sole occupancy rights over Council Property.

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Consultation

Bodyline Gymnasium
Tony & Kim Bloem – proposed new licensee
Executive Manager - Community Development
A/Chief Executive Officer
A/Economic and Land Development Manager

Statutory Environment

Local Government Act 1995, Section 3.58 Disposal of Property Provisions

Financial Implications

Undertaking a commercial valuation of the facility may result in an increase of the annual licence fee for the facility.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 2 - Enduring Partnerships
Objective 1- Strong Local Economies
“Understand the local economic trends and needs of local businesses.”

Policy Implications

REC05 – Establishment of Sporting Club and Community Group Licences

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Approves the reassignment of the Licence Agreement of Bodyline Gymnasium on Portion of Reserve R40835, Tom Price to Tony Bloem and Kim Bloem, cancelling the current Licence Agreement with Dane Bloem and Rheannan Bloem.
2. Approves the Shire of Ashburton to undertake a commercial valuation on the Bodyline Gymnasium building.
3. Agrees to change the occupancy rights of the building from a Licence Agreement to a Commercial Lease.
4. Delegates authority to the Chief Executive Officer to negotiate a reviewed lease fee with the licensee, providing it is no less than 20% of the valuation and report this back to Council.
6. Advertises the proposed disposition of a council building for public comment as required by Section 3.58 of the Local Government Act 1985, subject to both parties accepting the negotiated lease and fee, and any comments be referred to back to Council for their consideration at the following Ordinary Meeting of Council.
7. Authorises the Shire President and Chief Executive Officer to affix the common seal of the Shire of Ashburton to the Commercial Lease agreement once that matter has been advertised for public matter and has been agreed by both parties.
8. Reconsiders this matter if an agreed lease fee cannot be negotiated.

Author: Mabel Gough	Signature:
Manager: Deb Wilkes	Signature:

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11.3 CSRFF FUNDING APPLICATION ENDORSEMENT FOR PARABURDOO BOWLING CLUB

FILE REFERENCE:	PA.AZ.0001
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Paraburdoo Bowling Club President, Ian Pownall
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Paraburdoo Bowling Club is requesting the endorsement of Council, as per the Department of Sport and Recreation application guidelines, to submit a Community, Sporting and Recreation Facilities Fund Grant (CSRFF) to the Department of Sport and Recreation (DSR) for \$133,399 in the 2014/15 funding round to assist with the purchase of a new synthetic bowling green and its installation.

The total project cost is estimated to be \$293,478 and the Paraburdoo Bowling Club has committed to raising and contributing the remainder of the funds needed to completed the project.

This is the only application that has been received by Council for endorsement in the 2014/15 funding round.

Background

The Paraburdoo Bowling Club have engaged Grants Empire to source, write and submit an application to DSR for a CSRFF Grant for \$133,399 in the 2014/15 funding round.

ATTACHMENT 11.3

This project, which has a total estimated budget of \$293,478, involves removing the existing bowling green surface at the Paraburdoo Bowling Club and purchasing and installing DRY-MAX PRO 12mm synthetic surface covering 38 metres by 38 metres (wall to wall) conforming to Bowls WA regulations for Pennant Play.

The existing live grass bowling green has poor grass coverage and is very uneven which creates a poor playing surface. Additionally, this surface is very hard causing sore feet after a short time. The existing soil condition is also very poor and will require substantial labour and financial support to repair and maintain.

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The Paraburdoo Bowling Club would like to upgrade the bowling surface of the Paraburdoo bowling green to conform with Bowls WA regulations for Pennant Play and to increase membership at the club. The Club feels that the current uneven surface is a major deterrent for new players and restricts the level of competition.

The project funding sources are:

Source of funding	\$ Amount ex GST	\$ Amount inc GST
Applicant cash	\$ 133,399	\$ 146,739
CSRFF requested	\$ 88,933	\$ 97,826
CSRFF Development Bonus	\$ 44,466	\$ 48,913
Total	\$ 266,798	\$ 293,478

Comment

In order for DSR to accept the Paraburdoo Bowling Club's application for a CSRFF grant it must be endorsed by Council.

This project will increase physical activity and membership by providing quality infrastructure which will meet the Bowls WA regulations for Pennant Play.

The Club is part of the Pilbara Bowling League which sees participants from across the Pilbara (including clubs from Karratha, Dampier, Port Hedland, South Hedland and Exmouth) play at the facility at regular intervals over the year. Two other clubs in this League have synthetic surfaces and have promoted the positive impact the upgraded surface has had on the club; including increased participant satisfaction and additional players using the surfaces.

The Club intends to commence junior bowls coaching to involve the younger Paraburdoo community members, however an appropriate surface is required first.

This project will also encourage additional community groups and local businesses to hire the venue for functions.

Consultation

Executive Manager – Community Development
Manager – Community Services
Department of Sport and Recreation
Regional Development Australia
Bowls WA

Statutory Environment

Nil

Financial Implications

There are no financial implications as this proposal is simply to support an application from a sporting group to apply for an external grant.

Strategic Implications

This is consistent with Shire of Ashburton's 10 year Community Strategic Plan 2012-2022:
Goal 1 - Vibrant and Active Communities
Objective 2 - Active People, clubs and Associations

Policy Implications

There are no policy implications.

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Voting Requirement

Simple Majority Required

Recommendation

That Council endorses the Paraburdoo Bowling Club's CSRFF funding application for \$133,399 for the associated works and installation of synthetic turf on the Bowling Club green from the Department of Sport and Recreation in the 2014/15 funding round.

Author: Deb Wilkes	Signature:
Manager: Frank Ludovico	Signature:

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11.4 UPDATE ON CLEM THOMPSON REDEVELOPMENT

FILE REFERENCE:	AS.TE.6.13
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda item 15.3 (Minute 11469) - Ordinary Meeting of Council 13 March 2013 Agenda Item 10.06.10 - Ordinary Meeting of Council 15 June 2011

Summary

Council has previously approved the Clem Thompson Pavilion and Oval upgrades. This report is an update on the progress of those activities.

Background

In June 2011 Council approved the redevelopment of the Clem Thompson Sporting Pavilion, and then in March 2013 approved the corresponding works to realign and upgrade the oval.

The projects are largely externally funded, with a contribution of \$1,025,000 from the Shire of Ashburton.

Tenders were called for, evaluated and awarded for both sections of the project. Oxley and Cooper were awarded the tender for the design and construction of the Pavilion for a total cost of \$5,534,137 (excluding GST) and Earth Care were awarded the tender for the Oval for \$2,161,979 (excluding GST).

Comment

Work has progressed well on both Pavilion and Oval projects. Both projects are on budget and mostly on time, although an issue with a component part for the lighting towers has delayed the final opening date by approximately two weeks.

As the projects have progressed a number of minor variations have been undertaken to the original specifications as follows.

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Pavilion

Removal of tree roots	\$ 3,800
Kitchen and Bar doors to swing instead of fixed	\$ 750
Additional GPO's to storage rooms	\$ 2,400
Additional costs to lift roof	\$ 23,000
Auto doors to allow disability access	\$ 13,000
Additional works to ramp footing	\$ 24,500
Extension of time claim	\$ 66,500
Temp supply and remobilisation costs	\$ 12,600
Delete hot water to wash basins	-\$ 1,500
Delete CCTV hardware	-\$ 4,000
Delete Soffit linings	-\$ 7,000
TOTAL	\$134,050

Oval

Roll on turf instead of shredded	\$ 86,500
Additional turf and irrigation (not on original design)	\$100,000
Filters for irrigation system	\$ 20,000
Changes to electrical design and components	\$ 28,100
Modification to cricket nets	\$ 6,700
Temporary power connections to site	\$ 13,000
Sand treatment (for re-use)	\$ 19,000
Changes to irrigation control cabinet	\$ 11,500
Additional works to BBQ area	\$ 9,500
Replace water tank solenoid	\$ 1,000
Bird proof light towers	\$ 1,900
Change from 2 water tanks to one	-\$ 15,000
TOTAL	\$281,100

Further, within budget, variations will include at least an additional \$30,000 for the electronic scoreboard (an estimate of \$60,000 was made but final costs will be at least \$90,000) and \$35,000 for electronic swipe cards throughout the building.

All these modifications are within budget and are part of the normal building process. In many cases allowances had been made for the anticipated expenses, such as additional electrical and earth moving costs.

Some small cost savings have also been identified and applied.

As plans and budgets for these projects were finalised up to two years ago, recent cost increases has led to some items needed to be at least temporarily deleted from the final design until the expenditure budget is finalized and/or other income areas can be identified. Items not currently included, include the BBQ shelters and play areas, spectator seating (apart from the Pavilion) and lighting to the "warm up" field.

It has also been identified in recent days that a proposed upgrade by RTIO to the power transformer servicing the area means there is potential to install additional air-conditioning and increase capacity to the function venue by about 40 people, No budget allocation was made for this in the original design and until the upgrade is completed (schedule for early 2014) it is impossible to predict actual costs (likely to be in the vicinity to \$30,000). Future

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grant or other income will need to be sourced to cover the purchase and installation of these as soon as practicable.

Consultation

A/Chief Executive Officer
Executive Manager - Technical Services
Special Projects Manager
Technical Officer
Clem Thompson Oval Users Group

Statutory Environment

Nil

Financial Implications

Nil. All modifications are within the Council approved budget.

	Income	Expenditure as at 31/8/13
Pavilion		\$3,732,093
Oval		\$ 687,104
Storm water drainage		\$ 352,461
	\$10,000,000	\$4,771,658

Strategic Implications

Strategic Plan 2012 – 2022

Goal 1 - Active and Vibrant Communities

Objective 2 - Active People, Clubs and Associations

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council accept the report on the progress of the Clem Thompson Oval and Pavilion and the listed variations to this project.

Author: Deb Wilkes	Signature:
Manager: Frank Ludovico	Signature:

12. CORPORATE SERVICES REPORTS

12.1 POLICY REVIEW: ELM01 COUNCIL AND OTHER MEETINGS, ELM02 OFFICIAL PHOTOGRAPH, ELM03 PRESENTATIONS TO RETIRING COUNCILLORS, ELM06 COUNCILLORS ACCOMMODATION, TRAVEL AND INCIDENTAL EXPENSES WHILST ON COUNCIL BUSINESS

FILE REFERENCE: ELM01 and OR.MT
ELM02 and OR.CR
ELM03 and OR.CR
ELM06 and OR.CM.1

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 August 2013

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

PREVIOUS MEETING REFERENCE: Agenda Number 12.05.22 - Ordinary Meeting of Council 18 November 1997
Agenda Number 12.07.1045 - Ordinary Meeting of Council 11 April 2006

Summary

Section 2.7(2)(b) of the Local Government Act 1995 ("the Act") states that the making of policies is a role of the Council.

The policies under review have been developed to meet outcomes identified in the probity audit review and to ensure best practice governance principles for elected members.

These ELM policies are important tools in managing new strategic directions as outlined in the Integrated Planning Framework.

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Background

Status of Council policies under review:

		File no.	Minute no.	Adopted	Reviewed	Action	Document Type
ELM01	Council and Other Meetings	ELM01 OR.MT	12.05.22	18/11/1997	20/11/ 2001 11/02/2003 15/07/2003 20/05/2008	Under Review	Corp_Gov
ELM02	Official Photographs	ELM02 OR.CR	12.05.22	18/11/1997	20/11/ 2001 11/02/2003 15/07/2003 20 /05/2008	Under Review	Corp_Gov
ELM03	Presentation to Retiring Councillors	ELM03 OR.CR	12.05.22	18/11/1997	20/11/ 2001 11/02/2003 15/07/2003 20/05/2008	Under Review – to be rescinded	Corp_Gov
ELM06	Councillors Accommodation Incidental Expenses While on Council Business	ELM06 OR.CM.1 OR.CM	12.07.1045	20/04/1999	20/11/ 2001 11/02/2003 (Allowances as per Policy) 1 July 2004	Under Review	Corp_Gov

Policies can be viewed at: <http://www.ashburton.wa.gov.au/council/your-council/council-policies>

Comment

The last review of these Policies dated as far back as 2004. As part of the process of review the policies were presented to the Executive Management Team on 9 May 2013. Feedback from this meeting was incorporated into the policies and they were again presented for approval to the Executive Management meeting on 20 May 2013.

Please note that the Policies refer to legislation rather than the actual dollar amounts for expenditure. The Western Australian Industrial Relational Commission (WAIRC) issues variations to its Awards from time to time and as such the policies remain relevant and up to date when referenced to the appropriate legislation.

Changes to the policies also include the incorporation of the new policy design for the SoA and the incorporation of policy review dates. Content changes are specified in the table below.

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The reviewed ELM policies are now presented to Council for adoption.

Policy No.	Policy Name	Changes Made
ELM01	Council and Other Meetings Policy (Corp_Gov)	Updated to reference Policy ELM06.
ELM02	Official Photograph Policy (Corp_Gov)	No Changes made.
ELM03	Presentations To Retiring Councillors Policy (Corp_Gov)	<p>To be rescinded and included into Compliance Calender to align with new statutory environment LGA 1995 s.5.100A.</p> <p>Elected members will be informed of any gifts to retiring council members at an OCM following council elections. The gift amount as outlined in the Act and any subsequent plaque will also be recommended at this time via an agenda item.</p> <p>34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)</p> <p>(1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.</p> <p>(2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in sub-regulation (1).</p>
ELM06	Councillors Accommodation, Travel and Incidental Expenses whilst on Council Business Policy (Corp_Gov)	<p>The Salaries and Allowances Tribunal completed its review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia.</p> <p>The determination came into effect from 1 July 2013 and establishes a scale of payments and provisions for reimbursement of expenses in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.</p> <p>Content of policy has been updated to better outline what is provided to Councillors for their training and conference requirements and takes into account the Salaries and Allowances Tribunal statutory environment revisions.</p> <p>http://www.sat.wa.gov.au/LOCALGOVERNMENTELECTEDMEMBERS</p>

Consultation

A/Chief Executive Officer
A/Executive Manager – Corporate Services
Executive Management Team
Manager – Organisational Development
WALGA

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Statutory Environment

The Local Government Act 1995
Local Government (Administration) Regulations 1996
Public Service Award 1992

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance
Objective 3 – Council Leadership
Objective 4 – Exemplary Team and Work Environment

Policy Implications

Update of listed policies reviewed within the organisation.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Adopt the reviewed policies and associated procedures and forms:
 - a. ELM01 Council and Other Meetings
 - b. ELM02 Official Photograph
 - c. ELM06 Councillors Accommodation, Travel And Incidental Expenses Whilst On Council Business
2. Rescind the reviewed policy ELM03 Presentations To Retiring Councillors and include legislation into the Compliance Calendar to align with new statutory environment provisions.

ATTACHMENT 12.1

Author: Leanne Lind	Signature:
Manager: Lisa Hannagan	Signature:

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12.2 POLICY REVIEW: ELM05 COUNCILLOR TRAINING AND CONFERENCE ATTENDANCE

FILE REFERENCE: OR.CM.01.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 August 2013

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

PREVIOUS MEETING REFERENCE: Agenda Number 12.05.22 Ordinary Meeting of Council
18 November 1997
Agenda Number 12.07.1045 Ordinary Meeting of Council
11 April 2006
Agenda Item 11.3 (Minute Number 11312) Ordinary Meeting of Council 17 October 2012

Summary

Section 2.7(2)(b) of the Local Government Act 1995 ("the Act") states that the making of policies is a role of the Council.

In accordance with Council's commitment to good governance this policy formalises the guidelines for Councillors attending training and conferences as part of their role as Councillors.

The review of this policy is intended to ensure elected members have access to education and training opportunities, are afforded the opportunity to undertake appropriate and relevant skill and knowledge development to assist them in their role as elected representatives and provide for effective decision making.

Background

The policy review is designed to improve clarity and accountability for ownership of each policy and provide Council with a strong focus on strategic governance while maintaining management oversight. This Governance level policy was presented at the Executive Managers meeting on 9 May 2013 as part of the SoA policy review process. Feedback was incorporated into the policies from this meeting and they were again presented and approved at the Executive Managers meeting on 20 May 2013.

Comment

The reviewed ELM05 Councillor Training and Conference Attendance policy is presented to Council for adoption. The policy reflects the Salaries and Allowances Tribunal review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia which came into effect on 1 July 2013 and establishes a scale of payments

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and provisions for reimbursement of expenses in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996.

<http://www.sat.wa.gov.au/LOCALGOVERNMENTELECTEDMEMBERS>

Please note that the policy refers to the legislation rather than the actual amounts for expenditure. The Western Australian Industrial Relational Commission (WAIRC) issues variations to its Awards from time to time and as such the policy remains relevant and up to date when referenced to the appropriate legislation.

Policy No.	Policy Name	Changes Made
ELM05	Councillor Training and Conference Attendance Policy (Corp_Gov)	New policy format. Amended policy name to include conference attendance. Content of policy updated to better outline what is provided for Councillors for their training and conference requirements within the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 statutory environment. ELM05 Procedure, Application, Expenditure and Evaluation Forms presented as separate documents.
	ELM05 Councillor Training and Conference Attendance Procedure	ELM05 Councillor Training and Conference Attendance Procedure introduced as supporting documentation for the ELM05 policy.
	SOA CEO 058 ELM05 Councillor Application for Training and Conference Attendance Application Form	ELM05 Councillor Training and Conference Attendance Application Form introduced as separate supporting documentation for the ELM05 policy.
	SOA CEO 023 Councillor Training and Conference Attendance Travel Expense Claim Form	SOA CEO 023 Councillor Travel Expense Claim Form has been revised with the new rates as listed in the Public Service Award 1992 Schedule E & F Motor Vehicle Allowance and Schedule 1 Travelling, Transfer and Relieving Allowance. http://www.publicsector.wa.gov.au/publications-resources/key-legislation/awards-and-agreements
	SOA CEO054 ELM05 Councillor Training and Conference Attendance Evaluation Forms	ELM05 Councillor Training and Conference Attendance Evaluation Forms introduced as supporting documentation for the ELM05 policy.

ATTACHMENT 12.2

Consultation

A/Chief Executive Officer
A/Executive Manager – Corporate Services
Executive Management Team
Manager – Organisational Development
WALGA

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Statutory Environment

The Local Government Act 1995
Local Government (Administration) Regulations 1996

Financial Implications

Nil

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance
Objective 3 – Council Leadership
Objective 4 – Exemplary Team and Work Environment

Policy Implications

Update of listed policies reviewed within the Organisation.

Voting Requirement

Simple Majority Required

Recommendation

That Council adopt the reviewed ELM05 Councillor Training and Conference Attendance Policy as per **ATTACHMENT 12.2**.

Author: Leanne Lind	Signature:
Manager: Lisa Hannagan	Signature:

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12.3 DEBTORS FOR WRITE OFF - DEBTOR # 11: BELLARY SPRINGS ABORIGINAL COMMUNITY: \$5,150.03

FILE REFERENCE:	FI.RE.00.00
AUTHOR'S NAME AND POSITION:	Rachael Pleasance Accounts Receivable Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This is a request to write off Bad Debts to a total value of \$5,150.03 incurred by Bellary Springs Aboriginal Community for rubbish collection.

Background

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

Comment

The debt of \$5,150.03 comprises of rubbish collection fees from Bellary Springs Aboriginal Community from 2001 – 2007. Over the years many attempts to recover this money have been made. Finance pursued the debt with Gumala Aboriginal Corporation, Pilbara Meta Maya and the Department of Indigenous Affairs. None of these bodies take ownership of the claim. Our debt recovery agent (Austral Mercantile) has been unsuccessful in contacting anyone or any corporate body to take responsibility for this debt.

It is the opinion of the Accounts Receivable Officer that every avenue has been exhausted in trying to recover this debt and therefore needs to be written off.

Consultation

A/Executive Manager Corporate Services
Finance Manager
Accounts Receivable Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

- (1) Subject to subsection (2) and any other written law, a local government may –

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- a) When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
- b) Waive or grant concessions in relation to any amount of money or
- c) Write off any amount of money, which is owed to the local government

* Absolute majority required

Financial Implications

The total amount of debt under consideration is \$5,150.03 which proves to be uncollectable and will remain if not written off.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

Policy DA008 Delegated Authority – Writing Off Debts

Policy FIN13 Accounts Receivable Recovery

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off the debt of Bellary Springs Aboriginal Community in the sum of \$5,150.03.

Author: Rachael Pleasance	Signature:
Manager: Lisa Hannagan	Signature:

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12.4 DEBTORS FOR WRITE OFF - DEBTOR # 324: C MUNRO CONTRACTORS \$4,992.02

FILE REFERENCE: FI.RE.00.00

AUTHOR'S NAME AND POSITION: Rachael Pleasance
Accounts Receivable Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 20 August 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request to write off bad debts to a total value of \$4,992.02 which is all GST component from C Munro Contractors account.

Background

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

Comment

The debt of \$4,992.02 is the GST component on all invoices for waste fees that were charged to C Munro Contractors prior to 30 June 2013. Colin Munro had previously contested that he should not be paying GST on tip fees and obtained a private ruling from the ATO back in May 2010. Each month when he paid his account he has deducted the GST and hence the balance left.

The issue has been reviewed in the past but due to different interpretations of the ruling the issue has never been resolved and invoices continued to be raised with GST.

Following contact with the ATO we have found that the Treasurers determination referenced in his private ruling is no longer current as of the 30th June 2013 and going forward we have now advised C Munro in writing that he will now be liable to pay GST.

It is the opinion of the Accounts Receivable Officer that the chances of obtaining this money is nil as Mr Munro is standing by his ATO ruling and due to the nature of these charges and uncertainty about who is correct and how you interpret the ruling this account has not been sent to debt collectors and therefore needs to be written off.

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Consultation

A/Executive Manager Corporate Services
Finance Manager
Accounts Receivable Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

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

* Absolute Majority Required

Financial Implications

The total amount of debt under consideration is \$4,992.02 which proves to be uncollectable and will remain if not written off.

Strategic Implications

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off the debt of C Munro Contractors for the sum of \$4,992.02.

Author: Rachael Pleasance	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

**12.5 DEBTORS FOR WRITE OFF - DEBTOR # 110: PETER KALAO
\$3,068.35**

FILE REFERENCE: FI.RE.00.00

AUTHOR'S NAME AND POSITION: Rachael Pleasance
Accounts Receivable Officer

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

DATE REPORT WRITTEN: 21 August 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request to write off bad debts to a total value of \$3,068.35 incurred by Mr Peter Kalalo, an aged pensioner living in Shire of Ashburton pensioner units in Onslow.

Background

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

Comment

The debt of \$3,068.35 comprises of electricity charges that date back to 2007 from when Peter was employed by the Shire and living in the airport house, and rent charges for the pensioner units. The balance of Mr Kalalo's account as of 26th July 2013 is \$3,068.35.

Breakdown of debt is as follows:

Amount (\$)	Description
1,473.34	Should never have been charged to his account (over charging in rent)
805.01	Is the balance from when he left the airport house. This is made up of amounts that were transferred from Quickbooks and electricity charges etc which from notes I have found were being queried anyway and may have been charged incorrectly as well so trying to prove these charges which are from pre 2007 are near on impossible.
790.00	Is the balance technically owing however given that he is an aged pensioner and that we have made mistakes on his account that date back to 2007 and a true figure has never actually being known and it is suggested we include this and write off the whole amount of \$3068.35 as Mr Kalalo makes \$130 fortnightly payments and would never be able to make this amount up.
3068.35	Total

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Consultation

Executive Manager - Community Development
Finance Manager
Accounts Receivable Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

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

* Absolute majority required

Financial Implications

The total amount of debt under consideration is \$3,068.35 which proves to be uncollectable and will remain if not written off.

Strategic Implications

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off the debt of Peter Kalalo in the sum of \$3,068.35

Author: Rachael Pleasance	Signature:
Manager: Lisa Hannagan	Signature:

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12.6 DEBTORS FOR WRITE OFF - DEBTOR # 1157: VIP ENTERTAINMENT \$10,748.83

FILE REFERENCE:	FI.RE.00.00
AUTHOR'S NAME AND POSITION:	Rachael Pleasance Accounts Receivable Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This is a request to write off bad debts to a total value of \$10,748.83, includes cost of airfares booked by the Shire of Ashburton and deposit paid for performances from VIP Entertainment at Passion of the Pilbara 2011.

Background

The Accounts Receivable area has undergone substantial debt recovery to ensure Council's financial matters are up to date and accurate. The following bad debt has been outstanding since July 2011 and proves uncollectable and therefore requires Council's approval to write off.

Comment

The debt of \$10,748.83 is made up of the following:

\$3,203.83 for reimbursement of airfares booked and paid for by the Shire for staff of VIP Entertainment to fly from Perth to Karratha to perform in the Passion of the Pilbara Festival 2011.

\$7,545 was for initial deposit the Shire made to VIP Entertainment for a 100% Michael Jackson performance to be held at the Passion of Pilbara Festival 2011.

The main performer pulled out of the show that shire had contracted with VIP Entertainment and the replacement they were going to supply was not suitable so contract was cancelled by the Shire.

There is uncertainty as to whether the Shire should have been refunded the deposit and airfares paid because Shire cancelled the contract or if VIP Entertainment were at fault because they could not supply the original act in the contract.

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VIP Entertainment advised that their legal representation had advised that given the conditions of the contract and the unfair nature in which their services were dismissed the matter should be closed. VIP Entertainment also advised that if any of the booked airfares were used as a credit for any other travel by their staff they would refund us the travel amount. I have confirmed with Qantas today (28/08) that none of the ticket holders used any of the airfares and that they have now expired and can no longer be accessed.

Every effort has been made to recover this money and in the opinion of the Accounts Receivable Officer that this debt now needs to be written off.

Total request to write off for VIP ENTERTAINMENT - \$10,748.83

Consultation

A/Executive Manager Corporate Services
Finance Manager
Accounts Receivable Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

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

* Absolute Majority Required

Financial Implications

The total amount of debt under consideration is \$10,748.83 which proves to be uncollectable and will remain if not written off.

Strategic Implications

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Recommendation

That Council write off VIP Entertainment debt in the sum of \$10,748.83.

Author: Rachael Pleasance	Signature:
Manager: Lisa Hannagan	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

12.7 ONSLOW OFFICE HALL AND LIBRARY

FILE REFERENCE:	RE.SE.R.29808
AUTHOR'S NAME AND POSITION:	Lisa Hannagan A/Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	29 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Onslow Administration Office/Library/Hall suffered catastrophic damage in an arson attack on Sunday 13 January 2013. The structural integrity of the building was assessed and found to be irreparable and the building was completely demolished in June 2013.

Onslow staff are currently working from a variety of temporary locations.

Shire Administration have been working with Local Government Insurance Services (LGIS) and the LGIS appointed Loss Adjuster, Charles Taylor Loss Adjusters on our insurance claim.

The claim for demolition has been completed.
The contents claim is ongoing.

Council needs to consider replacement of the loss of this Building.

Background

The Shire is insured with Local Government Insurance Services (LGIS) as follows:

Insurance – Building	\$ 4,700,000
Insurance – Contents	\$ 525,000
Insurance – Demolition	\$ 470,000
Insurance – Business Interruption	\$1,000,000

In relation to the demolition of the burned buildings, a tender (RFT 01/13) was awarded to Archer Builders for \$208,789. Due to Onslow Tip being unable to accept waste at the time of the demolition, a Contract Variation was issued to Archers for \$101,459. Total demolition cost was therefore \$310,248 (including GST).

The Shire has received an insurance refund for the full amount of the demolition (less GST) being \$281,044.

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In relation to the building, discussions with the Charles Taylor Loss Adjusters have taken place.

Charles Taylor Loss Adjusters have made an initial offer of \$3 million to settle the building insurance claim as they believe the Shire was "over insured".

The Shire strongly disagrees that we were over insured. Officers are well aware of construction costs in Onslow and do not believe that a replacement building could be constructed for \$3m.

The Shire building was insured for \$4.7m.

Construction of a similar facility to what existed in Onslow prior to the fire is expected to cost well in excess of \$4.7m due primarily to changes in planning legislation that means new buildings must be constructed in accordance with the current requirement ie 5.9m AHD. Additional funds would need to be sourced to meet the difference between the insurance and the actual costs as there is no budget for construction of new offices.

To prove the costs, the Shire needs to draft plans for a new building, including scoping of costs. This is seen as the most simple way to ensure we obtain the maximum value from our insurer. These documents would then form the basis for a tender to construct new Office/Hall/Library in Onslow.

Loss Adjuster Advice

Charles Taylor Loss Adjusters have advised as follows:

- A replacement building will need to be the same size (in m²) as the previous building.
- We can add/combine the two previous external buildings (m²) in under the main roof.
- We can change the internal layout of the building to be more modern/appropriate to our needs. For example, the hall area could be smaller to allow more space for Library/Offices. The Hall area could contain a purpose built Council Chamber space.

There is some flexibility in how Council chooses to rebuild.

Comment

The Onslow Office/Hall/Library was a landmark building. The building not only housed our Onslow staff (approximately 25) but the facilities were also very well patronised by Onslow residents and visitors to the town.

The Administration Centre provided advice and assistance to locals and weary travellers, only a daily basis but also in the event of emergencies such as cyclones.

The Library provided resources, a quiet reading environment and fantastic School Holiday programs were run in the Hall.

The Hall was the venue of many family milestones – 21st Birthdays, Wedding Anniversaries etc.

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The town of Onslow has suffered a great loss and disruption and the quickest solution to once again being able to provide an integrated service facility to Onslow is to rebuild in the existing location.

It is also important that we maximise the support we can obtain from our insurers and developing designs and costings will enable us to involve them in the process.

Consultation

Chief Executive Officer
Executive Management Team
LGIS Insurance/Charles Taylor Loss Adjusters

Statutory Environment

Nil

Financial Implications

The Shire building was insured for \$4.7m. Construction of a similar facility to what existed in Onslow prior to the fire is expected to cost well in excess of \$4.7m. Additional funds will need to be sourced as there is no budget for construction of new offices.

The fees for Architects to provide a design concept and scope of costs will be covered by our Business Interruption Insurance.

Charles Taylor Loss Adjusters have made an initial offer of \$3 million to settle the building insurance claim as they believe the Shire was "over insured".

Strategic Implications

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

Policy Implications

No policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Confirm the location of the new Onslow Administration Centre/Library on lots 352 and 675 Second Ave Onslow.
2. Call for Request for Proposal for an architect to develop concept designs for the new Onslow Administration Centre/Library including scoping of costs.
3. Continue to negotiate an appropriate settlement with Charles Taylor Loss Adjusters regarding funding for the new Onslow Administration Centre/Library.

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

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

12.8 REQUEST EXTENSION TO SUBMIT 2012/13 FINANCIAL REPORTS TO AUDITOR

FILE REFERENCE:	FI.AU.12.13
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

To comply with reporting requirements, Council approval is sought for Officers to seek permission from the Minister for Local Government & Communities for a one month extension for Shire's 2012/13 Financial Statements which will allow these financial statements to be submitted to the Auditors by 31 October 2013.

Background

Financial Management Act, section 6.4 (3) of Local Government Act 1995 requires that a Local Government must prepare and submit to its Auditors the Annual Financial Report before or by 30th September.

Due to a number of critical issues and changes in the organization including changes in management, addressing the 2012 Probity Audit and the push to achieve Integrated Planning and Reporting within a short period of time there have been negative impacts to Finance staff availability. Progress on year end reporting is delayed.

The Shire will not be able to meet the provisions of the *Local Government Act 1995* and therefore seek Council's approval to write to the Minister requesting extension for a period of one month.

Financial year 2012/13 will be the first year to implement phase 1 of recognizing Council assets (plant & equipment) at Fair Value as mandated by the Department. Work has progressed however more time and staff commitment is required to achieve the required the level of reporting.

Comment

Financial Management Act, section 6.4 (3) of Local Government Act 1995 requires that a Local Government must prepare and submit to its Auditors the Annual Financial Report before or by 30th September.

Officers will not be able to provide this information in the nominated timeframe.

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Consultation

A/Chief Executive Officer
Executive Management Team

Statutory Environment

Section 6.4 of the *Local Government Act 1995* and Reg 36 of the *Local Government (Financial Management) Regulations 1996*

Financial Implications

Nil

Strategic Implications

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

Policy Implications

There are no Policy Implications

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Direct the A/CEO to seek permission from the Minister for Local Government & Communities for an extension of 1 month to submit the completed Financial Report to the Auditors by 31 October 2013.

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

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

12.9 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF JULY & AUGUST 2013

FILE REFERENCE:	FI.RE.00.00
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

As at the date of writing the agenda item, the 2013/14 Budget for the Shire has not been adopted hence financial data relating to the Budget for the month of July 2013 have not been included. Note, the financial report will only contain the Actuals as at 31st July 2013. There will be no commentary on variance to budget.

Depreciation on fixed assets for the month of July has been reported at zero value as Fair Value Reporting for plant & equipment is still progressing and if reported now would reflect incorrect financial data as well as creating more work for staff to reconcile and balance the asset ledger for 2012/13 Annual Financial Statements.

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

July 2013

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

ATTACHMENT 12. 9A

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August 2013

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

ATTACHMENT 12. 9B

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan
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

Recommendation

That Council receives the Financial Reports (partial for July 2013 and Schedule of Accounts as per **ATTACHMENT 12.9A** and Credit Cards paid in August 2013 as per **ATTACHMENT 12.9.B**.

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

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

12.10 ADOPTION OF DRAFT ANNUAL BUDGET 2013/2014

FILE REFERENCE:	FI.BU.13.14
AUTHOR'S NAME AND POSITION:	Lisa Hannagan A/Executive Manager, Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 6.1A – Special Meeting of Council 3 September 2013 Agenda Item 18.1 (Minute 11624) – Ordinary Meeting of Council 21 August 2013

Summary

The draft Annual Budget for the year ended 30 June 2014 was workshopped by Council with the Integrated Planning Workshops held on 16 July and 30 July 2013.

The statutory form of the budget has now been finalised, taking into account Council's input at these workshops. The document is now submitted to Council for formal adoption.

The draft 2013/2014 Annual Budget is attached.

Background

The draft 2013/2014 Annual Budget has been compiled based on the principles contained in the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan. The 2013/14 draft Annual Budget has been prepared taking into account the issues workshopped by Council at its May and June 2012 Briefing Sessions.

The proposed differential rates were approved by the Council on 5 June 2013 and advertised for public comment. No submissions were received by 8 July 2013 when the public comment period closed. A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval. Staff have been working intensively with the Department of Local Government and Communities to obtain the Minister's approval.

At Council's August 2013 meeting Council considered the large variations in valuations received and the effect on rates income. Council determined to reduce its rates in the dollar to account for the valuation changes. This was submitted to the Minister for Local Government for his approval.

A Special Meeting of Council was organised on 3 September 2013 in order to adopt the 2013/14 Budget on the basis Ministerial approval would be received. However this was not the case and the meeting was adjourned to 11 September 2013.

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The Minister did not approve our request and at the reconvened Special Meeting held on 11 September 2013. Council reviewed the rates in the dollar again and submitted them for Ministerial approval.

It is anticipated that approval will be received by the Council Meeting.

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The Capital Works program totalling \$ 38.2 million has been provided for with investment in:
 - Staff Housing with \$300,500 in renewals and \$2.1m for the construction of one by 4 staff housing units in Onslow.
 - Paraburdoo Child Care Centre Building of \$1.5m in for the design and construction of a purpose-built child care facility including after-school care.
 - Purchase of new Community Christmas Lights to install over 4 x Shire towns of \$17,000.
 - Tom Price Swimming Pool of \$37,400 for increased storage capacity for lane ropes and pool blankets as well as a BBQ and seating near the playground area.
 - Four Mile Creek Revitalisation of \$204,800 to enable the revitalisation and upgrade of this amenity and provide access to the beach.
 - Tom Price Sporting Pavilion of \$ 3.3m and Club Facility Development of \$100,000.
 - Paraburdoo Town Centre Revitalisation of \$1.58m.
 - Skate Park Lighting Tom Price of \$100,000.
 - Area W Master Plan of \$350,000.
 - Ian Blair Memorial Boardwalk Onslow finalise installation of new floor boards for \$500,000.
 - Various upgrades to Community amenities across all 4 x Shire Towns of \$593,950 plus an additional \$200,000 for playground upgrades.
 - Information Technology Upgrade of \$288,500.
 - Plant & Equipment of \$2.2m.
 - Finalise Onslow Airport and Terminal Construction \$ 15.2m.
 - Land Development (Tom Price LIA, Tom Price Residential and Onslow Residential) \$2.2m.

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- Upgrade of Onslow and Tom Price Pounds of \$115,400.
 - Urban Storm Water Drainage for Paraburdoo, Tom Price and Onslow for \$670,000.
 - Improvement of street lighting in all 4 x Shire Town sites for \$100,000.
 - Maintenance and upgrades of roads across all 4 x Shire Town sites for \$3.8m.
 - Sanitation Upgrades of Paraburdoo and Onslow Landfill facilities for \$1.1m.
 - Footpaths (all Towns) \$1.1m.
 - Grant and Contributions income of \$19.6m including \$13.4m for the Onslow aerodrome terminal construction, \$4m for the Tom Price Sports Pavilion and \$2.8m for roads across the Shire.
 - In accordance with Section 5.2 of the Local Government Act 1995 the Organisational Structure of the Shire is amended to reflect the positions funded in the 2013/14 Annual Budget.
- Fees and Charges have generally been increased to reflect the Shire's costs of providing services.

There has been an expansion in the structure of the fees for other venues to allow for greater flexibility when hiring these venues.

ATTACHMENT 12.10 UNDER SEPARATE COVER

Consultation

Council and Councillors
Executive Management Group
Officers from relevant functional areas

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

Approval has been sought from the Minister for Local Government to adopt this budget after 31 August.

The *Local Government Act 1995* [Section 5.63 (1)(b)] specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee.

The Section reads as follows:

"5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –

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(b) an interest arising from the imposition of any rate, charge or fee by the local government;”

Additionally, the declaration provisions of the Act to not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2012/13 Annual Budget as presented is considered to meet statutory requirements.

Waste Avoidance & Recovery Act 2007 deal with aspects of the budget including rating and fees and charges.

Financial Implications

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2014 after carrying out normal operational requirements and an extensive capital program.

Strategic Implications

The budget has been prepared on the basis of achieving a near normal year of operations and an ambitious capital program while also consolidating the management and operational aspect of the Shire.

The budget has been drafted with regard to the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan.

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in **ATTACHMENT 12.10 UNDER SEPARATE COVER** of this agenda and the minutes, for the Shire of Ashburton for the 2013/14 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for the year of \$29,178,119
 - Statement of Comprehensive Income by Program on page 3 showing a net result for the year of \$23,995,254
 - Statement of Cash Flows on page 5 showing a net result for the year of \$13,552,345
 - Rate Setting Statement on page 6 showing a net result for the year of \$15,602,525

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- Notes to and Forming Part of the Budget on pages 6 to 38
- Budget Functional Schedules on pages 39 to 87
- Schedule of Fees & Charges on pages 88 to 116

2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Rate Code Description	Rate in the \$
GRV Residential	0.036637
GRV Commercial	0.045788
GRV Tourism	0.045788
GRV Community	0.036637
GRV Industrial	0.045788
GRV Workers Accommodation Facilities	0.045788
UV Pastoral	0.030655
UV Commercial	0.337570
UV Industrial	0.337570
UV Tourism	0.148670
UV Mining Leases	0.337570
Minimum Payment	\$550.00

- 2.1 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

Option 1
Due Date Mon 28 October 2013

Option 2
1st Instalment Due Mon 28 October 2013
2nd Instalment Due Mon 6 March 2014

Option 3
1st Instalment Due Mon 28 October 2013
2nd Instalment Due Mon 6 January 2014
3rd Instalment Due Mon 6 March 2014
4th Instalment Due Tue 6 May 2014

- 2.2 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.

- 2.3 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

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- 2.4 Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
- 2.5 Pursuant to section 6.13 of the Local Government Act 1995 and regulation 19A of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after becoming due and payable.
3. Pursuant to section 53 of the Cemeteries Act 1986 the Council adopts the Fees and Charges for all Cemeteries in the Shire of Ashburton included at page 107 of the draft 2012/13 Annual Budget included as Attachment 11.5 of this agenda and minutes.
- 3.1 Pursuant to section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960 the Council adopts a swimming pool inspection fee of \$13.75 inclusive of GST.
- 3.2 Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:
- 3.2.1 Residential Premises (including recycling)
- | | |
|---|----------|
| • 240ltr bin per weekly collection | \$400 pa |
| • 240ltr bin per weekly collection
Additional bin pick up at time of normal collection | \$440 pa |
| • New Replacement 240ltr bin | \$145 pa |
- 3.2.2 Commercial Premises
- | | |
|---|------------|
| • 240ltr bin per weekly collection | \$712 pa |
| • 1.1m ³ per weekly collection | \$1,500 pa |
- 3.3 Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 Council adopt the following charges for the deposit of domestic and commercial waste:
- | | |
|--|--------------------------|
| • Domestic (private residents: cars, utilities, trailers only) | No Charge |
| • Unsecured Domestic Loads | \$20.00/load |
| • Unsecured Commercial Loads | \$20.00/load |
| • Commercial Bulk Waste delivered to landfill site | \$50/m ³ |
| • Comingled Waste and Recyclable material (including timber & Steel) | \$100.00/ m ³ |
| • Car and light vehicle tyres | \$10.00/tyre |
| • Truck tyres | \$15.00/tyre |
| • Earthmover tyres | by negotiation |
| • Gas bottles valve intact | \$10.00ea |
| • Waste oil | \$1.00/ltr |
| • Vehicle batteries | \$10.00 per battery |
| • Asbestos (Double Wrapped) | \$50.00/m ³ |
| • Oversized Items | by negotiation |

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- Recyclable materials separated & uncontaminated free
 - Car Bodies free
- (All oils (including diff oil), fuels and batteries removed)

4. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$29,500 pa
Councillors	\$22,000 pa

- 4.1 Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected members:

Information & Communications Technology (ICT) Allowance \$ 500 pa

- 4.2 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:

Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.

- 4.3 Pursuant to section 5.99A of the Local Government Act 1995 regulation 31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

Travelling Expenses rate applicable to the reimbursement of travel costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission

- 4.4 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President \$60,000 pa

- 4.5 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy President \$15,000 pa

5. In Accordance with Section 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

Condition	Action
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

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

13. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

13.1 LEASE OF PREMISES BY TENDER - 84 ASHBURTON COURT, PARABURDOO

FILE REFERENCE:	PA.AS.0084
AUTHOR'S NAME AND POSITION:	Emma Heys A/Economic & Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	27 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Skilled Group Ltd currently lease premises at part Lot 811 Ashburton Court, Paraburdoo from the Shire. The current Lease Agreement expires on 27 October 2013 and approval is sought to issue a Tender to re-lease the premises.

Background

Skilled Group Ltd have leased part of Lot 811 Ashburton Court, Paraburdoo from the Shire of Ashburton since 2009 for the purposes of running a recruitment and temporary personnel agency to the Paraburdoo community. The current Lease Agreement expired in 2011, at which time the option to extend was exercised for a further two (2) year term. The Deed of Extension expires on 27 October 2013.

Skilled Group Ltd have expressed interest in seeking another Lease Agreement over the premises.

**ATTACHMENT 13.1A
ATTACHMENT 13.1B**

Comment

Advertising a tender for the lease of premises complies with S3.58 of the Local Government Act 1995.

The tender should encourage businesses that wish to provide services to support and diversify the local economy. There are limited office/retail space opportunities in Paraburdoo and therefore the proposed assessment criteria for the Tender would be:

- | | |
|---|-----|
| 1. Proposed rental payment (monthly in advance) | 50% |
| 2. Proposed use | 30% |
| 3. Statement of Community Benefit | 20% |

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The Statement of Community Benefit should identify how the proposed use of the premises will benefit the community of Paraburdoo and the local economy.

It is recommended the proposed lease would be for a period of 24 months with 3 x 12 month extensions at the lessor's discretion. The lessee would be required to pay all outgoings related to the premises; including 50% of any rates or taxes levied (this expense is shared with the co-lessee). It is envisaged the premises would be ready for occupation in November 2013.

Consultation

Executive Manager – Strategic & Economic Development
Strategic Revitalisation and Relationship Manager

Statutory Environment

Local Government Act 1995 S3.58 'Disposing of Property'

Financial Implications

An income (account 040237) of \$55,000 was budgeted in total for the premises in 2012/2013 with \$50,221 received to date. Any shortfall due to vacancy or change in rental income will be accounted for through the Budget Review process.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 02 – Enduring Partnerships
Objective 01 – Strong Local Economies

Policy Implications

None Identified

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Approve the lease of premises by Tender for portion of Lot 811 Ashburton Court, Paraburdoo, before the current Deed of Extension expires.
2. Approve the assessment criteria to be used in the Tender:
 - a. Proposed rental payment (monthly in advance) 50%
 - b. Proposed use 30%
 - c. Statement of Community Benefit for Proposed Use 20%

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

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

13.2 EXECUTION OF FUNDING AGREEMENT - COMMUNITY DEVELOPMENT AND SUPPORT TEAM

FILE REFERENCE:	CORP4
AUTHOR'S NAME AND POSITION:	Anika Serer Strategic Revitalisation and Relationship Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No. 11611) – Ordinary Meeting of Council 21 August 2013; Agenda Item 13.3 (Minute No. 11612) – Ordinary Meeting of Council 21 August 2013; Agenda Item 10.2 (Minute No. 11167) – Ordinary Meeting of Council 18 April 2012

Summary

As part of the Community Infrastructure and Services Partnership (CISP) between Pilbara Iron Company (Services) Pty Ltd (RTIO) and Shire of Ashburton (SoA), RTIO has agreed in principle to contribute \$2,603,972 (excl GST) to assist with the employment of the Community Development Support Team to service Pannawonica, Paraburdoo and Tom Price.

The funding agreement between RTIO and SoA is presented for execution. It is recommended that Council authorise the Shire President and Acting Chief Executive Officer to execute this agreement by signing and affixing the Common Seal.

Background

A Memorandum of Understanding between RTIO and SoA was signed in July 2012, creating a long term partnership to work together to revitalize existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The MOU provides an engagement framework and Community, Infrastructure and Services Plan (CISP) which details the projects that will be the focus of the partnership.

The engagement framework provides for a Partnership Governing Committee (PGC) to review and direct the activities of the Partnership in accordance with the MOU. The Shire is represented on the PGC by the Shire President, Deputy Shire President, Chief Executive Officer, Executive Managers and appropriate senior staff, with RTIO representation by General Managers and appropriate senior staff. The funding agreements and conditions for the various projects and events outlined in the CISP are prepared in close consultation and approval by the PGC.

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Under the Partnership, RTIO is assisting SoA by providing support for the delivery of various services and infrastructure projects identified in the Community Infrastructure and Services Plan 2012 – 2017 annexed to the MOU.

ATTACHMENT 13.2

Comment

The Community Development and Support Team Funding Agreement sets out the support required for SoA to employ a Community Development and Support Team identified in the CISP.

Funding has been negotiated for a four year period (in accordance with the MOU) with the following values:

Year One (2013/2014)	\$ 626,005
Year Two (2014/2015)	\$ 636,223
Year Three (2015/2016)	\$ 658,913
Year Four (2016/2017)	\$ 682,831
Total	<u>\$2,603,972</u>

The funding includes accommodation, vehicle, I.T. and allowances where applicable, and will enable the Community Development Department to employ the following staff:

Club Development Manager: 1 x Full-time, residential based in Tom Price servicing all towns – Paraburdoo, Pannawonica and Tom Price;

Club Development Officers: 1 x Full-time, residential based in Tom Price, 1 x Part-time, residential based in Pannawonica; 1 x Part-time, residential based in Paraburdoo;

Community Capacity Building Coordinators: 1 x Full-time, residential based in Paraburdoo servicing Paraburdoo and Tom Price; 1 x Full-time, residential based in Pannawonica.

The expected outcomes of the funding agreement are to:

Club Development Manager and Officers will:

1. Contribute to the ongoing development and sustainability of community groups and sporting clubs through the provision of professional advice and support;
2. Contribute to the longer term sustainability and governance of community clubs and organisations through the provision of professional services to assist with governance and other support functions; and
3. Support existing clubs to develop and/or expand, the range of leisure, recreation and sporting activities available to meet community needs.

Community Capacity Building Coordinators will:

1. Utilise sustainable community development practices to be integrated across the Shire and the community;
2. Undertake activities and events to integrate new and existing residents, including FIFO and tourists into the towns;
3. Be responsible for the implementation and delivery of the events and programmes supported under the Events and Festivals Agreement such as Welcome Events;
4. Support the capacity and governance of local community groups in each town; Be responsible for shaping and focusing the community culture in each town to create a forward thinking, solution focused culture of inclusivity and sustainability; and
5. Work closely with the Club Development and Community Services Teams to achieve these outcomes.

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The staff will share office facilities with the existing Community Development Team in each of the towns.

The funding agreement between RTIO and SoA is presented for execution. It is recommended that Council authorise the Shire President and Acting Chief Executive Officer to execute this agreement by signing and affixing the Common Seal

Consultation

Shire President
Deputy Shire President
A/Chief Executive Officer
Executive Manager – Strategic & Economic Development
Executive Manager – Community Development
Partnership Governing Committee (PGC)
Partnership Management Group (PMG)

Statutory Environment

Local Government Act 1995 – S 9.49 (A) Execution of Documents
Local Government Act 1995 – S 5.43 (ha) Delegation of Power to the CEO

Financial Implications

Funding has been calculated to support the employment of the Team in full for 4 years, including accommodation, vehicle, I.T. and allowances where applicable.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 – Vibrant and Active Communities
Objective 01 – Connected, Caring and Engaged Communities
Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships
Objective 02 – Enduring Partnerships with Industry and Government

Policy Implications

ELM13 – Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Endorses the Funding Agreement – Community Development and Support Team – with Rio Tinto for the value of \$2,603,972 (excl GST);
2. Authorises the Shire President and Acting Chief Executive Officer to execute the Agreement by signing and affixing the Shire's Common Seal.

Author: Anika Serer	Signature:
Manager: Amanda O'Halloran	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

13.3 EXECUTION OF FUNDING AGREEMENT - PARABURDOO SPORTING AND COMMUNITY HUB STAGE 1

FILE REFERENCE:	PA.DG.0615
AUTHOR'S NAME AND POSITION:	Anika Serer Strategic Revitalisation and Relationship Manager
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute 11611) – Ordinary Meeting of Council 21 August 2013 Agenda Item 12.3 (Minute No. 11550) - Ordinary Meeting of Council 5 June 2013 Agenda Item 12.6 (Minute No. 11351) - Ordinary Meeting of Council 21 November 2012 Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012 Agenda Item 10.2 (Minute No. 11167) – Ordinary Meeting 18 April 2012 Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

Summary

As part of the Partnership between Rio Tinto Iron Ore (RTIO) and Shire of Ashburton (SoA), RTIO has agreed in principle to contribute \$3 million to the construction of Stage 1 of the Paraburadoo Sporting and Community Hub. This will enable general headworks and site preparation, the construction of the childcare centre, and progress scope and final design of the other Stages of the Hub.

The funding agreement between RTIO and SoA is presented for execution, along with a proposed letter of variation clarifying SoA's financial contribution to Stage 1 of the Hub and agreed deliverables. It is recommended that Council authorise the Shire President and Acting Chief Executive Officer to execute this agreement signing and affixing the Common Seal, and approve the letter of variation to accompany the agreement.

Background

A Memorandum of Understanding between RTIO and SoA was signed in July 2012, creating a long term partnership to work together to revitalize existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The MOU provides an engagement framework and Community, Infrastructure and Services Plan (CISP) which details the projects that will be the focus of the partnership.

The engagement framework provides for a Partnership Governing Committee (PGC) to review and direct the activities of the Partnership in accordance with the MOU. The Shire is represented on the PGC by the Shire President, Deputy Shire President, Chief Executive

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Officer, Executive Managers and appropriate senior staff, with RTIO representation by General Managers and appropriate senior staff. The funding agreements and conditions for the various projects and events outlined in the CISP are prepared in close consultation and approval by the PGC.

Under the Partnership, RTIO is assisting SoA by providing support for the delivery of various services and infrastructure projects identified in the Community Infrastructure and Services Plan 2012-2017 annexed to the MOU.

At the Ordinary Meeting held on 21 August 2013, Council approved the construction of initial headworks and the Childcare Centre to commence as Stage 1 of the Paraburdoo Community Hub upon finalization of the required funding. The CEO was further requested to review the Paraburdoo Hub concept plan to consolidate identified duplication of facilities and create better efficiencies.

Comment

The construction cost of the Childcare Centre and initial headworks required for the overall Hub (transformer, service relocation, etc) has been estimated at \$4.66 million (excl GST) for which. The Childcare Centre component has been estimated to cost \$3.875 million (excl GST) and headworks required for the overall hub such as a new transformer, service upgrades, etc and external works at \$785,000 (excl GST).

Royalties for Regions previously allocated \$1.5 million to RTIO to construct a purpose-built child care facility in Paraburdoo, which is now being reassigned to SoA. A contribution of \$300,000 from the Shire will be required toward the headworks which will service the overall development, which was approved at the August 2013 meeting.

The contribution of \$3 million by RTIO will not only enable the construction of the Childcare facility to proceed, but also provide funds for project management and the design review of the other Stages of the Paraburdoo Community Hub as directed. As the agreement had been drafted and signed by RTIO prior to the endorsed Staging of the Hub by Council at the August 2013 meeting, a proposed letter of exchange has been prepared to clarify the use of funds in this way.

The funding agreement between RTIO and SoA is presented for execution, along with the proposed letter of variation. It is recommended that Council authorise the Shire President and Acting Chief Executive Officer to execute this agreement through signing and affixing the Common Seal, and approve the letter of variation to accompany this.

ATTACHMENT 13.3

Consultation

A/Chief Executive Officer

Executive Manager – Strategic & Economic Development

Executive Manager – Community Development

Rio Tinto and Shire of Ashburton Partnership Governing Committee (PGC)

Rio Tinto and Shire of Ashburton Partnership Management Group (PMG)

Partnership Governing Committee (PGC)

Partnership Management Group (PMG)

Statutory Environment

Local Government Act 1995 S9.49 (A) Execution of Documents

Local Government Act 1995 S5.43 (HA) Delegation of Powers to the CEO

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Financial Implications

The proposed budget for Stage 1 of the Paraburdoo Community Hub is reflected in the table below:

Item	Income (excl GST)	Expense (excl GST)
RTIO	\$3,000,000	
RDL	\$1,500,000	
SoA	\$ 300,000	
Total	\$4,800,000	
Childcare Facility		\$3,875,000
Headworks		\$ 785,000
Project Management/ Design Review		\$ 140,000
Total		\$4,800,000

Council approved the contribution of \$300,000 at the Ordinary Meeting held on 21 August 2013.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Policy Implications

ELM 3 – Affixing of the Shire of Ashburton Common Seal.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Authorises the Shire President and Acting Chief Executive Officer to execute the Funding Agreement Paraburdoo Sporting and Community Hub July 2013 – June 2016 between Pilbara Iron Company (Services) Pty Ltd (RTIO) and SoA for \$3,000,000 by signing the Agreement and affixing the Shire's Common Seal;
2. Approves the proposed letter of variation clarifying SoA's contribution to Stage 1 of the Hub being \$300,000 and funds being used to continue to develop agreed scope and final concept design for the other components of the Hub, to accompany the Funding Agreement;
3. Amends the proposed 2013/2014 budget to include the proposed income and expenditure of \$4,800,000 for Job BN455 – Paraburdoo Child Care as outlined in the Financial Implications table

Author: Anika Serer	Signature:
Manager: Amanda O'Halloran	Signature:

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13.4 REQUEST TO ALLOCATE SPACE AT ONSLOW BUSINESS HOUSE TO THE SMALL BUSINESS CENTRE WEST PILBARA

FILE REFERENCE:	RE.SE.R.39509
AUTHOR'S NAME AND POSITION:	Chantelle Salmeri Executive Assistant, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Small Business Centre West Pilbara
DATE REPORT WRITTEN:	26 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 11.1 (Minute No. 11479) – Ordinary Meeting of Council 10 April 2013

Summary

The Small Business Centre West Pilbara (SBCWP) has recently obtained funding to employ a staff member in the town of Onslow to further support the Onslow business community. Because of this position, the SBCWP is now looking for an office space in Onslow.

SBCWP have requested the use of office space at the Onslow Business House on Lot 675 Second Avenue, Onslow once it becomes available to occupy.

Background

The SBCWP is an independent, community-based not-for-profit organisation, providing locally delivered small business services. The centre's core services are provided free of charge and are non-membership based. The SBCWP is part of a network of 25 Small Business Centres around Western Australia providing business assistance and guidance to businesses and potential businesses. Based in Karratha, the SBCWP services the Shires of Roebourne and Ashburton.

The four Strategic Objectives of the SBCWP are:

1. Foster and support start up and growth of small business in the West Pilbara region through the efficient management of the Small Business Centre program
2. Encourage growth and reduce barriers to entry for small businesses
3. Increase learning/training opportunities for businesses
4. Collaborate with stakeholder and support events that add value to small businesses

The SBCWP can help the community and the already established businesses in the Shire of Ashburton with the following:

1. Starting a business
2. Expanding a business
3. Explore new business ideas
4. Finance
5. Marketing
6. Business Planning
7. Market Research
8. Regulations and Licensing

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Small business is integral to economic and community development, diversity and sustainability. The Shire of Ashburton across the whole shire work very closely with the SBCWP in regards to the Economic Development of our communities. The arrangement would be a good business and community outcome fit for the Community of Onslow.

Comment

As the SBCWP has recently obtained funding to employ a staff member in the town of Onslow to further support the Onslow business community they are now looking for an office space in Onslow.

As small business is integral to economic and community development, diversity and sustainability and due to the lack of available office facilities in town it is considered appropriate to offer SBCWP space at the Onslow Business House, located at Lot 675 Second Avenue, Onslow. As agreed at previous Council Meeting on 10 April 2013 the Onslow Business House is the allocated temporary site for the Strategic & Economic Development team to operate from until such time as replacement offices, hall and library are rebuilt.

The SBCWP has previously been providing a service to the Onslow business community but only being able to commit to 4 visits per year, phone & email support and possible extra visit if funds were available. With this new funding it has now become possible to have a service in Onslow that can offer full time 3 days per week with the potential of this to increase if required.

It is proposed that the SBCWP pay a weekly fee of \$100 + GST to the Shire of Ashburton to recoup the cost of utilities, minor printing and photocopying. The office will be used by one employee from the SBCWP to conduct office work and to meet with clients.

Local Government (Functions and General) Regulations 1996 exempts the proposal submitted by SBCWP from the requirements of the Local Government Act 1995 S3.58 'Disposing of Property' as they are a not-for-profit organization. The proposal therefore will not be required to be advertised for public comment.

Once the recommendations have been endorsed by Council a Licence Agreement for a period of 2 years will be prepared, as per policy REC05 Establishment of Sporting Club and Community Group Leases.

Consultation

Executive Manager, Strategic & Economic Development
Strategic Revitalisation & Relationship Manager
Manager Small Business Centre West Pilbara

Statutory Environment

Local Government (Functions and General) Regulations 1996; Part 6, S30 'Dispositions of property excluded from Act s3.58' (2)(b)(i):

A disposition of land is an exempt disposition if —

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;

Financial Implications

The proposed income has not been included in the 2013/14 budget

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Policy Implications

REC05 Establishment of Sporting Club and Community Group Leases

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Support the allocation of office space at the Onslow Business House at Lot 675 Second Avenue, Onslow to the Small Business Centre West Pilbara.
2. Agree to the weekly fee of \$100 + GST to be paid by the Small Business Centre West Pilbara to recoup the cost of utilities, minor printing and photocopying.
3. Delegate the A/CEO to sign the Licence Agreement for a period of two years

Author: Chantelle Salmeri	Signature:
Manager: Amanda O'Halloran	Signature:

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13.5 UPGRADING OF COASTAL TOURISM LOCATIONS AND IMPROVEMENT OF SELECTED ROADSIDE REST STOPS

FILE REFERENCE:	OR.IG.00.00
AUTHOR'S NAME AND POSITION:	Chantelle Salmeri Executive Assistant, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Pilbara Regional Council
DATE REPORT WRITTEN:	27 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

The Project has been broken up into stages and Council is asked to endorse the Stage Two sites –

Four sites were selected in the Shire of Ashburton, being:
Halfway Bridge (Bellary Creek) located between Paraburdoo and Tom Price
Hamersley Gorge 24h Stop
Old Onslow Township
Robe River located at North West Coastal Highway

PRC have advised that the preferred infrastructure is to be a shade shelter, toilet facility and signage at each site. Approval from Council is sought for the installation of this infrastructure.

Background

The PRC comprises the Town of Port Hedland and the Shires of Ashburton, East Pilbara and Roebourne. The PRC exists to add value and benefits to the services provided by its member Councils to the Pilbara community, industries and visitors. They focus on interests and projects that derive regional benefits to the resident community, industries and visitors, or which improve the services provided by each of the Member Councils.

The project of upgrading coastal tourism locations and improvement of selected roadside rest stops is designed to improve the amenity for the travelling public in the region, which has increased in recent years in line with new minerals and resources projects and other developments in the region.

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This project involves two elements, firstly upgrading levels of amenity at selected coastal tourism locations which tourists and local residents visit, and secondly improving roadside rest stops at priority locations along the major inland and coastal roads.

There were two sites completed in Stage One last financial year at:

1. Karijini Drive & Great Northern Highway
2. North West Coastal Highway near Onslow Road

Toilets were not installed at the sites; PRC had purchased toilets that included tank storage which would have required removal of the contents monthly during peak times. Main Roads WA had not been consulted during this process and refused to take on the maintenance. Council is continuing to review and formulate a plan to service and maintain the toilets should they be installed.

ATTACHMENT 13.5

Comment

The PRC has secured funding from the Country Local Government Fund in the 2013/14 financial year and is seeking support to upgrade roadside rest stops at the following sites in the Shire of Ashburton:

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

The investment in tourism infrastructure has many direct and indirect benefits. The facilities and amenities are used by both tourists and residents, adding to the lifestyle attraction of a locality.

It is proposed that Council support the above 4 locations as the nominated rest stop areas and to have a shade shelter and signage installed at each.

Funding has not been allocated to maintain/service the toilet facilities at each rest stop; PRC have requested that the Shire takes on this responsibility.

As a number of the sites are located on Highways discussions have been carried out with Main Roads Pilbara & Main Roads Gascoyne both of which are not in support of maintaining/servicing toilet infrastructure at any of the above locations.

Ernie Reynolds, Acting Director at Main Roads Gascoyne, has advised it is currently costing approximately \$135,000 per year to maintain one toilet and states that extra costs will not be covered by Main Roads Gascoyne. Robe River currently has a toilet and Mr Reynolds does not believe a second one is necessary.

PRC has issued a tender for the supply of the toilets, once this tender has closed and a successful contractor is selected it is proposed that the Shire of Ashburton Administration continue to formulate a plan to maintain the toilets and present this to Council for their decision.

Consultation

Executive Manager, Strategic & Economic Development
Strategic Revitalisation & Relationship Manager
Pilbara Regional Council
NS Projects
Main Roads Gascoyne
Main Roads Pilbara

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Statutory Environment

Not Applicable

Financial Implications

Nil at this time

A proposed maintenance program for the upkeep of the toilets, including estimated costs, will be prepared and presented to Council

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well-Managed Tourism

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Policy Implications

Not Applicable

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Support the upgrading of coastal tourism locations and improvement of selected roadside rest stops by the Pilbara Regional Council at four nominated sites; Halfway Bridge (Bellary Creek) (Paraburdoo/Tom Price), Hamersley Gorge 24hr Stop, Old Onslow Township and Robe River (North West Coastal Highway), each with a shade structure and signage.
2. Request the Acting CEO to determine a plan and estimated costs to maintain the toilets at the selected sites and report to Council.

Author: Chantelle Salmeri	Signature:
Manager: Amanda O'Halloran	Signature:

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13.6 CHEVRON'S AIR QUALITY MONITORING SYSTEM LEASE

FILE REFERENCE:	AS.AD.00000.000
AUTHOR'S NAME AND POSITION:	Chantelle Salmeri Executive Assistant, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Chevron Australia Pty Ltd
DATE REPORT WRITTEN:	29 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 12.7 (Minute 11376) – Ordinary Meeting of Council 12 December 2012

Summary

Chevron is proposing to install an Air Quality Monitoring System (AQMS) in a central Onslow location for the lifetime of the Wheatstone LNG project. The AQMS is a requirement under the Wheatstone environmental approvals.

Council has identified a portion of Reserve 30686, Lot 644 Third Avenue Onslow (on the oval) as a suitable location. Reserve 30686 is currently vested with the Shire for the purposes of "Public Recreation".

A Lease Agreement between the Shire and Chevron has been prepared and is presented to Council for approval.

Background

Chevron as operator of the Wheatstone Project is constructing and planning to operate a multi-train Liquefied Natural Gas (LNG) and Domestic Gas (Domgas) plant, at the Ashburton North Strategic Industrial Area. As part of the environmental approvals for the plant it is necessary for Chevron to quantify the existing air quality in the Onslow town site during both construction and the operation of the Wheatstone Plant.

To complete this requirement an Air Quality Monitoring System (AQMS) needs to be installed in a central location of Onslow to ensure works associated with the Wheatstone Project do not pose a health risk to the town in terms of air quality. The site for the AQMS needs to be flat, low lying and as central as possible within the Onslow Town site.

Chevron approached the Shire in 2012 with the proposal to place an AQMS in the centre of Onslow. Shire staff undertook investigations into a suitable location; instigated discussions with the Department of Regional Development and Lands (RDL) in regards to change of purpose; obtained a professional valuation on the identified location and prepared a draft Lease Agreement.

An agenda item was presented to Council at the Ordinary Meeting held on 12 December 2012 regarding Chevron's proposal. The report noted that it had been conveyed to Chevron

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the facility would need to be safe, secure and aesthetically pleasing to the recreational grounds – it was further suggested that a mural was painted on the building by the local school.

Council delegated authority to the A/CEO to negotiate a contract with Chevron to facilitate the installation of the proposed Air Quality Monitoring System at Reserve 30686 for a period of Ten years with two Five year extension periods and appropriate conditions.

The A/CEO was further instructed to refer the draft contract with Chevron for the installation of the proposed Air Quality Monitoring System at Reserve 30686 to Council for assessment prior to advertising the proposal in accordance with section 3.58 Local Government Act 1995.

Comment

The Shire has identified a portion of Reserve 30686, Lot 644 Third Avenue Onslow (on the Oval) as a suitable location for the AQMS. Reserve 30686 is currently vested in the Shire for the purposes of “Public Recreation”. Advice has been sought from the RDL in regards to the proposal and a ‘no objection’ response has been received. Please see the attached correspondence from RDL.

ATTACHMENT 13.6A

The Shire obtained a professional rental valuation from Independent Valuers of Western Australia (IVWA) for the portion of Reserve 30686, Lot 644 Onslow. The valuation received from IVWA was \$8,000. The Shire are proposing to charge Chevron an annual fee of \$15,000. The proposed lease fee will cover the value of the land and the loss of opportunity in having the AQMS located on said land.

ATTACHMENT 13.6B

Negotiations have occurred between the Shire and Chevron. A Lease Agreement for a portion of Reserve 30686, Lot 644 Onslow has been prepared, based upon advice received from the Shire’s legal representative, Peter Kyle. The Lease Agreement is now presented to Council for endorsement..

ATTACHMENT 13.6C

Following Council’s approval of the proposed Lease Agreement, formal approval from RDL will be sought for the current Management Order over the Reserve to be amended to give the Shire ‘Power to Lease’. In accordance with the requirements of the Local Government Act 1995, Section 3.58 “Disposal of Property”, the Lease Agreement will then be advertised for public comment and if no objections are received, authority from Council is sought to execute the agreement.

Consultation

Executive Manager, Strategic & Economic Development
Onslow Community Liaison, Chevron
A/Economic and Land Development Manager

Statutory Environment

Local Government Act 1996 – Disposal of Property 3.58
Environmental Protection Act (1986) WA
National Ambient Air Quality Standards – National Environment Protection (Ambient Air) Quality Measure (2003) as amended, under National Environment Protection Council Act 1994 (Cth)
State Environmental Policies – Draft State Environmental (Ambient Air) Policy 2009

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Financial Implications

The proposed lease fee has not been included in the 2013/2014 budget, but if approved the Lease agreement is expected to net the Council \$15,000 per year for 10 years.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Services Places

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Objective 03 – Well Planned Towns

Policy Implications

Not Applicable

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Endorse Lease Agreement No. C1098725 to lease portion of land on Reserve No. 30686 Lot 644 Third Avenue Onslow (on the Oval) for the purpose of the Air Quality Monitoring System (AQMS).
2. Request the A/CEO seek formal approval from RDL to amend the Management Order over Reserve No 30686 giving the Shire of Ashburton 'power to lease'.
3. Request the A/CEO to undertake advertising of the proposed disposal of property for public comment in accordance with S3.58 Local Government Act 1995 upon receipt of 'power to lease' from RDL.
4. Should no comment be received in response to the public advertisement of the proposal, delegate authority to the A/CEO to sign the lease agreement.

Author: Chantelle Salmeri	Signature:
Manager: Amanda O'Halloran	Signature:

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13.7 BEADON CREEK HARBOUR DEVELOPMENT

FILE REFERENCE:	RE.BD.R.30711
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	02 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.5 (Minute No. 11557) – Ordinary Meeting of Council 05 June 2013

Summary

Marine Tourism of Western Australia (MTWA), previously known as the Charter Boat Association of WA, is currently evaluating the opportunity of establishing a long sought-after operating base for its members at the Beadon Creek Harbour (Harbour), Onslow.

The MTWA is requesting Councils in - principle support to strongly lobby the Department of Transport (DOT) in allocation of Lot 13 and 14 at the Harbour for Tourism Use, with the MTWA having first option should they be able to raise the necessary finances to proceed with their project.

It is recommended that Council give in-principle support to the Marine Tourism of Western Australia (MTWA) Development and write to the Department of Transport requesting that Lots 13 and 14 be allocated for "Tourism Use".

A whole-of-Government approach is also being sought to the planning and ultimate development of the Beadon Bay Harbour that reflects a transparent planning, environmental and community consultation process.

It is recommended that Council appoint a delegation comprising the Shire President and the A/CEO to meet with the Minister of Transport to request the preparation of a development plan that addresses the development potential of the harbour and which installs access for community needs.

It should be noted that a similar matter of community interest associated with the Beadon Creek Harbour is addressed in this Agenda. Both items relate to different aspects of the harbour development but reflect the lack of strategic planning of the harbour. Importantly, both recommendations are mutually compatible.

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Background

The MTWA are seeking to develop a suitably engineered and designed facility that would be undertaken in 3 stages.

1. Installation of sheet piling, dredging of seabed lease & backfilling the land.
2. Installation of floating pontoons & gangway to facilitate personnel transfer for clients of charter vessels and work boats associated with Wheatstone.
3. Establishment of onshore facilities such as BBQ, fish filleting station, public toilets, sheltered picnic tables, designated car parking & landscaping.

ATTACHMENT 13.7A
ATTACHMENT 13.7B
ATTACHMENT 13.7C

Lots 13 and 14 offer over 100metres of creek frontage that would amply suit their member's needs.

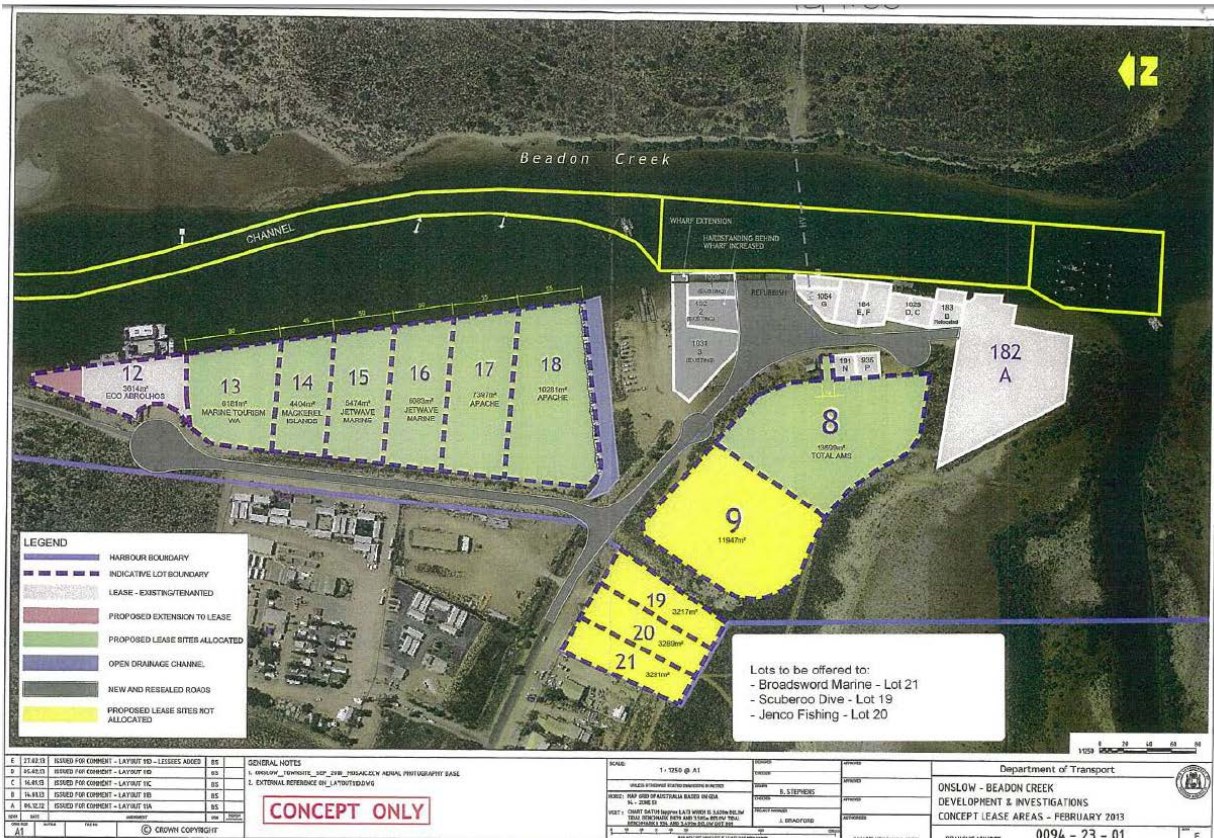
The advantages that this development would bring to the region and to the local community in particular include but are not limited to the following:

1. Establishment of a tourism operating base which could be used by the broader "Wheatstone" & local communities.
2. Provide a safe and purpose designed berthing facility for use by MTWA members in running their charter operations from the area.
3. Provide additional berthing for work boats associated with Wheatstone.
4. Present a legacy of Wheatstone providing ongoing recognition for sponsors.
5. The facility itself would enhance many visitors' experience in the region which, in turn, would support other local businesses.

In order to commence this project MTWA are seeking direct financial and/or sundry resource support to enable a lease to be executed with DoT and the actual work started within the next 3 – 6 months. MTWA are working with the Pilbara Development Commission (PDC).

The following concept plan included represents one of many 'concepts' prepared by the DoT for the development of Beadon Creek Port.

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Shire administration is aware of at least six other 'concepts' prepared by the DoT that have no statutory, environmental or community input into their design. The 'concepts' appear to merely represent a real estate venture to 'carve up' the harbour area for leasehold purposes.

The Shire and Council have repeatedly requested the DoT to prepare a development plan that addresses the development potential of the harbour and which installs access for community needs. This was most recently addressed at the Ordinary Meeting of Council 5 June 2013 where Council resolved to write to the Minister for Transport, Director General of the Department of Transport and the Director General of the Department of State Development a copy of the Shire Administration Report to Council seeking a whole of Government approach to the planning and ultimate development of the Beadon Creek Port that reflects a transparent planning, environmental and community consultation process.

ATTACHMENT 13.7D
ATTACHMENT 13.7E

The correspondence as required by Council was undertaken and although discussions with DoT staff have taken place, no action has been forthcoming in relation to the preparation of a draft development plan.

Comment

The Onslow community and Shire of Ashburton have long held the Harbour high on the Community Amenity list. Recent developments with the Wheatstone Project have seen the use of the Harbour being tailored more towards industrial uses and this has raised concern amongst the community.

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The Harbour is the location of the recreational boat ramp and is the prime site for many land based local fishermen.

Whilst an area for the TTWA is strongly supported, the Shire Administration consider that it is incumbent on the DoT to carryout a development plan that at the very least addresses:

- landform, topography, landscape, vegetation and soils of the area
- location, existing roads, land uses and surrounding land uses and features
- existing and proposed services and infrastructure including reticulated or other potable water supply, sewerage, energy, communications, drainage and catchment considerations
- existing places and features of heritage and/or cultural significance
- road layout and traffic assessment, communal and incidental parking areas, including impacts on the surrounding movement networks
- public open space and recreation provision, environmental protection areas, and relationships to natural features
- assessment of the impact of the proposal on the natural environment, including flooding, storm surge, management of potential effluent, emissions and other forms of pollution
- comprehensive drainage systems for stormwater runoff and natural drainage lines
- indicate the design of the proposal including lot layout, major buildings roads and landscaping proposals
- the demand for the development in relation to the overall market for similar developments
- the method of carrying out the development including the projected times of completion of each stage
- indicate demand for commercial and community facilities, generated by the proposal and implications for the provision of these within the development

Such a plan would be open to public scrutiny and enable the MTWA to ensure that their interests along with all community interests were best served.

The failure of the DoT to provide certainty to the community of Onslow by not undertaking a rational planning process will impact the overall development potential of the harbour.

It should be noted that a similar matter of community interest associated with the Beadon Creek Harbour is addressed in this Agenda. Both items relate to different aspects of the harbour development but reflect the lack of strategic planning of the harbour. Importantly, both recommendations are mutually compatible

Consultation

A/Chief Executive Officer

Principal Town Planner

Keith Anthonisz Manager Infrastructure Development - PDC

Kit Davidson – Project Manager Marine Tourism WA

Statutory Environment

Planning and Development Act

Shire of Ashburton Local Planning Scheme No. 7

Public Works Act

Environment Protection Act

Financial Implications

Nil at this time

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Policy Implications

There are no policy implications relative to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

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

Author: Amanda O'Halloran	Signature:
Manager: Frank Ludovico	Signature:

14. TECHNICAL SERVICES REPORTS

14.1 TOWN PLANNING POLICIES REVIEW

FILE REFERENCE:	OR.CM.01.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	2 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.07.33 - Ordinary Meeting of Council 21 July 2009

Summary

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), allows Council to convert "town planning related" Council policies into Local Planning Policies ('LPP') A LPP has a significantly greater status before independent bodies such as the State Administrative Tribunal.

Over the last six years, Council has prepared and adopted 20 LPP's. In July 2009, Council undertook an overall review of its Policies/Local Planning Policies whereby modifications to the LPP's was undertaken but reference to some the PLA's was inadvertently retained or duplicated. It is appropriate to clarify which Council Polices are current and whether they are governance or management directives.

Background

Council may prepare Local Planning Policies ('LPP') which are in effect, similar to Council Policies but are policies which have a significant status before bodies such as the State Administrative Tribunal, albeit not to the extent of a Local Law or the planning scheme itself.

The increased status of LPP beyond that of a conventional Council Planning Policy (PLA) is only achieved after Council has followed a formal process which includes the preparation and advertising of a draft policy, a period for public submissions, and a Council review of the policy and, finally the public notification of the adopted policy.

In July 2009, Council undertook an overall review of its Policies/Local Planning Policies whereby modifications to the LPP's was undertaken but reference to some the PLA's was inadvertently retained or duplicated as follows:

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Local Planning Policies/Planning Policies

LPP01	PLA19	Transportable Dwellings New and Secondhand
LPP02	___	Home Occupation Home Businesses
LPP03	PLA09	Advertising Signs
LPP04	PLA15	Retail Uses in the Industrial Zone
LPP05	PLA18	Alfresco Dining
LPP06		Caretaker Accommodation
LPP07	PLA05	Cat Pounds and Catteries
LPP08	PLA06	Dog Kennel
LPP09		Non residential Land Uses in Residential Areas
LPP10	PLA13	Design Guidelines for the Tom Price Town Centre
LPP11	PLA14	Cash-in-lieu Car Parking Requirements
LPP12	PLA20	Mineral Exploration
LPP13	PLA21 PLA08	Transient Workforce Accommodation
LPP14		Percent For Public Art Policy
LPP15		Parking and Setback - First Avenue, Onslow
LPP16		Outbuildings Assessment
LPP17		Consultation for Planning Proposals
LPP18		Conversion of Dwellings and Outbuildings to Residential Buildings
LPP19		Unauthorised Existing Development
LPP20		Social Impact Assessment

Duplicated Council Planning Policies

PLA01		Antennae Radio Masts and Satellite Dishes in Residential Area
PLA02	PLA04	Energy Policy
PLA03	PLA11	Standard Development and Subdivision Conditions Grounds of Refusal
PLA04	PLA07	Old Onslow Townsite
PLA16		Private Display Sale of Motor Vehicles within a Public Place or on Public Land
PLA17		Control of Unsightly Land in Private Ownership-Leasehold

Comment

It is appropriate to clarify which Council Policies are current and which are governance or management directives.

Consultation

A/Chief Executive Officer
 Manager Building Services
 Governance and Policy Officer

Statutory Environment

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

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Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

- Governance – Council approval required
These policies are based around Laws, Regulations and Requirements
- Management Directive – CEO approval required via Executive Managers review and adoption
These directives are about day to day operational matters

All reviewed policies will be updated within the Shire's document management systems.

Voting Requirement

Absolute Majority Required

Recommendation

That Council

1. Revoke the following obsolete Council Policies:

PLA04	Energy Policy
PLA05	Cat Pounds and Catteries
PLA06	Dog Kennel
PLA07	Old Onslow Townsite
PLA09	Advertising Signs
PLA11	Standard Development and Subdivision Conditions Grounds of Refusal
PLA13	Design Guidelines for the Tom Price Town Centre
PLA14	Cash-in-lieu Car Parking Requirements
PLA15	Retail Uses in the Industrial Zone
PLA16	Private Display Sale of Motor Vehicles within a Public Place or on Public Land
PLA17	Control of Unsightly Land in Private Ownership-Leasehold
PLA18	Alfresco Dining
PLA19	Transportable Dwellings New and Secondhand
PLA20	Mineral Exploration
PLA21	Transient Workforce Accommodation
PLA08	

2. Realign the following Local Planning Policies by altering the reference number to match the Shire of Ashburton Integrated framework as Corporate Governance Policies:

LPP01	Transportable Dwellings New and Secondhand
LPP02	Home Occupation Home Businesses

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LPP03	Advertising Signs
LPP04	Retail Uses in the Industrial Zone
LPP05	Alfresco Dining
LPP06	Caretaker Accommodation
LPP07	Cat Pounds and Catteries
LPP08	Dog Kennel
LPP09	Non residential Land Uses in Residential Areas
LPP10	Design Guidelines for the Tom Price Town Centre
LPP11	Cash-in-lieu Car Parking Requirements
LPP12	Mineral Exploration
LPP13	Transient Workforce Accommodation
LPP14	Percent For Public Art Policy
LPP15	Parking and Setback - First Avenue, Onslow
LPP16	Outbuildings Assessment
LPP17	Consultation for Planning Proposals
LPP18	Conversion of Dwellings and Outbuildings to Residential Buildings
LPP19	Unauthorised Existing Development
LPP20	Social Impact Assessment

3. Adopt the review of the following Planning Policies and align to match the Shire of Ashburton Integrated Framework as Management Directives:

PLA01	Antennae Radio Masts and Satellite Dishes in Residential Area
PLA02	Energy Policy
PLA03	Standard Development and Subdivision Conditions Grounds of Refusal
PLA04	Old Onslow Townsite
PLA05	Private Display Sale of Motor Vehicles within a Public Place or on Public Land
PLA06	Control of Unsightly Land in Private Ownership-Leasehold

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.2 REVISED REQUEST FROM THE WATER CORPORATION TO INITIATE AN AMENDMENT TO THE SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO. 7 TO PROVIDE FOR A 'WASTE WATER BUFFER' AND CHANGE OF SCHEME RESERVE

FILE REFERENCE:	RE.ON.R.19291 PS.TP.26
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ RESPONDENT:	Water Corporation
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.4 (Minute: 11617) - Ordinary Meeting of Council 21 August 2013

Summary

The Water Corporation has requested that Council undertake the following amendments to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'):

- Reflect the site of the Waste Water Treatment Plant (WWTP) on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)."
- Establish a WWTP odour buffer through the designation of a new 'Special Control Area' under the Scheme called "Onslow Waste Water Treatment Plant Odour Buffer."
- Insert provisions into the Scheme Text to provide special development controls within the buffer area.

It was the opinion of the Shire Administration that the Amendment request not be supported in the form initially submitted by Water Corp. At the Ordinary Council meeting of 21 August 2013, Council resolved:

"That the Agenda Item 14.4 "Request from the Water Corporation to Initiate an Amendment to the Shire of Ashburton Local Planning Scheme No. 7 to Provide for a "Waste Water Buffer" and Change of Scheme Reserve" lay on the Table."

Since Council's resolution, WaterCorp has confirmed that it will not oppose the construction of the 'new road' and accepts the buffer generic provision. Since the new road alignment is yet to be defined, it is reasonable to pursue the requested Amendment provided the documentation prepared by WaterCorp acknowledges the road.

On the basis of WaterCorp's revised position, it is recommended that Council initiate draft Amendment No. 26 to:

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- Rezone the Waste Water Treatment Plant (WWTP) on Reserve 47957 from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)."
- Establish a generic WWTP odour buffer through the designation of a new 'Special Control Area' under the Scheme called "Waste Water Treatment Plant Odour Buffer."
- Insert provisions into the Scheme Text to provide special development controls within the buffer area.

Background

The Water Corporation operates an existing Waste Water Treatment Plant ('WWTP') on Reserve 47957 Macedon Road, Onslow. Reserve 47957 is reserved under Section 41 of the *Land Administration Act (1997)* and is presently vested with the Water Corporation ('Water Corp') for "Wastewater Treatment, Water Treatment, Buffer Zone and Water Storage."

The WWTP treats wastewater flows generated within the Onslow Townsite and is situated about 2 km south of the centre of town and 1.3 km south-west of the nearest (current) residence. The plant is surrounded by salt production works, an airport, rural and industrial land uses.

The WWTP is to be expanded in stages to support anticipated growth in the Onslow urban area. This includes supporting population increases flowing from the Chevron Wheatstone LNG/Dom gas project, BHP Billiton's Macedon gas project and what is believed to be Onslow Salt's expansion.

In 2011, Council adopted the Onslow Townsite Strategy (OTS), which superseded the former Draft Onslow Structure Plan (2003) and which set out Council's vision and the longer-term directions for land use and development for Onslow. The Strategy was supported by the WAPC and forms the basis for land use, zoning, subdivision and development, implemented through the statutory planning framework.

The OTS states that due to the development of the ANSIA project, "*Onslow will experience significant population growth*" and therefore a "*significant reorientation of Onslow's urban structure will be required to accommodate the residential, community and civic needs of the anticipated residential population expansion.*"

The OTS sought to balance the establishment of new living areas with the need to revitalise and, where appropriate, restructure the existing residential precincts.

The Strategy identified 140 hectares of land for the potential development of new residential areas to meet demand for up to 1600 additional dwellings.

In July 2012, Council adopted the 'Onslow Townsite Expansion Stage 1' ('Stage 1 Plan'), which applies to the entire townsite expansion of Onslow. The Stage 1 Plan built upon the OTS and was subsequently endorsed by the Western Australian Planning Commission (WAPC).



Aerial Photo Courtesy of Water Corp

The objectives of the development plan are to:

“Provide a comprehensive planning tool to facilitate the orderly and proper subdivision and development of the land to meet the anticipated growth demand in Onslow;

Create an extension of the urban area with a range of lot sizes to encourage a diversity of housing types, including a number of grouped housing sites;

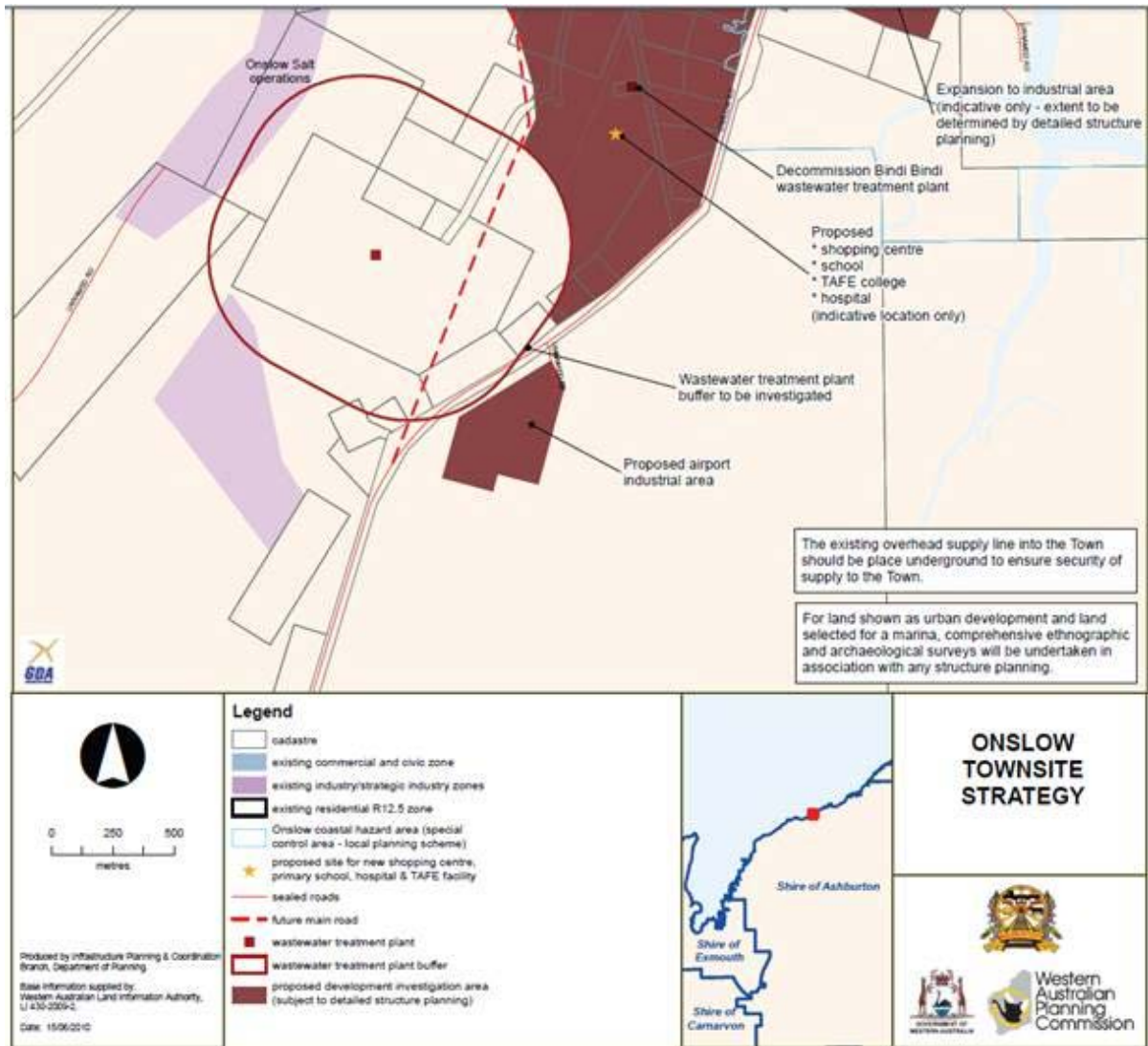
Also included are two public open space areas and an interconnected, legible road network, with two new access points from Onslow Road; and

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

All use, subdivision and development to be in accordance with the Stage 1 Plan.

It is noted that the Stage 1 Plan identified that “...the Water Corporation have raised some concerns regarding the potential impact from their Waste Water Treatment Plant buffer, however the buffer falls outside the Stage 1 Development Plan area. The buffer will impact the Onslow Townsite Expansion Development Plan and will be addressed at this stage.”

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Extract from the Onslow Townsite Strategy

The Stage 1 Plan demonstrates how the proposed development is in accordance with State and Local Government vision for the site, along with the Onslow Townsite Strategy and the objectives of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The Stage 1 Plan is also consistent with the overall development plan and proposed Scheme Amendments No. 21 and 22, which were initiated by Council in June 2012 and are currently being finalised for advertising.

The Water Corporation had requested that Council undertake the following amendments to the Scheme:

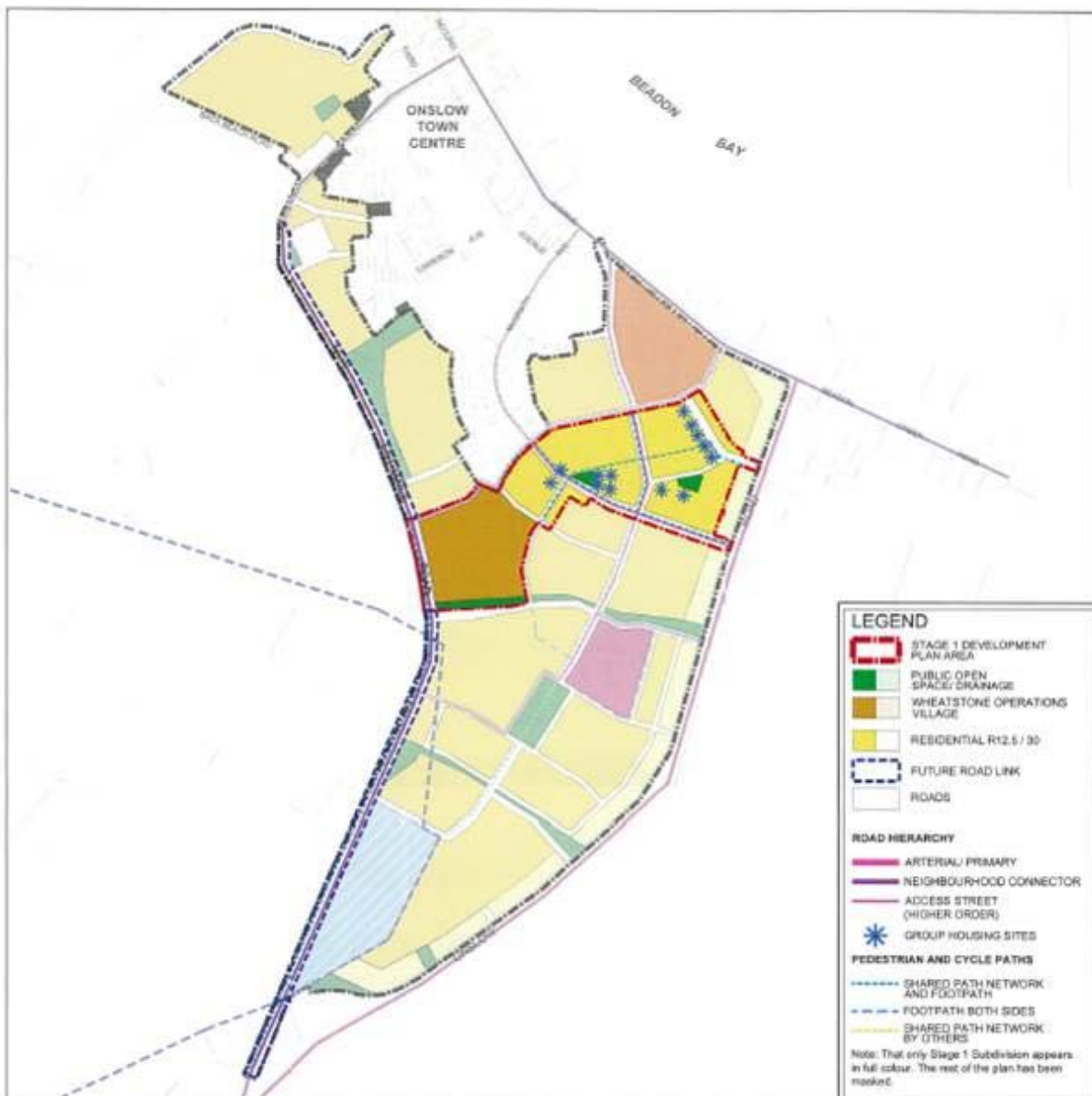
1. Reflect the site of the WWTP on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)."

Water Corp advise that the need for the change to the reserve is to ".....protect the Onslow WWTP from encroachment by land uses that might conflict with the ongoing, long-term operation of the plant due to their sensitivity to potential odour emissions associated with wastewater treatment processes."

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2. Establish a WWTP odour buffer through the designation of a new 'Special Control Area' under the Scheme called "Onslow Waste Water Treatment Plant Odour Buffer."
3. Insert provisions into the Scheme Text to provide special development controls within the buffer area.

Water Corp advise that these "..... measures aim to provide long-term security for the operation of WWTP to meet the present and future development growth of Onslow and to minimise potential odour impacts on future residents in the vicinity of the WWTP."



Extract of the 'Onslow Townsite Expansion Stage 1' (noting the proposed Neighbourhood Connector Road traverses Water Corp Reserve 47957).

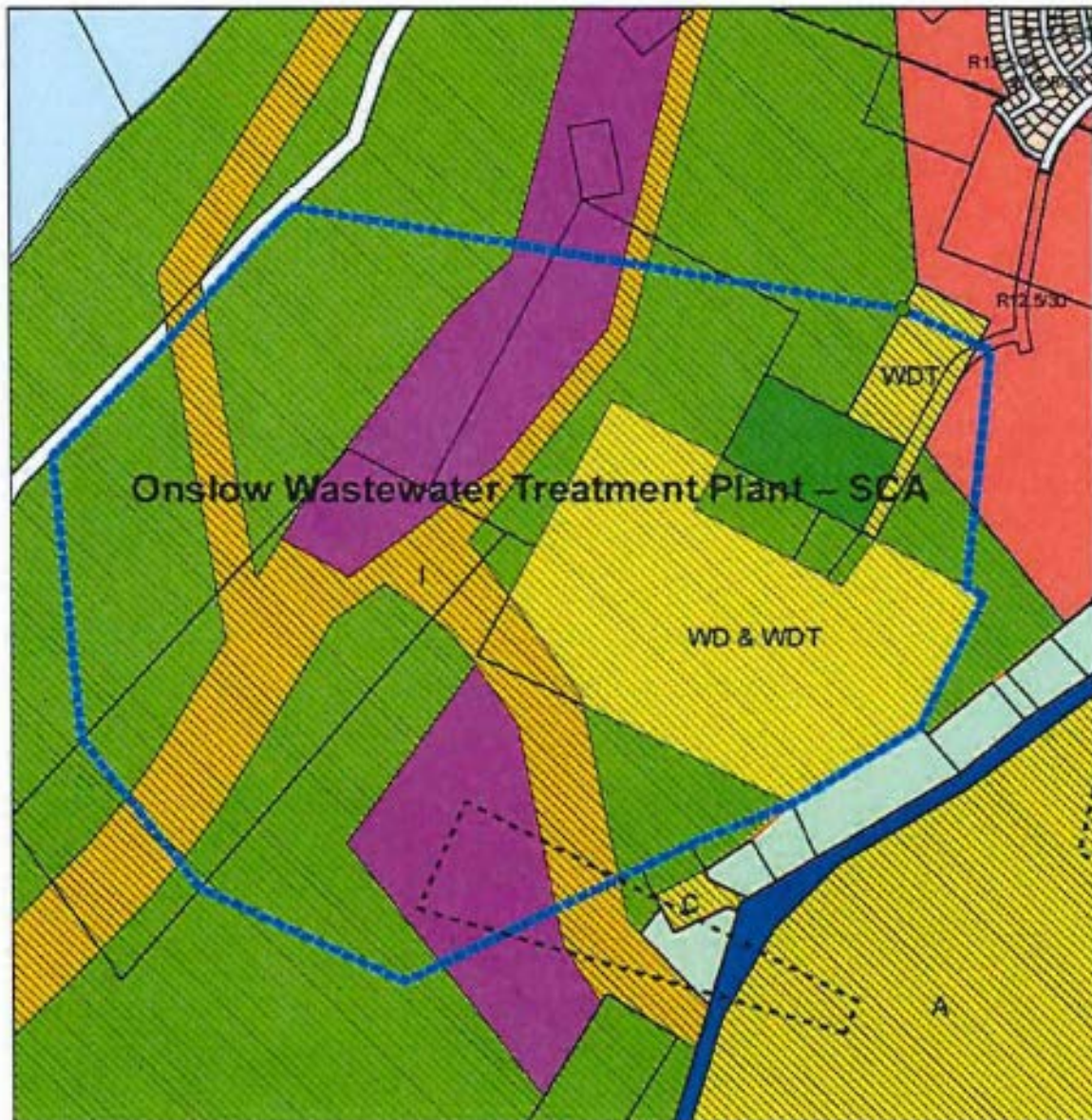
In this regard, the Shire Administration initially considered Water Corp's proposal premature to undertake an amendment to the Scheme to reserve the WWTP as "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)" as it has no reference or acknowledgement that the new road will traverse Reserve 47957.

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The establishment of this new road is vital to the overall development of Onslow and the request from WaterCorp could place in jeopardy this valuable infrastructure. It was the opinion of the Shire Administration that the Amendment request not be supported in the form submitted by Water Corp.

At the Ordinary Council meeting of 21 August 2013, Council resolved:

“That the Agenda Item 14.4 “Request from the Water Corporation to Initiate an Amendment to the Shire of Ashburton Local Planning Scheme No. 7 to Provide for a “Waste Water Buffer” and Change of Scheme Reserve” lay on the Table.”



WaterCorp's Onslow Waste Water treatment boundary (blue dotted line)

Comment

As noted in the Administration report to the August 2013 Council meeting (Item 14.4), the request from Water Corp was considered to have merit in relation to the proposed odour buffer.

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However the initial draft Amendment failed to acknowledge the strategic direction for the development of the Onslow Townsite and in particular, the establishment of a new all weather road from Onslow Road to the western end of the Onslow Townsite.

The proposed odour buffer was generally supported as will provide direction associated with the long-term expansion of the Onslow Townsite. The information provided by Water Corp is probably the most up to date assessment of odour buffer provided to Council.

Since Council's resolution of August 2013, Water Corp has confirmed that it will not oppose the construction of the 'new road' and accepts the buffer generic provision. Since the new road alignment is yet to be defined, it is reasonable to pursue the requested Amendment provided the documentation prepared by WaterCorp acknowledges the road.

Accordingly, in association with WaterCorp's revised information it is now suggested that a new Scheme provisions associated with the odour buffer be initiated by Council by inserting a new sub-section 7.10, to read as follows:

"7.10 Waste Water Treatment Plant Odour Buffer Special Control Area

- 7.10.1 The purpose of identifying the Waste Water Treatment Plant Odour Buffer is to avoid incompatible or odour-sensitive land use or development being established within the odour buffer, and to protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's waste water.*
- 7.10.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed use or development within the Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.*
- 7.10.3 The Waste Water Treatment Plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:*
- Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the waste water treatment plant;*
 - Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;*
 - Obtain and have regard to the advice and recommendations of the Water Corporation and the Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);*
 - Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and*

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- *Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant."*

The above provision provides direction as to what assessment and subsequent conditions would be appropriate on any planning approval to attenuate odour and noise impacts for waste water operations in Onslow or Tom Price or Paraburdoo (noting that it is Hamersley Iron Infrastructure responsible for the water treatment plants and water supply for Tom Price and Paraburdoo).

With respect to a Scheme Amendment that changes site of the Onslow WWTP on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)", the Shire can now support this arrangement as WaterCorp will ensure the Amendment documents clearly refer to the 'new road' that will traverse the reserve.

Consultation

A/Chief Executive Officer
A/Executive Manager – Technical Services
LandCorp
WaterCorp

There is no requirement under the Planning and Development Act 2005 to advertise a proposed scheme amendment prior to it being initiated by the Council. Accordingly, no advertising has occurred to date.

If the Council resolves to initiate the draft amendment, the relevant documentation would be referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the Environmental Protection Act 1986. Should the EPA resolve that the draft amendment does not require formal assessment it will be advertised for a period of 42 days in accordance with the Town Planning Regulations 1967. This will include referral to relevant government agencies for comments.

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. The decision on whether to adopt an amendment is solely that of Council (this is where this 'draft Amendment' currently sits in the process). Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

Shire of Ashburton Town Planning Scheme No. 7
Environmental Protection Act 1986

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

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

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

Financial Implications

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

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

The Amendment documentation will acknowledge the strategic policy direction of the development Onslow as provided for in the Onslow Townsite Strategy, 'Onslow Townsite Expansion Stage 1' and the draft Development Plans associated with draft Scheme Amendment No 21 and No 22.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

Resolves as follows –

1. Pursuant to Part V of the Planning and Development Act 2005, initiates Amendment 26 to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') for the purpose of:
 - i) Inserting new sub-section 7.10 to read as follows:

“7.10 Waste Water Treatment Plant Odour Buffer Special Control Area

7.10.1 The purpose of identifying the Waste Water Treatment Plant Odour Buffer is to avoid incompatible or odour-sensitive land use or development being established within the odour buffer, and to protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's waste water.

7.10.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed use or development within the Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.

7.10.3 The Waste Water Treatment Plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:

 - *Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the waste water treatment plant;*
 - *Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;*
 - *Obtain and have regard to the advice and recommendations of the Water Corporation and the Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);*
 - *Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and*
 - *Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.”*
 - ii) Inserting new reference of *Waste Water Treatment Plant Odour Buffer Special Control Area* in the Scheme Map Legend (under 'Other') and defined by a dark blue dotted line

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- iii) Modify the Scheme Map to insert the *Waste Water Treatment Plant Odour Buffer Special Control Area* for the Onslow Waste Water Treatment Plant as provided in the Shire Administration Report;
 - iv) Reserve the Onslow Waste Water Treatment Plant on Reserve 47957 under the Scheme from "*Conservation, Recreation and Natural Landscapes*" reserve to a reserve for "*Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment).*"
 - v) Amend the Scheme Map accordingly.
2. That upon preparation of the necessary documentation, Amendment 26 be referred to the Environmental Protection Authority (EPA) for consideration, and on receipt of advice from the EPA indicating that the amendment is not subject to an environmental review, it be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.

In the event that the EPA advises that the draft Amendment is to be subject to an environmental review, this review is to be prepared by the proponent prior to advertising.

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.3 REQUEST FOR COMMENT - ONSLOW SOLAR SALT AGREEMENT: CLAUSE 7(1) NOTICE OF INCREASE IN CAPACITY

FILE REFERENCE:	RD.MI.02.01
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ RESPONDENT:	Department of State Development
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Onslow Salt Pty Ltd ('Onslow Salt') operates a salt field in Onslow in accordance with the terms of the Onslow Solar Salt Agreement dated 2 November 1992 between Onslow Salt Pty Ltd and the State of Western Australia.

Although the Shire is not privy to the Onslow Solar Salt Agreement, Onslow Salt has advised that Clause 7(1) of the State Agreement requires Onslow Salt Pty Ltd to give notice to the Minister for State Development if it wishes to modify activities and to submit a proposal with respect to the Approved Proposal.

By correspondence to the Minister dated 31 July 2013, Onslow Salt has provided notification that it is proposing an expansion of the existing crystalliser area from 12 crystallisers that occupy 822ha to 15 crystallisers which will occupy 1006ha (22% increase) and the total area of disturbance will increase from 9,806ha to 9,990ha. The Department of State Development (DSD) provided the Shire with less than 10 days to comment on the proposal.

It is recommended that Council advise the Department of State Development (DSD):

- i. The expansion of Onslow Salt's operations is unlikely to have the same impact of other expansion projects the operations are serviced by a residential workforce.
- ii. Whilst the environmental assessment associated with the expansion addresses many of the environmental factors relevant to the proposed change, it doesn't appear to address potential noise generated by the expansion. In this regard, any increased noise from operations could be a potential impact on the town and on the expansion being undertaken by LandCorp.
- iii. Irrespective of the above, Council requests the State to undertake an independent social impact assessment of the expansion that addresses any potential impacts on the Town of Onslow.
- iv. DSD should formally seek the views of the local government on State Agreement matters and provide at least 21 working days to respond.

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Background

Onslow Salt Pty Ltd ('Onslow Salt') operates a salt field in Onslow in accordance with the terms of the Onslow Solar Salt Agreement dated 2 November 1992 between Onslow Salt Pty Ltd and the State of Western Australia.

Although the Shire is not privy to the Onslow Solar Salt Agreement, Onslow Salt has advised that Clause 7(1) of the State Agreement requires Onslow Salt Pty Ltd to give notice to the Minister for State Development if it wishes to modify activities and to submit a proposal with respect to the Approved Proposal.

Comment

By correspondence to the Minister dated 31 July 2013, Onslow Salt has provided notification that it is proposing an expansion of the existing crystalliser area from 12 crystallisers that occupy 822ha to 15 crystallisers which will occupy 1006ha (22% increase) and the total area of disturbance will increase from 9,806ha to 9,990ha.

Specifically, Onslow Salt advise:

- The original proposal was to build 6 condenser ponds covering 8,000ha to feed concentrated brine into 12 crystallisers. Operational experience has determined that excess concentrated brine is being generated from the 6 condenser ponds and as a result Onslow Salt Pty Ltd wishes to expand the crystalliser area from 12 crystallisers to 15 crystallisers. The purpose of the additional crystallisers is to balance the salt field by maximising the available concentrated brine from the condenser ponds.
- All works associated with the construction of the additional crystallisers will be conducted on existing tenure (M273SA). The construction of the three new crystallisers will not require any additional roads, water supply facilities, electricity supply, transport storage and ship loading facilities, air services and facilities, or upgrades to port facilities.
- The additional new crystallisers will result in an increase in Onslow Salt's permanent workforce of about 10 new employees. Onslow Salt will acquire/construct new housing accommodation for these employees within the Onslow town.
- During the construction period Onslow Salt Pty Ltd is expected to appoint an Australian based contractor to carry out the capital works, it is estimated 16 contractors will be on site. The Shire has not been advised as to the total project cost (which includes earthworks, additional water flow infrastructure, haul trucks, earthworks machinery and employee housing).
- The addition of three new crystallisers will not result in any significant operational changes as no additional sea water intake will be required.
- The proposed new crystallisers will utilise the concentrated brine being generated from the 6 condenser ponds and will therefore be expected to reduce the volume of excess brine/bitterns discharged to the ocean by around 30%.
- The three additional crystallisers will increase total production from 2.5 million tonnes to 3.5 million tonnes.

ATTACHMENT 14.3

By Email dated 3 September 2013, the Shire was informally asked by the Department of State Development (DSD) to provide any comments on Onslow Solar Salt's capacity. This comment

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was to be provided by 12 September 2013. By return Email, DSD was advised that the matter would be referred to the Council meeting of 18 September 2013.

Comment

Whilst the environmental assessment associated with the expansion addresses many of the environmental factors relevant to the proposed change, it doesn't appear to address noise generated by the expansion. In this regard, increased noise from operations could be a potential impact on the town and expansion being undertaken by LandCorp.

The issue of the expansion of Onslow Salt's operations is unlikely to have the same impact of other expansion projects as the Shire understands that the operations are serviced by a residential workforce. This arrangement of a residential workforce is strongly supported and the State should be congratulated for the initiative which goes back to the early 1990's. However, it is reasonable for Council and the Onslow community to request an independent social impact assessment of the expansion that addresses any potential impacts on the town.

From the information provided, it would appear that no such assessment has been sought by the State nor addressed by Onslow Solar Salt. In the view of the Shire Administration, it can only lead to the conclusion that the State is supporting resource developments without knowing the full ramifications of such developments to the communities of the Pilbara.

Over the last several years, the Department of State Development (DSD) has informally sought the views of the Shire with respect to a range of expansion projects that fall under various State Agreements.

For the majority of these expansion projects, the Shire has requested the State to undertake an independent social impact assessment that addresses the impacts on respective townsites. For most of these referred projects, the issue of camp accommodation outside of the townsites has been a significant concern of Council due to the potential 'lost' social and economic benefits of not promoting such accommodation within the Tom Price townsite.

It is also concerning that DSD only informally seeks the views of the local government and in doing so, nominally provides less than 10 days to respond. It is reasonable for the Shire to ask that at least 21 working days be provided to respond to advice on expansion projects.

Consultation

Chief Executive Officer

Statutory Environment

Onslow Solar Salt Agreement Act 1992

Financial Implications

There are no financial implications relative to this matter

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

There are no Policy implications relative to this matter

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. In regard to Email correspondence received from the Department of State Development (DSD) dated 3 September 2013 (**ATTACHMENT 14.3**) seeking comment on Onslow Salt Pty Ltd's request for State approval to expand the existing crystalliser area from 12 crystallisers that occupy 822ha to 15 crystallisers which will occupy 1006ha (22% increase) and the total area of disturbance will increase from 9,806ha to 9,990ha, that Council respond as follows:
 - a) Council is of the view that:
 - i. The expansion of Onslow Salt's operations is unlikely to have the same impact of other expansion projects the operations are serviced by a residential workforce.
 - ii. Whilst the environmental assessment associated with the expansion addresses many of the environmental factors relevant to the proposed change, it doesn't appear to address noise generated by the expansion. In this regard, increased noise from operations could be a potential impact on the town and expansion being undertaken by LandCorp.
 - iii. Irrespective of the above, Council requests the State to undertake an independent social impact assessment of the expansion that addresses any potential impacts on the Town of Onslow.
 - iv. DSD should formally seek the views of the local government on State Agreement matters and provide at least 21 working days to respond.
2. Provide a copy of the Report and correspondence to the Western Australian Local Government Association for its information.

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.4 DRAFT SCHEME AMENDMENT No. 24 - REVISED PROVISIONS IN CLAUSE 7.3 - ONSLOW COASTAL HAZARD AREA PROVISION AND NEW APPENDIX 11 - FOR FINAL APPROVAL

FILE REFERENCE:	PS.TP.7.24
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	4 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.5 (Minute: 11525), Ordinary Meeting of Council 8 May 2013 Agenda Item 13.12 (Minute: 11417), Ordinary Meeting of Council 23 January 2013 Agenda Item 13.1 (Minute: 11189), Ordinary Meeting of Council 16 May 2012 Agenda Item 13.1 (Minute: 11159), Ordinary Meeting of Council 18 April 2012 Agenda Item 13.8 (Minute: 11118), Ordinary Meeting of Council 15 February 2012 Agenda Item 13.9 (Minute: 11119), Ordinary Meeting of Council 15 February 2012

Summary

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

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

This doesn't mean that a sea wall has to be developed immediately but it will mean that the matter must be addressed by State Government and the Council.

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

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Advertising for 42 days and referral to key agencies was undertaken in accordance with legislative requirements and seven (7) submissions were received. However neither the Department of Planning (DoP) nor the Department of Transport (DoT) have responded. Both these agencies have a vital role in advising whether AM 24 reflects State policy in relation to flooding, storm surge and sea level rise.

Council concluded that comment from DoP and DoT is required before Council can be in a position to resolve whether the amendment should be adopted with or without modifications or whether it should not proceed with the amendment. In this regard, at the Ordinary meeting of 8 May 2013 Council resolved to seek an extension of 60 days from the Minister for Planning and specifically seek a response from the DoP and DoT.

The Minister provided an extension of time however to date, neither the DoP nor DoT has responded.

In spite of the lack of State Agency response, it is recommended that Council adopt Amendment No. 24 for final approval with minor typographical modification as set out in the Schedule of Submissions. It is unknown whether the Western Australian Planning Commission or the Minister for Planning will support the Amendment.

Background

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

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

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

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

"7.3 Onslow Coastal Hazard Area

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

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

7.3.3 Applications for planning approval not in conformity with the plan shall be

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referred to the Ministry for Planning and the Registrar of Aboriginal Sites for advice.

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

7.3.5 Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.7.3.6 Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.

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

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

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

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

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

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

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

State Planning Policy No. 2.6 - The State Coastal Planning Policy (SPP 2.6)

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

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

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

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

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

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

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

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

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Given the large setbacks determined in some locations, consideration could be given to methods for reducing these distances. If the low lying regions located near Beadon Creek were raised to a suitable height the elevated water levels associated with the design event would not penetrate as far inland. This would greatly reduce the S1 {Severe Storm Erosion} component of the PPS and could allow for greater development of the area. This low lying area could also be considered for the construction of facilities that have their own protection systems such as marinas. This would allow the development of land that might otherwise have remained unused.

Coastal inundation modelling was conducted using data obtained for Tropical Cyclone Vance. This data was scaled up to obtain the 100 yr ARI design event conditions. This inundation modeling showed that elevated water levels of +5.0 mAHD for current day and +5.9 mAHD for 2110 (including a 0.9 m allowance for sea level rise) could occur for the design event. Inundation plans for these water levels were produced and are attached as Appendix E and Appendix F.

These inundation plans showed that large areas of Onslow and its surrounds are vulnerable to inundation. Care must be taken to ensure that any future development is located safely above these inundation levels. MRA recommend that any future residential or non emergency response infrastructure have a finished floor level of +6.4 mAHD, which includes a factor of safety of 0.5 m above the predicted design inundation at 2110. For critical or emergency response infrastructure it is recommended that this factor of safety be increased to 1.5 m, resulting in a recommended finished floor level of +7.4 mAHD.”

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

At the Ordinary Council meeting of 16 May 2012, Council resolved to initiate draft Amendment (AM) 24 which seeks to provide the opportunity to allow development to occur that reflects the direction of State Planning Policy 2.6 and 3.4. Importantly, the draft provisions acknowledge a different development level requirement for commercial and residential development, with the commercial development on the ground floor above the 50 year ARI development level. Revised Scheme mapping for the *Onslow Coastal Hazard Area* is included as **ATTACHMENT 14.4A** and **ATTACHMENT 14.4B**.

ATTACHMENT 14.4A
ATTACHMENT 14.4B

The revised SPP 2.6 also identified a Hierarchy of Hazard responses. These are in order of preferential treatment.

- Avoid
Define areas where there shall be no development.
- Planned or Managed Retreat
Prevent further development and arrange to relocate or remove assets at intolerable risk over the course of the planning time frame.

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- Accommodation
Allow development, where justified, but require design or management strategies that render the risks acceptable.
- Protection
Where necessary and justified, and where design or management strategies are insufficient then essential assets may have to be protected against damage or loss.

There is a **general presumption against** protection works and where they are required they should be in the general public interest rather than private interest. They must be able to be funded in the longer term, including monitoring, care control and maintenance.

This is a normal hierarchy approach in response to Natural Hazard management, and is supported, although some modification from the Shire to SPP was sought. The SPP 2.6 of 2003 considered a sea level rise of 0.38 m between the year 2000 and 2100. The revised SPP 2.6 adopted a sea level rise of 0.9 m to the year 2110. The original value of 0.38m was based on the mean of the median models, whereas the new value of 0.9m refers to the upper envelope of the various climate change impact models.

The revised SPP 2.6 coastal policy states:

“These guidelines are based on a 100-year time frame from when a subject proposal is being assessed. For erosion and accretion, consideration is given to ocean forces and coastal processes which have a (100 year ARI) probability of being equalled or exceeded in any given year over the planning timeframe. For storm surge inundation, consideration is given to ocean forces and coastal processes that have a (500 year ARI) probability of being equalled or exceeded in any given year over the planning time frame.”

The requirement for protection against storm inundation has risen **significantly** to a 500 year Average Return Interval (ARI), but erosion or set back has remained at the same level of protection of 100 year ARI. These impacts appear to be reversed in safety or risk considerations. The impact or consequences of erosion and entire loss of land and buildings will be much greater than simple, though potentially tragic and damaging, water inundation, which can in part be considered in the design.

There is no current modelling of the 500 year ARI event, but the Shire has been able to interpret and extrapolate the likely outcome. This is a gross extrapolation of the risk assessment, but it is reasonable for the purpose of this review and commentary. Different storm heights will be more accurately determined over time.

But generally:

- | | |
|----------|--|
| RL 5.9m | A design event 100 year ARI storm that will occur after 0.9 m sea level rise in 100 years time means that the ARI of that storm today is approximately a 350 year ARI, and |
| RL 7.15m | A design event 500 year ARI storm that will occur after a 0.9 m sea level rise in 100 years time means that the ARI of that storm today is approximately a 1800 year ARI. |

These are significant changes. The risk of the storm event starts out very low and gradually increases to the design event only in the last year of the 100 year planning horizon. It is very

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conservative, and has extreme impacts on Onslow, particularly for the required 500 year ARI design event.

In April 2012, Council resolved to make the following representations to the revised SPP 2.6, but to similarly request the WAPC to consider modifying SPP 3.4 to align the two state policies:

OBJECTION	RATIONALE
<p>Objecting to a universal prescribed 100 year planning time frame.</p>	<p>A resource based nodal community may need to consider different land uses having different planning horizons.</p> <p>A different planning horizon may require exit or adaptation strategies for some future point in time.</p> <p>Flexibility in SPP 2.6 will be required to achieve this outcome.</p> <p>This may be best achieved by specific land use conditions or requirements embodied in the scheme, rather than simply by development condition.</p> <p>Notations on title would also make the development/ownership risk real and apparent to current and future land owners.</p> <p>A change in the planning horizon will allow the Shire to deal with sea level rise with a more reflective and accurate view as to the life of the development being considered in Onslow.</p>
<p>Objecting to the hierarchy of adaptive measures not specifically considering a hybrid approach with ability to approve, but eventually require removal or adaptation of certain land uses.</p>	<p>The hierarchy of treatments does not specifically consider a hybrid approach wherein developments may be approved today, but are required to be removed or adapted by a certain date in the future. This flexibility is required.</p>
<p>Objecting to the need to consider the risk event and sea level rise immediately, but instead being able to deal with today's risk event and identifying a contingency or adaptation plan that must be applied in the future.</p>	<p>The intention is to avoid excessive levels of protection today, but recognising that at some point in the future the risk may not be palatable.</p> <p>This may involve the need to identify protective measures to be applied in the future, rather than allow for all future risks today – notwithstanding that protective measures should be avoided as a general rule.</p> <p>Any protective contingency plan will need to be well founded and able to be delivered with certainty. This will not be an easy task; however the opportunity to allow the development of such a strategy must be available.</p>
<p>Objecting to the prescribed</p>	<p>It is reasonable for the Commission to nominate a</p>

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<p>minimum level of protection of 500 year ARI against storm surge inundation, for all land uses.</p>	<p>minimum level of protection for certain land uses, but it should not be the 500 year ARI. This is abnormal in the Australian environment.</p> <p>A 100 year ARI level is considered reasonable for habitable floor levels; especially in resource based coastal development nodes such as Onslow. This is especially the case where conservative sea levels rises are assumed.</p> <p>Non habitable development floor levels should also be able to be considered for different levels of protection based on a suitable risk evaluation and appropriate public awareness and title notifications.</p> <p>Some development and land uses may be able to be considered as sacrificial, in part, and able to be re-established should a hazard event occur. Providing mitigation controls are in place.</p>
<p>Suggest that the risk events for erosion and loss of land compared to surge inundation are transposed in the draft, and counterintuitive.</p>	<p>The loss of land and building is the greater consequence and should be assessed against the less frequent event.</p> <p>Inundation risk is of lesser impact on the community.</p>
<p>Request that SPP 2.6 and SPP 3.4 should be aligned</p>	<p>To remove doubt about the design event to be considered.</p>

In July 2013 the revised SPP2.6 was approved (i.e. Gazetted) by the Minister from Planning without the modifications sought by the Shire. In fact, the Shire has no record of the submission being received from the DoP/WAPC or any feedback on the views of Council.

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

Advertising for 42 days and referral to key agencies was undertaken in accordance with legislative requirements and seven (7) submissions were received. The Schedule of Submissions is included as **ATTACHMENT 14.4C**. However neither the Department of Planning (DoP) nor the Department of Transport (DoT) has responded. Both these agencies have a vital role in advising whether AM 24 reflects State policy in relation to flooding, storm surge and sea level rise.

It should be noted that the Shire has sought the views of the DoP and DoT on two occasions before advertising of AM 24.

Council concluded that comment from DoP and DoT is required before Council can be in a position to resolve whether the amendment should be adopted with or without modifications or whether it should not proceed with the amendment. In this regard, at the Ordinary meeting of 8 May 2013 Council resolved as follows:

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“That Council:

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

The Minister provided an extension of time however to date, neither the DoP nor DoT has responded.

Comment

The reality for the Shire, the community of Onslow and the development industry is that the potential impact of flooding and storm surge inundation is a significant factor in the development of the town. In acknowledging this, the Shire is obliged to have regard to SPP's and information from professional consultants like MRA with respect to flooding, storm surge inundation and predicted sea level rise. It is noted however that the severe impacts of sea level rise may not be realized for another 30-40 years. In addition, the current Mean High Water Spring Tide (MHWS) at Onslow is generally RL 1.0mAHD and Highest Astronomical Tide (HAT) is RL 1.5mAHD.

The lowest road levels in Onslow are at RL 1.9m (near Third Avenue and McGrath Avenue) which means that if 0.9m is added to tidal levels then MHWS will be equal to some road levels in the year 2110. Some roads may then be almost flooded twice a day, every day, by high tide, depending upon the sand substrata permeability. This will be a significant planning constraint and an important consideration for the future.

With the above constraints clearly in mind, it is important that the Shire utilise the planning process to both encourage development that has the long term safety of the community. In its report to Council in April 2012 concerning the WAPC's review of SPP 2.6, the Shire noted as follows:

“Onslow, as a resource based coastal development node, is a different circumstance to mainstream suburban or town development and greater flexibility than the code implies may be required to define a way forward. Land Use and Development in parts of Onslow may be able to be assessed with lives substantially different to the 100 year planning horizon and/or using different risk events than those prescribed in the policy. This may include developments, of a more temporary nature, that must be removed or converted (the adaptation approach) when the risk is no longer acceptable and/or the defined planning horizon expires. The coastal policy does not presently allow these considerations.

It is doubtful that the Shire will be able to argue a simple case of, “Onslow is different and must have different rules”. It will be difficult to argue a different planning horizon, or a different risk level, if the Shire is firmly of the opinion that developments will be expected to continue past the chosen time frame. This would be simple intergeneration risk transfer. Where a different planning horizon is sought it can be expected that WAPC will require a future removal or adaptation strategy that will deal with the property or land use at risk in the future. This can be part of our submission on the draft SPP 2.6.

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The Shire will need to undertake a number of studies to be able to inform Council of an appropriate planning response against the Coastal hazard risk, but if flexibility is not available this may not be possible, or practical. If risk control is either impossible or impractical then other decisions for Onslow may be required."

In a recent planning application, MRA (as a consultant to the applicant), noted:

"The Queensland Reconstruction Authority (a subsidiary of the Queensland Government), in response to the impact of Tropical Cyclone Yasi, has developed a guideline to aid in the development and redevelopment of residential infrastructure in storm tide prone areas (Queensland Reconstruction Authority 2011).

The main objectives of the Guideline are to:

- *"Improve the resilience of residential dwellings to the impact of a storm tide event predominately caused by a tropical cyclone.*
- *Assist in safeguarding property in a storm tide.*
- *Improve the broader long term sustainability of dwellings and their local context."*

Furthermore, the guideline recognises that:

"Where communities have already been established and where a storm tide threat exists, it is recognised that residents may wish to live in these locations despite the risk. The intention of the Guideline is to enable residents to adopt a level of protection against storm tide impacts for their homes and properties, which is broadly equivalent to the level of risks adopted for wind damage from tropical cyclones."

It is obvious that to provide the best protection to property it should be built above the defined storm tide planning level. However given the inability to practicably fill development areas in Queensland (a feature shared with Onslow) the development of an elevated house, similar to the traditional Queenslander is recommended for higher risk areas."

The arrangement of development 'Queenslander' style residential uses would appear to be the most appropriate within the *Onslow Coastal Hazard Area – Scheme Control Area* and allows land owners to achieve a minimum finished floor level of 5.9mAHD. This also reflects a design proposal for Onslow suggested by the architects associated with the Çharette carried out in July 2012. The description given to this type of development was the 'Onslander'.

However, although the 'Onslander' concept may be suitable for residential development at 5.9mAHD, it would still not provide the opportunity for commercial development to be considered.

In this regard, the Shire is seeking to implement measures in the Planning Scheme that will provide development levels within an expanded *Onslow Coastal Hazard Area* as follows that although not directly reflecting the MRA advice, achieves the spirit of SPP 2.6 (in its current form) and SPP 3.4 as follows:

- i. 'Strategic' emergency community services use and development shall be at a minimum finished floor level of 6.4mAHD.

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- ii. Commercial-strategic use and development greater than 150m² (e.g. supermarket) shall be at a minimum finished floor level of 5.9m AHD unless the operator has secured land elsewhere in Onslow at 5.9m AHD that can be used for storage or storage on site is at 5.9m AHD.
- iii. Residential use and development shall be at a minimum finished floor level of 5.9m AHD.
- iv. Industry use and development shall be at a minimum finished floor level of 4.9m AHD.
- v. Commercial-non strategic use and development less than 150m² and development shall be at a minimum finished floor level of 4.9m AHD.
- vi. Non strategic community services use and development shall be at a minimum finished floor level of 4.9m AHD.
- vii. 'Temporary' and transient use and development shall be at a minimum finished floor level generally reflecting the current differentiation of 4.0m AHD. However the requirement would be that development of such uses could not be approved beyond 2040 and be removed from land by a set date (suggested to be 31 December 2040).
- viii. Entertainment, recreation and cultural use shall be at a minimum finished floor level of 2.5m AHD.

In an attempt to address the low road levels in Onslow, all land subject of a planning approval within the *Onslow Coastal Hazard Area* would have minimum finished ground level of 2.5m AHD. However, so not to exacerbate a wider area of flooding, it is proposed to include a provision that requires any filling of land within the *Onslow Coastal Hazard Area* to require the consent of the Shire. There is a presumption against filling to achieve a finished ground level higher than 2.5m AHD.

It is not proposed to require modifications to buildings listed in the Shire's Municipal Inventory or on the State Heritage Register to necessarily comply with the higher floor levels due to the potential impacts on the heritage buildings. It would however be appropriate that any planning approvals issued over such heritage properties would require a memorial on the title warning of the floor level is below the 1:100 years flood level.

In addition, it is proposed to include the opportunity for Council to consider

- commercial-non strategic use and development; or
- industry use and development; or
- health, welfare and community services-non strategic;

at a lesser finished floor level than described above where:

- "i the application includes a strategy and management measures to:*
 - (a) ensure that any storage, warehousing, electrical fittings/switchboards (but not including electrical power-points) are provided above 5.9m AHD;*
 - (b) address how an approved use can be removed or adapted as the case may be by the date referred to in ii) below;*
- ii an approved use is removed from the land as follows:*

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- (a) where the finished floor level is between 4.0m - 4.8m AHD, the development shall be removed by 31 December 2040; and
- (b) where the finished floor level is between 4.9m - 5.8m AHD, the development shall be removed or adapted by 31 December 2060."

The intention of this provision is to provide practical means for the development of the town centre in its immediate future (potentially up to 2060).

Clearly, Onslow is at risk to coastal hazards and any opportunity for development must recognise this. In addition, an Amendment to Scheme to address the *Onslow Coastal Hazard Area* and finished floor level provisions will necessitate protection measures. This could include the long term establishment of a sea wall to protect the town by 2040. This doesn't mean it has to be developed but it will mean that the matter is addressed by State Government and the Council.

Conclusion

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

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

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

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

In spite of the lack of State Agency response, it is recommended that Council adopt Amendment No. 24 for final approval with minor typographical modification as set out in the Schedule of Submissions.

However, it is important for Council to note that Am24 does not reflect a design event 500 year ARI storm as required by the current SPP 2.6. To achieve a 500 year ARI storm event, a minimum development floor level of RL 7.15m would be required.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Advertising for a minimum of 42 days was undertaken where all land owners in the recommended extended *Onslow Coastal Hazard Area* in Onslow were notified and invited to

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comment. In addition, agencies and corporations including the DoP, DoT, Department of Water, Water Corp and Horizon Power were notified.

Statutory Environment

Planning and Development Act 2005

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

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

After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the WAPC.

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

Shire of Ashburton Local Planning Scheme No. 7.

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

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

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

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Policy Implications

There are no policy implications relevant to this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt with modification for final approval, draft Amendment No. 24 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") as follows:

1. To replace and introduce a revised provision Clause 7.3 as follows:

"7.3 Onslow Coastal Hazard Area

7.3.1 The Special Control Area applies to all land identified on the Scheme Map and as defined in Appendix 11.

7.3.2 Applications for planning approval within the Special Control Area shall be assessed under Appendix 11 and all development shall conform to the requirements of Appendix 11.

7.3.3 Applications for planning approval not in conformity with of Appendix 11 are prohibited."

2. To replace and introduce a revised provision Clause 6.20.2 and Clause 6.20.3 as follows:

"6.20.2 In areas not subject to Onslow Coastal Hazard Area and where the Local Government considers the form of development the subject of a planning application to be potentially incompatible with land prone to flood and storm surge events, it must be satisfied that approval of such planning applications has regard to flood and storm surge events and may approve, with or without conditions, or refuse proposals at its discretion.

6.20.3 Prior to considering planning applications under Clause 6.20.2 the Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval."

3. Introduce a new provision of Appendix 11 as follows:

"APPENDIX 11

Purpose:

- *To ensure that all development within the Onslow Coastal Hazard Area is designed and developed with finished floor levels to reflect the direction of State Planning Policy 2.6 and State Planning Policy 3.4.*

1. *Land use definitions to be applied in this Appendix are those applicable to the*

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predominant use of the specific proposal and not necessarily the various components of the overall land use.

Note: For example, A dwelling may have sheds and a garage which can be approved at a minimum ground level of 2.5mAHD.

2. *For the purpose of Appendix 11, the following land use descriptions apply:*

i. 'Entertainment, recreation and culture' use means:

- *Clubrooms*
- *Equestrian Centre*
- *Private Recreation*
- *Public Recreation*

ii. 'Commercial-strategic' use means:

- *Shop (greater than 150m² GLA)*

iii. 'Commercial-non strategic' use means:

- *Caretaker's Dwelling*
- *Display Home Centre*
- *Entertainment Venue*
- *Exhibition, Display and Outdoor Sales Facilities*
- *Holiday Accommodation*
- *Hotel*
- *Market*
- *Motel*
- *Movable Dwelling*
- *Motor Vehicle and/or Marine Repair*
- *Motor Vehicle and/or Marine Sales & Hire*
- *Motor Vehicle and/or Marine Service Station*
- *Motor Vehicle and/or Marine Wrecking*
- *Motor Vehicle Wash*
- *Office*
- *Outdoor Display*
- *Reception Centre*
- *Restaurant*
- *Shop (less than 150m² GLFA)*
- *Showroom*
- *Commerce continued*
- *Take-away Food Outlet*
- *Warehouse*
- *Transient Workforce Accommodation*

iv. 'Health, welfare and community services-non strategic' use means:

- *Carpark*
- *Childcare Service*
- *Community Use*
- *Consulting Rooms*
- *Education Establishment*
- *Funeral Parlour*
- *Place of Animal Care*
- *Place of Public Meeting, Assembly or Worship*

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v. *'Health, welfare and community services-strategic' use means:*

- *Emergency Services*
- *Hospital*
- *Medical Centre*
- *Nursing Home*
- *Public Utility*

vi. *'Industry' means:*

- *Abattoir*
- *Agriculture*
- *Arts and Crafts Centre*
- *Harbour and Marina Facilities*
- *Hire Service (Industrial)*
- *Home Business*
- *Home Occupation*
- *Industry - Extractive*
- *Industry - General*
- *Industry - Light*
- *Industry - Resource Processing*
- *Industry - Rural*
- *Industry - Service*
- *Infrastructure*
- *Intensive Agriculture*
- *Research Laboratory*
- *Stockyard*
- *Storage facility/depot/laydown area*

vii. *'Residential' means:*

- *Aged or Dependent Persons Dwelling*
- *Grouped Dwelling*
- *Multiple Dwelling*
- *Residential Building*
- *Single House*

viii. *'Temporary and/or transient' use means use and development that have a limited tenure and operation on land and may include:*

- *caravan park;*
- *transient workforce accommodation on land zoned Tourist;*
- *car park; and*
- *ablutions; or*
- *other use only where the local government resolves that the particular development or use is consistent with the purposes of Appendix 11.*

3. *Within the Onslow Coastal Hazard Area the following land use and development shall only be undertaken within the following finished floor levels to the satisfaction of the local government:*

- All health, welfare and community services strategic use and development shall be at a minimum finished floor level of 6.4mAHD.*
- All commercial-strategic use and development shall be at a minimum*

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finished floor level of 5.9mAHD.

- iii. Commercial-strategic use and development greater than 150m² (e.g. supermarket) shall be at a minimum finished floor level of 5.9mAHD unless storage either site is at 5.9mAHD or the applicant or landowner can secure an alternative site for storage at 5.9mAHD.*
 - iv. All residential use and development shall be at a minimum finished floor level of 5.9mAHD.*
 - v. All industry use and development shall be at a minimum finished floor level of 4.9mAHD.*
 - vi. All commercial-non strategic use and development shall be at a minimum finished floor level of 4.9mAHD.*
 - vii. All health, welfare and community services-non strategic use and development shall be at a minimum finished floor level of 4.9mAHD.*
 - viii. Temporary and/or transient use and development may be approved at a minimum finished floor level of 4mAHD. Where planning approval is issued, the use and development shall not remain beyond 31 December 2040. All such approved uses shall be removed from the land by 31 December 2040.*
 - ix. Entertainment, recreation and culture use may be at a minimum finished floor level of 2.5mAHD.*
- 4. All land subject of a planning approval within the Onslow Coastal Hazard Area shall have minimum finished ground level of 2.5mAHD.*
 - 5. Any filling of land within the Onslow Coastal Hazard Area shall require the consent of the local government. There is a presumption against filling to achieve a finished ground level higher than 2.5mAHD.*
 - 6. A planning approval within the Onslow Coastal Hazard Area shall include a condition that a memorial is placed on title that clearly defines that the development on the land may be subject to storm surge and flooding.*
 - 7. Notwithstanding any Clause of Appendix 11, where land is specifically included in an adopted Municipal Inventory of Heritage Places or State Heritage Register, the local government may approve an application for planning approval on land at a finished floor level less than that prescribed in Appendix 11 provided any:
 - i. such approval in keeping with the historic nature of the existing buildings; and*
 - ii. planning approval includes a memorial is on title as required in Clause 6.**
 - 8. Notwithstanding Clause 3. of Appendix 11, upon application for planning approval to the local government for land either specifically referred to in a:
 - i. commercial-non strategic use and development; or*
 - ii. industry use and development; or*
 - iii. health, welfare and community services-non strategic;**

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may be considered by the local government at the minimum finished floor level described in the plan attached to Appendix 11 where:

- i. the application includes a strategy and management measures to:
 - (a) ensure that any storage, warehousing, electrical fittings/switchboards (but not including electrical power-points) are provided above 5.9m AHD;*
 - (b) address how an approved use can be removed or adapted as the case may be by the date referred to in ii) below;**
 - ii. an approved use is removed or adapted as the case may be from the land as follows:
 - (a) where the finished floor level is between 4.0m - 4.8m AHD, the development shall be removed by 31 December 2040; and*
 - (b) where the finished floor level is between 4.9m - 5.8m AHD, the development shall be removed or adapted by 31 December 2060.**
9. *Where a planning approval is issued under Clause 7. of Appendix 11 or where a temporary and/or transient use and development is approved, the local government shall not support subdivision unless it is an amalgamation of land."*
4. To modify the Scheme Maps reflecting a modified *Onslow Coastal Hazard Area – Special Control Area* (as provided in **ATTACHMENT 14.4A** and **ATTACHMENT 14.4B**)
 2. That the Council endorses the Schedule of Submissions (**ATTACHMENT 14.4C**) prepared in response to the community consultation undertaken in relation to Amendment No. 24.
 3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.
 4. That the Council refer Amendment No. 24 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
 5. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.5 MODIFICATION TO 'LOCAL PLANNING POLICY - BEADON BAY VILLAGE CONCEPT PLAN FOR LOTS 557 & 563 BEADON CREEK ROAD AND LOTS 555 & 556 PARSLEY STREET, ONSLOW TO FACILITATE 12 'KEY WORKER' ACCOMMODATION UNITS

FILE REFERENCE:	RE.BD.R.34101
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Department of Housing/Master Plan SA Pty Ltd and Discovery Parks Pty Ltd
DATE REPORT WRITTEN:	5 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.7 (Minute No. 11527) - Ordinary Meeting of Council 8 May 2013 Agenda Item 13.10 (Minute No. 11217) - Ordinary Meeting of Council 20 June 2012 Agenda Item 13.09 (Minute No. 11216) - Ordinary Meeting of Council 20 June 2012 Agenda Item 13.08 (Minute No. 11215) - Ordinary Meeting of Council 20 June 2012 Agenda Item 13.02.08 - Ordinary Meeting of Council 16 February 2011

Summary

The Department of Housing (DoH) and the Shire has identified that 'key workers' who are employed by local small and medium business enterprises are currently under housing stress as they struggle to pay rental and purchase prices which are three times more expensive than the Perth Metropolitan area.

The Housing Authority (the Authority) is progressing a business case for funding from the Royalties for Regions Housing for Workers Program to provide dwellings for key workers in Onslow on a permanent basis. A site identified as being possibly suitable for such housing arrangements is Lot 555 Parsley Street, Onslow. The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and it is included in the Onslow Coastal Hazard Area Special Control Area. The 'key worker' accommodation is defined as 'group dwelling' and requires planning approval.

However, At the Ordinary meeting of 8 May 2013, Council resolved to adopt Local Planning Policy '*Local Planning Policy - Beadon Bay Village Concept Plan*' (LPP) at Lots 557 & 563 Beadon Creek Road and Lots 555 & 556 Parsley Street, Onslow. The LPP facilitates the development of additional transient workforce accommodation and associated facilities to complement the existing development at Beadon Bay Village.

The LPP did not identify such accommodation arrangements and should be modified to reflect up to 12 'key worker' units.

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It is recommended that Council:

1. Adopt the draft modifications to 'Local Planning Policy - 'Beadon Bay Village Concept Plan' as a Local Planning Policy under the provisions of Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
2. Authorise the Chief Executive Officer to determine the level of additional information required to prepare documents comprising the draft 'Local Planning Policy - 'Beadon Bay Concept Plan' and once received, advertise in accordance with the provisions of the Scheme.
3. Request the Chief Executive Officer to prepare a further report to Council once advertising is complete.

Background

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m² with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres. Lot 555 and Lot 556 have a combined area of approximately 2.4ha, are vacant and have frontage to Parsley Street road reserve (unconstructed). These lots generally have a ground level of between 2.5m – 4m AHD



Lot 557 has an area of approximately 27,691m² with a frontage to Parsley Street road reserve of approximately 60 metres. Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site.

Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

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

At the Ordinary meeting of 8 May 2013, Council resolved to adopt Local Planning Policy 'Local Planning Policy - Beadon Bay Village Concept Plan' (LPP) at Lots 557 & 563 Beadon Creek Road and Lots 555 & 556 Parsley Street, Onslow. The LPP facilitates the development of additional transient workforce accommodation and associated facilities to complement the existing development at Beadon Bay Village.

The concept development plan defines the form of *draft LPP* by providing a 'strategic' direction of the development of the whole land (i.e. Lots 555, 556, 557 and 563) for transient workforce accommodation, caravan park and ancillary uses.

ATTACHMENT 14.5

Proposal

This report relates to modifying the adopted LPP to facilitate the development of 12 'key worker' accommodation units at Lot 555 Parsley Street Onslow.

The Department of Housing (DoH) and the Shire has identified that 'key workers' who are employed by local small and medium business enterprises are currently under housing stress as they struggle to pay rental and purchase prices which are three times more expensive than the Perth Metropolitan area.

The Housing Authority (the Authority) is progressing a business case for funding from the Royalties for Regions Housing for Workers Program to provide dwellings for key workers in Onslow on a permanent basis. A site identified as being possibly suitable for such housing arrangements is Lot 555 Parsley Street, Onslow. The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and it is included in the Onslow Coastal Hazard Area Special Control Area. The 'key worker' accommodation is defined as 'group dwelling' which requires planning approval and will need to comply with the Western Australian Planning Commission's (WAPC) Residential Design Codes.

The general location of the units are shown in red on the following page.

Comment

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

The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The subject site is also within the *Onslow Coastal Hazard Area Special Control Area*. Clause 6.20.4 of the Scheme provides:

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

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Clause 7.3.6 of the Scheme states (with reference to the Onslow Coastal Hazard Area-Special Control Area):

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

It is Council Policy that prior to considering an application for planning approval or request for rezoning within the *Onslow Coastal Hazard Area – Scheme Control Area* the applicant or proponent is required to undertake an assessment from a suitably qualified person to address potential flood and storm surge events on the proposed development in accordance with Clause 6.20.4 and Clause 7.3.6 of the Scheme.

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

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

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

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

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

"The total recommended setbacks to allow for the action of physical coastal processes were calculated to range from 30 m for the area protected by the seawall up to 372 m for the land adjacent to 4 Mile Creek. Given the large setbacks determined in some locations, consideration could be given to methods for reducing these distances. If the low lying regions located near Beadon Creek were raised to a suitable height the elevated water levels associated with the design event would not penetrate as far inland.

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

Coastal inundation modeling was conducted using data obtained for Tropical Cyclone Vance. This data was scaled up to obtain the 100 yr ARI design event conditions. This inundation modeling showed that elevated water levels of +5.0 mAHD for current day and +5.9 mAHD for 2110 (including a 0.9 m allowance for sea level rise) could occur for the design event. Inundation plans for these water levels were produced and are attached as Appendix E and Appendix F.

These inundation plans showed that large areas of Onslow and its surrounds are vulnerable to inundation. Care must be taken to ensure that any future development is located safely above these inundation levels. MRA recommend that any future residential or non emergency response infrastructure have a finished floor level of +6.4 mAHD, which includes a factor of safety of 0.5 m above the predicted design inundation at 2110. For critical or emergency response infrastructure it is recommended that this factor of safety be increased to 1.5 m, resulting in a recommended finished floor level of +7.4 mAHD."

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

This floor level is reflected in draft Planning Scheme Amendment No. 24.

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It may be possible for Council to consider a lower finished floor level provided any Application for Planning Approval was accompanied by an assessment from a suitably qualified person that addressed potential flood, storm surge events, SPP 2.6 and the like on the proposed development.

It is anticipated that any approval would be limited to a development period. In this regard, it is proposed that the *'Local Planning Policy - 'Beadon Bay Village Concept Plan'* be amended to include the following additional new clause of the LPP:

6.8 Key Worker Residential Accommodation

6.8.1 *The Department of Housing (DoH) and the Shire has identified that 'key workers' who are employed by local small and medium business enterprises are currently under housing stress as they struggle to pay rental and purchase prices which are three times more expensive than the Perth Metropolitan area.*

6.8.2 *The Housing Authority (the Authority) is progressing a business case for funding from the Royalties for Regions Housing for Workers Program to provide dwellings for key workers in Onslow on Lot 555 Parsley Street, Onslow.*

6.8.3 *The 'key worker' accommodation is defined as 'group dwelling' which requires planning approval ('D' Use) and will need to comply with the Western Australian Planning Commission's (WAPC) Residential Design Codes.*

6.8.4 *'Key worker' accommodation units are to be generally located in as shown on the Policy Plan and should be designed to be adaptable to accommodate future conversion to tourist accommodation.*

6.8.5 *'Key worker' accommodation units shall be at a minimum finished floor level of 5.9m AHD. A lower floor level may be considered by Council where the Application for Planning Approval is accompanied by an assessment from a suitably qualified person and addresses:*

- *potential flood;*
- *storm surge events;*
- *State Planning Policy 2.6;*
- *and the like.*

It is anticipated that any approval resulting in a floor level less than 5.9m AHD would be limited to a development period.

Should Council agree to progress the inclusion of the key worker' accommodation units in the LPP, the final version would be appropriately detailed.

Conclusions

It would be appropriate for Council to modify *'Local Planning Policy - 'Beadon Bay Village Concept Plan'* to acknowledge the potential development of Key Worker Residential Accommodation on Lot 555.

Consultation

A/Chief Executive Officer

Clause 2.3.1 of the Scheme requires that draft Local Planning Policies be advertised for community consultation for a minimum of 21 days.

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If accepted by Council, the revised draft LPP will be advertised and referred to State agencies and servicing corporations for comment.

Statutory Environment

Planning and Development Act

Shire of Ashburton Town Planning Scheme No. 7

State Planning Policy 2.6 - The State Coastal Planning Policy

State Planning Policy 3.4 - Natural Hazards and Disasters

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

Policy Implications

Local Planning Policy 'Transient Workforce Accommodation'

Local Planning Policy 'Interpretation of Onslow Coastal Hazard Area'

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Adopt the draft modifications to '*Local Planning Policy - 'Beadon Bay Village Concept Plan'*' as a Local Planning Policy under the provisions of Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
2. Authorise the Chief Executive Officer to determine the level of additional information required to prepare documents comprising the draft '*Local Planning Policy - 'Beadon Bay Concept Plan'*' and once received, advertise in accordance with the provisions of the Scheme.
3. Request the Chief Executive Officer to prepare a further report to Council once advertising is complete.

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.6 PLANNING APPLICATION - CHANGE THE USE OF MACEDON TRANSIENT WORKFORCE ACCOMMODATION CAMP (COMPRISING 380 ROOMS, ASSOCIATED FACILITIES AND SERVICES) TO ENABLE SOLE OCCUPATION BY THE CHEVRON WHEATSTONE CONSTRUCTION AND COMMISSIONING/MAINTENANCE WORKERS AT LOT 500 ONSLOW ROAD, ASHBURTON NORTH

FILE REFERENCE:	RD.OG.2.7 20130270 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT: OWNER:	Chevron Australia State of Western Australia
DATE REPORT WRITTEN:	7 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.07.37 - Ordinary Meeting of Council 13 July 2010 Agenda Item 9.08.01 - Special Meeting of Council 4 August 2010

Note: Whilst not listed here, numerous other reports associated with the ANSIA and Chevron's Wheatstone development have been presented to Council and the Pilbara Joint Development Assessment Panel

Summary

Chevron has lodged an Application for Planning Approval to change the use of BHP Billiton Petroleum's (BHPB) Macedon Transient Workforce Accommodation camp (comprising 380 beds, associated facilities and services) to enable sole occupation by the Chevron Australia's Wheatstone construction and commissioning/maintenance workers. It should be noted that Chevron has renamed the Macedon camp, to the "Brolga" camp.

The Application before Council reflects the changing environment of the construction within the ANSIA. BHPB's original guarantee of removal of the Macedon Camp by 'first gas' of the Macedon Domestic Gas Plan has been superseded by Chevron's demands that that camp be retained for a far longer period than the Shire and perhaps BHPB ever anticipated.

BHPB has prepared a Quantitative Risk Assessment (QRA) Report which did not accompany the Application. The Shire sought a complete copy of the Report so that Council could satisfy itself as to resident safety from the operation of the Macedon Domestic Gas Plant. Chevron has made available to Councillors and Shire Administration a confidential copy but this is not publically available and cannot be included in the Report to Council..

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Chevron and BHPB's restriction on making the QRA 'confidential' places limits on the Shire to comment on what has been 'informally' provided and advice in a Report to Council. However as an observation, it would seem that the QRA as informally provided does conclude that the 'risk' as defined by the Environmental Protection Authority is acceptable or tolerable.

It is acknowledged that Chevron, BHPB, Department of Mines and Petroleum and Department of State Development all conclude that residents of the Brolga camp can safely coexist with the Macedon Domestic Gas Plant.

In this regard, Council will need to determine whether the information provided is sufficient to resolve that the risk of simultaneously operating both the Macedon Domestic Gas Plant and the Brolga Camp is 'acceptable'.

Should Council conclude that the company and agency advice is acceptable to conclude that safe co-existence of the Camp and the Plant is possible, then conditional approval to continue the Macedon Camp in the form of 'Brolga' camp should be issued. Should Council resolve that there may be an unacceptable risk, then it may wish to refuse the Application.

Accordingly, two alternative recommendations are provided to Council.

Background

Macedon Domestic Gas Plant and associated transient workforce accommodation

At a Special Meeting of Council in August 2010, Council considered two applications for planning approval on behalf of BHP Billiton Petroleum (BHPB) as follows:

- Construction of a gas treatment and compression plant connected to the off-shore gas field by a pipeline, transient workforce accommodation and private road (Shire Ref: 20101070) within the general vicinity of the proposed Ashburton North Strategic Industrial Area.
- Construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury Natural Gas Pipeline (Shire Ref: 20101071).

As noted in the August 2010 Report to Council, the transient workforce accommodation camp was clearly for a defined period:

"It intended that any Planning Approval have arrangements that would minimise impacts on the town through BHP Billiton limiting access to workers during the construction period. However, as defined in the application, it is intended that should approval be issued that a condition be placed for a limitation on the number of workers and for this to be limited to construction and 'shut down' workers only. BHP Billiton operational staff will be required to be housed in Onslow."

Due to the need for environmental assessment for the overall Macedon development, the planning approvals were not issued until October 2010. Conditions of both approval approvals placed a limit on the use and length of time for the camp operations:

"i An agreement with the developer to prepare and submit to Council, a Development Plan and accompanying request to rezone the facility to a Strategic Industrial zone prior to completion of the facility. The designation to

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be determined in association with advice from the Department of Planning. The fees for rezoning will be in accordance with the relevant regulations.

- ii *The transient workforce accommodation shall be used only for the accommodation of construction staff. Maintenance staff will also be permitted but only for a 3 week period (after 12 months of operation) when the plant is closed down for maintenance activity. The transient workforce accommodation will be a temporary camp facility and remain in-situ for a total period 4 years or other as agreed to by the Chief Executive Officer. All operational staff shall reside in Onslow.”*

BHPB entered into an agreement as required by the above condition and Planning Approval 20101070 Condition 24ii limits the period of time for which the Macedon Camp is permitted, but it remains valid until July 2014.

The CEO may vary Planning Approval 20101070 however as the use of the TWA will no longer be exclusively linked to construction of the Macedon Gas Plant, Chevron was advised that a new Planning Application (change of use) is required to allow other workers to also use the TWA.

Approval of the transient workforce accommodation was for the construction of the Macedon development and reflected in the original Application. The purpose of the time limitations placed on BHP Billiton Petroleum's transient workforce accommodation camp was to ensure that it was 'temporary' and solely linked to development of the Macedon facility.

Ashburton North Strategic Industrial Area

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

It is also proposed that that additional land be developed for use by, as yet to be identified, hydro-carbon related or other 'strategic' industries. The whole of the ANSIA will be serviced by a common port facility, managed by the Dampier Port Authority and by a Multi User Access and Infrastructure Corridor (MUAIC), which will consist of a shared transport and infrastructure corridor. Council granted development approval for the first development within the ANSIA, being BHPB's proposed Macedon Domestic Gas Plant, which is expected to be completed in early 2015.

The Macedon Domestic Gas Plant project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow.

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

Any application to rezone or develop must be consistent with the approved *ANSIA Structure Plan* which was prepared on behalf of the State of Western Australia by Chevron and was adopted by Council and endorsed by the Western Australian Planning Commission (WAPC) in October 2011.

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

A major requirement identified by Council in the amendment is for a structure plan to be prepared and adopted by the Council and the WAPC to guide the integration of all development in the ANSIA and for all development to adhere to this plan. Amendment No.9 was approved by the Minister for Planning and finally Gazetted on 21 December 2010 making the planning requirements on establishing the ANSIA a statutory planning obligation on the Council, Shire, State Government and any proponent.

Responsibility for preparing the ANSIA structure plan, which will ensure integration of individual projects with others within the ANSIA and also within surrounding areas, particularly the town of Onslow, has fallen to Chevron in its capacity as the proponent of the Wheatstone LNG project.

The 'Policy Statement and Planning Requirements' of Amendment No. 9 are included in Appendix 11 of the Scheme. In accordance with this amendment, it is required that a structure plan be prepared either prior to, or in association with, the rezoning of specific sites in line with standard processes. Any application to rezone a specific site must be consistent with the approved ANSIA Structure Plan.

In relation to development within the SCA, Clause 7.9.1 of the Scheme states:

"7.9.1 In addition to such other provisions of the Scheme as may affect it, land including in the Ashburton North Strategic Industrial Area shall be subject to those provisions set out in Appendix 11. No subdivision or development may occur within the Ashburton North Strategic Industrial Area unless the land is zoned "Strategic Industry" zone and an Ashburton North Strategic Industrial Area Structure Plan has been prepared and adopted in accordance with Clause 6.4 of the Scheme."

Ashburton North Strategic Industrial Area (ANSIA) Structure Plan

The development of an industrial hydro-carbon precinct in a location south west of the town of Onslow and known as the Ashburton North Strategic Industrial Area (ANSIA) has been reflected in a Structure Plan adopted by the Shire and endorsed by the Western Australian Planning Commission (WAPC) in October 2011. The 'vision' and 'objectives' of the ANSIA Structure Plan relevant to this Application before the Pilbara JDAP include as follows:

6.1 VISION

The strategic vision for the ANSIA is:

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

6.2 OBJECTIVES

6.2.1 DEVELOPMENT OBJECTIVES

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

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

Condition 5 of the *ANSIA Structure Plan* states:

“Council shall not resolve to approve any use or development, or support any subdivision of land until a Development Plan is endorsed by the Shire and adopted by the WAPC in accordance with LPS7.

The matters to be addressed by the Development Plan are identified within section 8.3 of the ANSIA Structure Plan report and defined by the ANSIA SCA of the Scheme. Notwithstanding the above, prior to the approval of a Development Plan, the Shire may approve limited provision of roads, services and Transient Workforce Accommodation where it is satisfied that approval is in accordance with the vision and objectives of the ANSIA Structure Plan, as well as the SCA of LPS7.”

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

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

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

Amendment No. 10

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

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Amendment No.17

In accordance with the ANSIA Structure Plan, draft Amendment No 17 seeks to zone the Macedon Domestic gas Plant and the Camp to 'Strategic Industry' zone. Draft Amendment No. 17 provides a second specific site for transient workforce accommodation in the ANSIA, which adjoins the Chevron TWA (zoned 'Special Use 2').

Transient workforce accommodation is a prohibited use under the Strategic Industry zone.

Draft Amendment No 17 was adopted for final Approval by Council in February 2013 referred to the Minister for Planning for determination.

Previous Pilbara JDAP Planning Applications associated with Wheatstone

As development at the ANSIA normally exceeds the \$7M benchmark established by the State Government for planning applications to be determined under the Development Assessment Panel (DAP) process, eight (8) planning approvals directly associated with the Wheatstone development have been issued by the Pilbara Joint DAP since late 2011. In relation to accommodation for the construction workforce associated with Wheatstone, approval has been issued for 4864 beds although the Shire understands that to date, only approximately 1600 beds have been established.

BHPB's Request to be 'released' from the planning approval conditions for the Camp

In June 2013, BHPB requested that the Macedon transient workforce accommodation camp to remain for a further four years or as otherwise agreed between the Chief Executive Officer and any new camp operator. The request does not specify the future 'camp operator'.

In addition, BHPB has requested *"..... confirmation from the Shire of Ashburton that BHPB will be released from the planning approval conditions upon the transfer or surrender of the accommodation camp to the extent that the planning approval conditions relate to the accommodation camp."*

The matter was referred to the June 2013 Council meeting where Council was advised that, the request of BHPB to essentially remove responsibility for the camp and *"...be released from the planning approval conditions upon the transfer or surrender of the accommodation camp to the extent that the planning approval conditions relate to the accommodation camp"* is not possible under the provisions of the Scheme.

Accordingly, it was not considered appropriate, or available to Council to agree to BHPB's request to allow the transient workforce accommodation camp to remain for a further four years under new camp operator under the existing Planning Approvals.

Further, Council was advised that for an independent accommodation facility to be established within proximity of an operating domestic gas plant such as Macedon, Council and the community would need to be given categorical assurances from the operator and the State of Western Australia that the safety of occupants could be established and maintained.

The Item was determined by Council at the June 2013 as follows:

"That Council withdraw item '13.2 Request from BHP Billiton Petroleum Pty to allow the Macedon Domestic Gas Transient Construction Workforce Accommodation Camp to remain for a non BHPB Camp Operator' and refer the item to be discussed

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at a future Ordinary Meeting of Council subject to a meeting with BHP Billiton Petroleum Pty."

Temporary use of the Macedon Camp by Chevron

On 27 August 2013, BHPB sought approval to provide accommodation services within the Macedon n Camp to Chevron in its capacity as the operator of the Wheatstone LNG Project for a limited period.

In reviewing the previous approvals granted by Council of the Shire of Ashburton and the conditions applied to the operations of the camp, the A/CEO (Mr Don Burnett) sought the views of the all Councillors on supporting the request.

As no objections were received from Councillors, he approved BHPB's request for temporary use by Chevron and advised as follows:

"Please note that this approval is only until 18 September 2013 at which time the Council will be considering a "change of use" application by BHP. There is no guarantee that Council will approve a "change of use" and my temporary approval should not be seen as foreshadowing any such approval.

It is not possible for your request to be formally considered earlier at a planned Special Council meeting as the "change of use" proposal is still in the advertising phase inviting public comment and this does not close until 12 September. Council will need to allow the advertising period to run its course before considering this matter. Please note that my approval is subject to compliance with the Shire's existing conditions of use and approvals by any other third parties or agencies that may be required."

Proposal

Chevron has lodged an Application for Planning Approval to change the use of Macedon Transient Workforce Accommodation camp (comprising 380 rooms, associated facilities and Services) to enable sole occupation by the Chevron Wheatstone construction and commissioning/maintenance workers. It should be noted that Chevron has renamed the Macedon camp, to the "Brolga" camp.

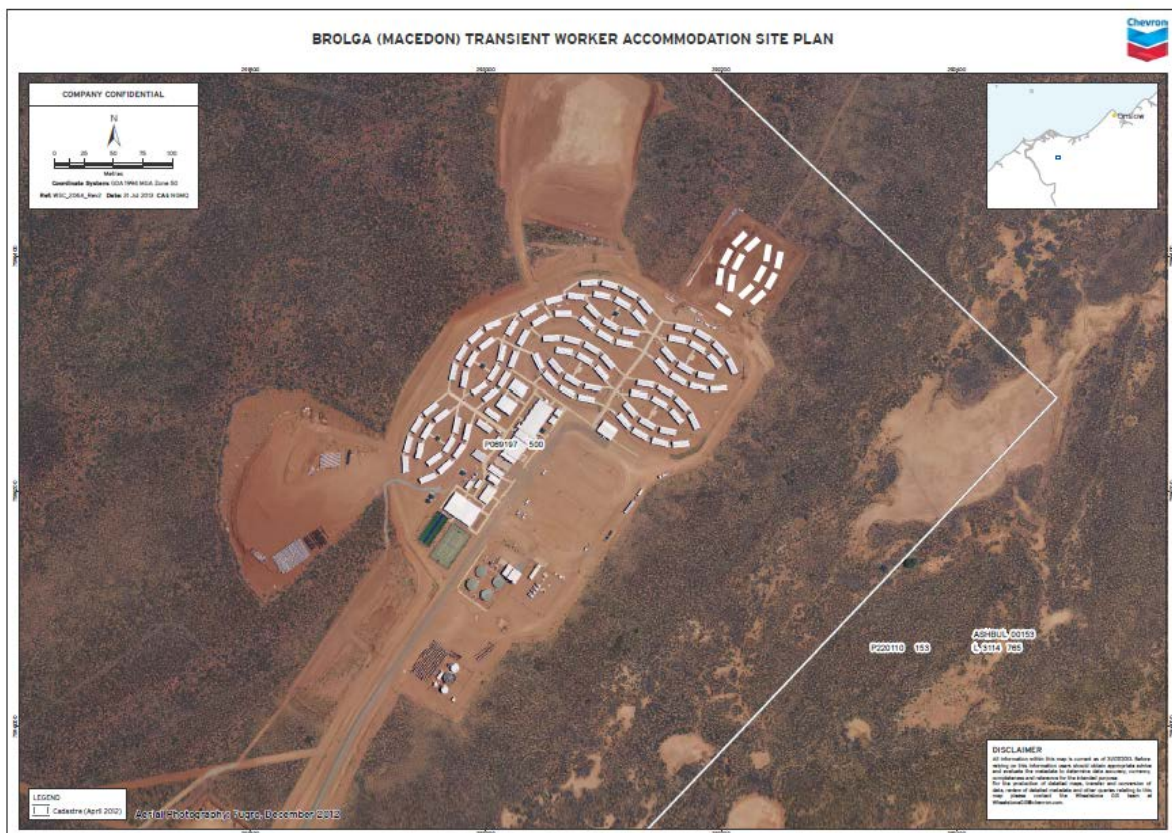
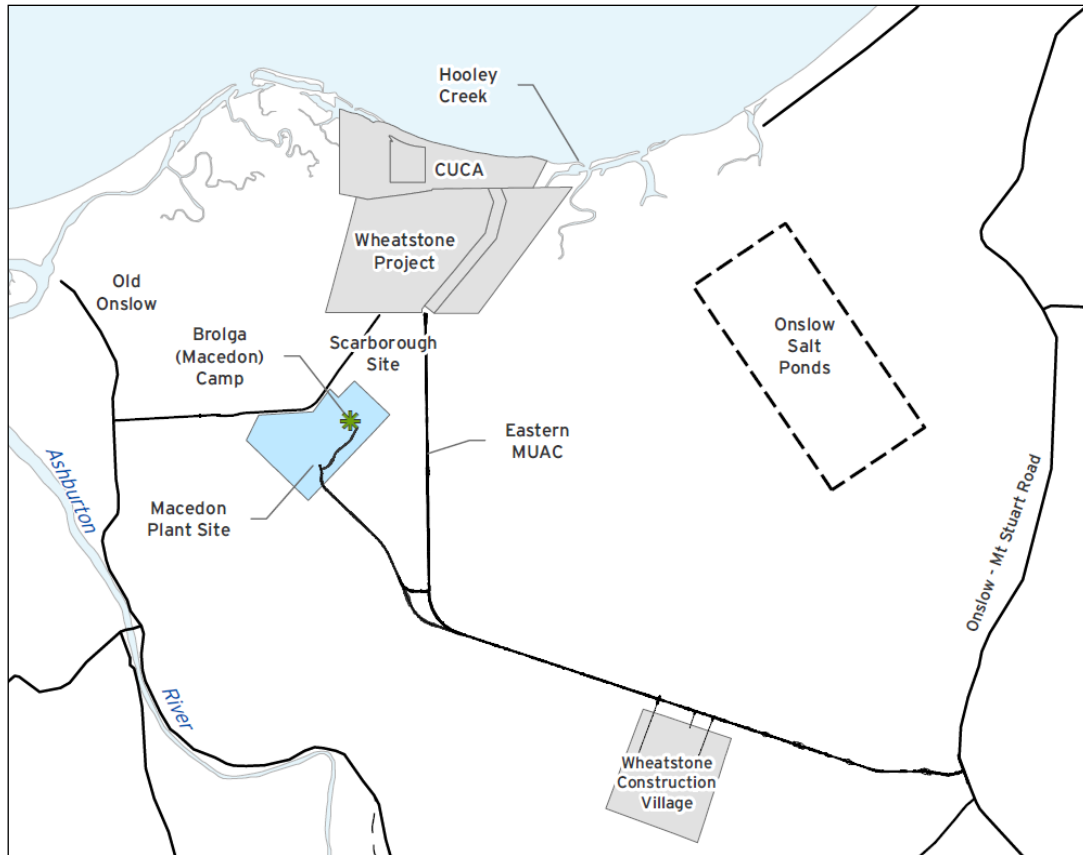
The Macedon/Brolga camp is situated west of the Eastern Multi User Access Infrastructure Corridor (MUAIC) and to the south of the proposed future Scarborough LNG plant site. The TWA and the Macedon Gas Plant are both located on Lot 500 approximately 1000m (1km) apart. Approximately 2km north of the TWA the Wheatstone LNG plant is being constructed with major bulk earthworks, services and roads. Onslow Salt's crystallizer ponds are located to the east with 'Old Onslow' and the Ashburton River located to the west.

The whole of Lot 500 is currently the subject of a lease between LandCorp and BHPB. Chevron will make commercial arrangements with Landcorp for a new lease for the Brolga TWA site that is currently covered by the BHPB lease and the BHPB lease will be terminated.

Accompanying the Application, Chevron has included a 'decommissioning plan' and whilst not defining an actual date for the 'decommissioning' of the camp Chevron has requested planning approval for the Brolga TWA until the Wheatstone Project 2nd LNG Train has been commissioned.

ATTACHMENT 14.6A

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Aerial Photo dated December 2012 and Courtesy of Chevron

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In relation to the Application, Chevron concludes as follows:

“The Macedon TWA has been approved by the Shire Council and the Planning Approval is valid for another 12 months. The TWA site is included in the “Rural” zone of TPS7. The land has generally been developed and occupied for the purpose of constructing the Macedon Gas Plant. This application is for a change of use for the TWA, to also permit Chevron’s Wheatstone Project workforce to utilise the accommodation. The change of use is consistent with the established statutory planning framework.

It will have significant positive benefits in maintaining the construction programme for Wheatstone project, while reducing pressure on accommodation within the Onslow community. Chevron requests that the Ashburton Shire Council issue planning approval for the Broilga (previously Macedon) TWA for use mainly by Chevron and BHPB construction and maintenance/commissioning workers until the Wheatstone Project second LNG train has been commissioned.”

Accompanying the Application, BHPB advised of its acceptance of Chevron’s Application and addressed Quantitative Risk Assessment (QRA) of the development and potential impacts from an explosion from the Macedon Domestic Gas Plant:

“This letter is to confirm that BHP Billiton Petroleum Pty Ltd (BHPB) in its capacity as the Operator of the Macedon Gas Project presently intends to sell the Macedon Construction Camp to Chevron Australia Pty Ltd (CVX) in its capacity as the Operator of the Wheatstone LNG Project. We are negotiating the documentation for this intended transaction at present.

BHPB confirms that it has provided the Quantitative Risk Assessment Report PMA-VG1-SR-REP-007 to CVX.

This demonstrates that the camp is located outside the 0.1-in-a-million (1×10^{-7} pa) risk contour from the Macedon gas plant which is even greater than the Environmental Protection Agency’s risk threshold for residential accommodation of 1-in-a-million (1×10^{-6} pa).

This letter is not a formal representation or warranty and is not intended for contractual reliance to be placed upon it by the Shire of Ashburton or any other person or entity. This transaction described herein is subject to management approvals and full documentation. If approved and executed, this documentation will contain all operative representations, warranties and contractual obligations as between BHPB and CVX.”

It should be noted that the QRA was not provided by BHPB or Chevron with the Application.

Comment

Shire of Ashburton Local Planning Scheme No. 7

Under the Local Planning Scheme No. 7 (‘Scheme’), the land is currently zoned ‘Rural’, and is included in the ‘Ashburton North Strategic Industrial Area Control Area’.

As noted, draft Amendment No 17 seeks to zone the Macedon Domestic gas Plant and the Camp to ‘Strategic Industry’ zone. Draft Amendment No. 17 provides a second specific site

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for transient workforce accommodation in the ANSIA, which adjoins the Chevron TWA (zoned 'Special Use 2').

Transient workforce accommodation is a prohibited use under the Strategic Industry zone.

Draft Amendment No. 17

As noted, in accordance with the ANSIA Structure Plan, draft Amendment No 17 seeks to zone the Macedon Domestic gas Plant and the Camp to 'Strategic Industry' zone. Importantly, the Macedon Camp does not establish 'existing use rights' because the 2010 planning approval provides a defined timeframe for its decommissioning.

A significant policy issue for Council is that the Macedon camp along with the Domestic Gas Plant is to be zoned Strategic Industry under Amendment No. 17 to the Scheme. Transient workforce accommodation is a prohibited use under the Strategic Industry zone.

Should Council accept that the camp operation be extended beyond the period established for Macedon's use, it will contrast the strategic planning direction of the land as identified in Amendment No. 17.

Risk Assessment

A significant issue for Council is to be satisfied that if the camp continues to operate beyond the period of time associated with the construction of the Macedon Domestic Gas Plant and is occupied by a third party, will the occupants be safe from any potential risk from a catastrophic impact resulting from a mishap at the Macedon Domestic Gas.

Advice provided by Department of Mines and Petroleum - Resources Safety to LandCorp (as land manager) and as provide to the Shire states as follows:

- (a) *The location of the 380 bed construction camp - This is acceptable, However, if this is made a permanent facility it could potentially influence the location of future industrial developments in this area.*

Comment provided by BHPB as the operators of the Macedon Domestic Gas Plant and current occupiers of the Macedon Camp states:

"This demonstrates that the camp is located outside the 0.1-in-a-million (1×10^{-7} pa) risk contour from the Macedon gas plant which is even greater than the Environmental Protection Agency's risk threshold for residential accommodation of 1-in-a-million (1×10^{-6} pa)."

As noted, BHPB has prepared a QRA Report which did not accompany the Application. The Shire sought a complete copy so that Council could satisfy itself with respect to occupant safety from the operation of the Macedon Domestic Gas Plant. However, Chevron's Government Approvals Specialist, Wheatstone Project - Technical Services advised by Email on 6 September 2013:

"With regards to the BHPB QRA report, we sought BHPB's permission to provide a copy to the Shire. BHPB advised that while they agree to provide it to the Shire for internal use, they do not want it released into a public forum such as a Council Meeting. We would appreciate confirmation that the Shire can accommodate this request?"

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I have also asked our Project Manager to check with BHPB if we could extract the relevant section "Risk at Gas Plant Boundary" and provide that to the Shire in support of Chevron's letter."

In response, the Shire's Principal Town Planner advised on return Email:

"The inability of the Shire to include the QRA report in the Agenda is of significant concern. As discussed, Chevron (and BHPB) are asking to approve occupation of the accommodation whilst the Dom Gas plant is in operation. This by its own nature will have some degree of risk to occupants. Presumably, the QRA report addresses the risk and concludes that the risk is minimal.

If you want a positive decision, it is not possible for the QRA report to be kept from Council. Accordingly, unless the Shire receives the QRA report (or a modified version that addresses the issue of risk to the occupants of the camp) the Shire would find it difficult to recommend to Council that Approval is without unreasonable risk. I also believe that individual Councillors would legally not be able to conclude that the proposal is without unreasonable risk.

It should be noted that if Council approves the Application it is very likely that the QRA report would form part of that Approval."

By letter dated 6 September 2013, Chevron advised:

"Thank you for considering the Change of use application for the Brolga transient workforce accommodation at the 18 September Council meeting. Through discussions with the Rob Paull (Shire Planner) and email correspondence dated 5 September the Shire has requested a copy of the Quantitative Risk Assessment (QRA) prepared by BHPB for the Macedon Development.

BHPB originally provided this ORA to Chevron in order that we could satisfy ourselves that the Brolga Camp provides safe accommodation for Wheatstone workers, BHPB have advised that the ORA report can be provided to the Shire administration and Councillors, under confidentiality, for their assessment and consideration of this agenda item.

Under no circumstances is the report to be made available, in any form, to the general public. Please find attached a copy of the ORA report, provided under confidentiality to support the Officers assessment and preparation of advice to the Councillors for this planning application. Should individual Councillors also wish to review the ORA report to support their decision making, then this is also supported by BHPB, but Chevron requests that the Councillors each be made aware of the confidential nature of this document."

Accordingly, BHPB's risk analysis has not been provided to Council although it will be provided to Councillors.

The Shire has advised Chevron that the restriction on the release of the QRA does create a significant issue for the Shire Administration and the Council. Chevron and BHPB's restriction on allowing public access to a significant document that directly relates to a matter before Council (and which has formed part of the response to an objection based on 'risk and safety') would seem to directly relates to transparency of the decision making process.

Accordingly, an issue that will need to be considered by Council will be whether reference of the QRA to 'Councillors' is itself is an acceptable and accountable process. The inability of the 'Council' as distinct from the Shire Administration and 'Councillors' to consider the QRA

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and its findings will be a matter for the Council to resolve. However, Chevron and BHPB need to be aware that as the QRA has been received and recorded, it is possible that it can be viewed under the Freedom of Information Act 1992.

By Email dated 9 September 2013, Chevron was asked as follows:

“Council can’t just rely on what was provided to individual Councillors. Importantly, Chevron and BHPB can’t rely that individual Councillors will read the QRA and conclude that it is acceptable.

Accordingly, with the above in mind, would you by return Email, please advise/acknowledge:

- 1. The reasons why the QRA is not to be made available in any form to the general public?*
- 2. That Chevron and BHPB cannot demand that Council not make the QRA available to the general public?*
- 3. That Chevron and BHPB understands that Council may need to refer to the QRA in its determination of the Application?*
- 4. That Chevron and BHPB understand that irrespective of your request to keep the QRA ‘confidential’, once provided to Councillors, it is still open for any Councillor to move that Council in determining the Application, refer to the QRA (i.e. include it) in its resolution and the public minutes?*
- 5. That Chevron and BHPB also understands that Council may refuse the Application because it has been requested to keep the QRA confidential?*
- 6. That Chevron and BHPB understands that as the QRA has been received and recorded by the Shire and therefore any person can request to view the QRA under the Freedom of Information Act 1992?*
- 7. That with the above noted, Chevron and BHPB still wishes to refer the QRA to Councillors and Shire Administration only?”*

At the finalisation of this Report, no response to the Email was received from Chevron. Should a reply be provided, a copy will be forwarded to the Council meeting.

Chevron and BHPB’s restriction on making the QRA ‘confidential’ places limits on the Shire to comment on what has been ‘informally’ provided and advice in a Report to Council. However as an observation, it would seem that QRA does conclude that the ‘risk’ as defined by the Environmental Protection Authority is acceptable or tolerable.

As noted in correspondence from the Shire Administration to Chevron that the Shire considers that the inability of Chevron to provide the QRA to Council (as distinct from ‘Councillors’) substantially limits the ability of Council to determine the risk of simultaneously operating both the Macedon Domestic Gas Plant and the Brolga Camp.

Advice provided by Department of State Development states:

“The safety of residents in the camp given the proximity to the soon to be operational Macedon Domestic Gas plant is an important consideration. The EPA Guidelines for Risk Assessment and Management: Offsite Individual Risk from Hazardous Industrial Plant, WA, 2000 provide a framework for assessing such risk. The Department of Mines and Petroleum (DMP) Resources Safety Division, which is the State’s authority on these matters, has undertaken a risk assessment of continued occupancy of the camp during commercial operations at the Macedon plant.

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Attached is a letter from DMP which confirms that the location of the camp is acceptable."

It is acknowledged that Chevron in response to the objection lodged by the Credo Group did state:

"Chevron is also satisfied that the risk levels associated with occupation of the camp when the Macedon Plant is operational and future expansion of Macedon are acceptable."

In this regard, should Council resolve to issue Planning Approval for the 'Brolga' camp, it is considered appropriate that a condition be included that reflects Chevron declaration that it is "...satisfied that the risk levels associated with occupation of the camp when the Macedon Plant is operational and future expansion of Macedon are acceptable". In this regard, it is appropriate that Chevron indemnify the Shire, its Council, elected members, staff, employees and consultants against any liability for loss, injury or death suffered by any person resident at or visiting the Brolga Camp, caused by any explosion or other incident at the Macedon Domestic Gas Plant.

Duration of the Brolga Camp

Chevron's Application seeks to change the use of Macedon transient workforce accommodation camp (comprising 380 beds, associated facilities and Services) to enable sole occupation by the Chevron Wheatstone construction and commissioning/maintenance workers. The Application does not define a decommissioning date but rather refers to it being "... until the Wheatstone Project 2nd LNG Train has been commissioned."

The concern of Shire Administration is that the Application seeks to extend the operation of the Brolga camp to include maintenance workers which could prolong the life of the camp. It is noted that the Department of State Development in relation to the duration of the camp states:

"This project milestone is scheduled for late 2016. The longer duration requested in the planning application, up until commissioning of the second LNG processing train, is not supported."

Shire legal advice

As the matters associated with the Application have significant implications to the Shire and Council, the opinion of the Shire's legal adviser (Mr Peter Kyle) were sought. To provide reference to Mr Kyle, a draft report prepared by the Shire was provided to him. The following is an extract from his response and comment:

"You have requested my advice in respect of the agenda item for the next Council meeting which you attached to your email. As I understand your questions which you have put to me orally today, they are as follows:

- 1. Should the demand by Chevron and/or BHPB that the Council deal with Chevron's planning application in respect of the continued use of the Macedon/Brolga TWA, while keeping the BHPB Risk Assessment Report on the Macedon Gas Project confidential to elected members and officers of the Shire, be acceptable to the Shire?*
- 2. Is it appropriate for the Council to require, as a condition of planning approval, an indemnity for the Shire, its elected members, officers and consultants against any liability arising from any incident at the Macedon Gas Plant which causes loss or injury to any resident of the Macedon/Brolga TWA?*

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3. Recommended wording of an 'indemnity' condition of approval?

The decision whether to accept the demand for confidentiality of the Risk Assessment Report is of course a matter for the Council to decide and for the CEO to advise the Council. You have not yet received any apparently justifiable reason for keeping the report confidential. It appears that it has been considered by Government and there is no reason in principle for elected members faced with making a decision to which the report is relevant not to have the same opportunity to consider the report. It follows that elected members may make a decision that they will not approve the planning application without having that opportunity.

However the concern of BHPB and/or Chevron appears to be the possibility that the report becomes public knowledge. It is not for me to advise whether that concern is justified but I could envisage the possibility that it may be important to BHPB to keep it confidential for justifiable reasons. The problem is that it has not advanced any such reason and until it does it is difficult to see how you or elected members could judge that issue.

Nevertheless in my opinion, if Council decided that it wanted to, there is power in the Local Government Act (s.5.23) for it to decide to deal with the issue behind closed doors and thereby keep the report confidential from the public. I understand that you doubt that any of the categories nominated in s.5.23 would justify confidentiality but I think one or other of the categories listed in .5.23(2)(e) would be likely to cover this report. But I hasten to say that there is no obligation on Council to deal with the matter on a confidential basis. Conversely it could decide to deal with only the Risk Assessment Report and its implications for the planning application behind closed doors and then deal with the Application itself in open meeting.

Bearing in mind that the location of the TWA in proximity to the Gas Plant is clearly an issue on this Planning Application, the BHPB Risk Assessment Report is obviously relevant and must be considered by Council before it decides the Application. Having regard to the basis upon which the Report was made available to you, if Council decided that it was not prepared to deal with it on a confidential basis then it follows that the Application should be refused because Council would be unable to consider the risks involved in allowing the TWA to remain where it is.

If however Council was able to consider the Risk Assessment Report either openly or confidentially, then, as part of its consideration of the Application, it would be obliged to decide whether there was any risk to the public in allowing the TWA to remain in its current location, having regard to its proximity to the Gas Plant. I refer to its proximity but that is a relative term. I understand it is at least a kilometre from the plant but the risk being considered is the risk of a massive explosion which might put the TWA at risk.

You are proposing to the Council that if it was to approve the Planning Application it should be conditional upon Chevron providing Council with an indemnity against any potential liability. That would be perfectly reasonable and legitimate but I should say of course that it would be no substitute for the Council making an informed decision as to any potential risk arising out of the approval of the Planning Application and only approving the Application if it was satisfied that any such risk was acceptable. Furthermore Council should not assume that any such indemnity would automatically protect it as of course the condition would be open to appeal which could result in the approval being upheld but the condition being removed.

The Condition should be worded as follows:

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- *“The Applicant indemnify the Shire, its Council, elected members, staff, employees and consultants against any liability for loss, injury or death suffered by any person resident at or visiting the Brolga Camp, caused by any explosion or other incident at the Macedon Domestic Gas Plant. Such indemnity is to be contained in a Deed of Indemnity containing terms approved by the Shire’s Chief Executive Officer, to be prepared at the expense of the Applicant, including the Shire’s legal expenses.”*

Council should also take account of the possibility that, if it rejected the Planning Application, Chevron could appeal the decision and it could be reversed on appeal. That might even be a probability having regard to the fact that the government may have already accepted that there was no unacceptable risk involved.

In summary therefore in my opinion Council could adopt the following process:

- 1. It should require Chevron and BHPB to justify their demand that the Risk Assessment Report remain confidential;*
- 2. If Council is satisfied by that justification and it appears to bring the matter within the allowable bases for confidentiality under the Local Government Act it should then deal with the report on a confidential basis and the Planning Application publicly (without disclosing the contents of the Report);*
- 3. If Council is not satisfied that the report should remain confidential (and assuming Chevron and BHPB do not withdraw their demand), it should not approve the Planning Application;*
- 4. Council should only approve the Planning Application if it is satisfied that any risk to the public is acceptable, and of course, if it considers that the Application is otherwise acceptable.*
- 5. Council should make any approval subject to the condition that it is indemnified as proposed.”*

The Report before Council was modified to reflect Mr Kyle’s advice.

Conclusion

The Application before Council reflects the changing environment of the construction within the ANSIA. BHPB’s original guarantees of removal of the Macedon Camp have been superseded by Chevron’s demands that that camp be retained for a far longer period than the Shire and perhaps BHPB ever anticipated.

The Shire Administration has been under considerable pressure to approve the continuation of the camp in what is considered to be in undue haste. This has been strongly defended by the Administration to ensure that adequate consultation and assessment took place and that Council was rightfully given the opportunity to consider the strategic planning and risk assessment associated with the Application.

Council has not been provided with a copy of BHPB’s QRA report prepared by BHPB although it has been provided to Councillors and Shire Administration in a ‘confidential’ form. In this regard, Council will need to determine whether the information provided is sufficient to resolve that the risk of simultaneously operating both the Macedon Domestic Gas Plant and the Brolga Camp is ‘acceptable’. However as an observation, it would seem that the QRA as informally provided does conclude that the ‘risk’ as defined by the Environmental Protection Authority is acceptable or tolerable.

It is acknowledged that Chevron, BHPB, DMP and DSD all conclude that residents of the Brolga camp can safely coexist with the Macedon Domestic Gas Plant. However, it is incumbent on Chevron to prepare an emergency escape plan for residents as an acceptable

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safety precaution.

Should Council conclude that the company and agency advice is acceptable to conclude that safe co-existence of the Camp and the Plant is possible, then conditional approval to continue the Macedon Camp in the form of 'Brolga' camp should issue on the following basis:

- The timing of the camp should be staged from October 2014 to potentially October 2015 on the basis that Chevron has constructed the Wheatstone Village to reflect a minimum of 4864 beds and the that the 380 rooms at 'Brolga' are in addition to the 4864 beds to be developed at the Wheatstone Village. There would be an opportunity for Council to extend the occupation until December 2016.
- Utilisation of the 112 bed fly camp is not be part of the proposal.
- Chevron to indemnify the Shire, its Council, elected members, staff, employees and consultants against any liability for loss, injury or death suffered by any person resident at or visiting the Brolga Camp, caused by any explosion or other incident at the Macedon Domestic Gas Plant.
- Occupation of the 'Brolga' camp should be clearly timed for a workforce to construct a two train component of the Wheatstone LNG and Domestic Gas development and not for maintenance purposes.

Should Council resolve that there may be an unacceptable risk, then it may wish to refuse the Application.

Accordingly, two alternative recommendations are provided to Council.

It is suggested that in order to address the QRA provided to Councillors that Council may wish to consider discussing the aspect of the QRA 'in-camera'. This would enable robust discussion whilst still achieving a confidential approach to the QRA as sought by Chevron and BHPB.

Consultation

A/Chief Executive Officer

Executive Manager Technical Services

Executive Manager Economic and Strategic Development

Executive Manager Community Services

A/Executive Manager Corporate Services

Shire Solicitor

Chevron representatives

Department of State Development representatives

Landcorp representatives (prior to Application being lodged)

BHPB representatives (prior to Application being lodged)

The original Macedon Applications were widely advertised by sign on the Onslow Road (access) frontage, notices in the West Australian newspaper and Pilbara News newspapers and referral to numerous agencies, the current Application was advertised in the Pilbara News and referred to the following agencies for comment:

- Department of Environment Regulation
- Department of Fire and Emergency Services
- Department of Planning

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- Department of Regional Development & Lands
- Department of State Development
- Department of Mines & Petroleum

One submission of objection has been received and along with responses received from Agencies these are discussed in Schedule of Submissions (**ATTACHMENT 14.6B**) to this Report.

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

Under the Shire of Ashburton '10 Year Community Plan 2012-2022' the following goal and objectives apply:

Goal 04 – Distinctive and Well Served Places

Objective 03 – Well Planned Towns

Policy Implications

As noted in this Report, a significant policy issue for Council is that the Macedon camp along with the Domestic Gas Plant is to be zoned Strategic Industry under Amendment No. 17 to the Scheme.

Transient Workforce Accommodation is a prohibited use under the Strategic Industry zone. Should Council accept that the camp operation be extended beyond the period established for Macedon's use, it will contrast the strategic direction of the land as identified in Amendment No. 17.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **ACKNOWLEDGE** the submissions received during the consultation process as provided in **ATTACHMENT 14.6B** to this Report.

Recommendation

That Council:

EITHER

1. **RESOLVES** that based on the information provided in relation to Planning Application 20130270 Council considers that if the Macedon camp continues to operate beyond the period of time associated with the construction of the Macedon Domestic Gas Plant and is occupied by Chevron, occupants of the Chevron ('Brolga') Camp should be safe from any potential risk from a catastrophic impact resulting from a mishap at the Macedon Domestic Gas.
2. **APPROVES** Planning Application for a change of the use from the Macedon Transient Workforce Accommodation Camp ('Brolga Camp' comprising a maximum

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of 380 beds, associated facilities and services) to enable sole occupation by the Chevron Wheatstone construction and commissioning workforce at Lot 500 Onslow Road, Ashburton North generally in accordance with the application (**ATTACHMENT 14.6A**) and subject to the following conditions:

1. This Planning Approval lapses on 18 September 2015 where decommissioning of the camp as provided for in the Decommissioning Plan for the Brolga TWA Site endorsed to this Planning Approval shall be undertaken to the satisfaction of the Chief Executive Officer.
2. Within one (1) month of first occupation of the camp but prior to 'first gas' of the Macedon Domestic Gas Plant (whichever comes first) as permitted under this Planning Approval, the Applicant is to prepare a legal agreement (at the Applicant's expense including legal expenses incurred by the Shire of Ashburton) and to the requirements and satisfaction of the Chief Executive Officer whereby the transient workforce accommodation shall be used only for the accommodation of construction staff associated with the construction of the Wheatstone Liquid Natural Gas (2 trains) and Domestic Gas development.
3. The Applicant is indemnify the Shire, its Council, elected members, staff, employees and consultants against any liability for loss, injury or death suffered by any person resident at or visiting the Brolga Camp, caused by any explosion or other incident at the Macedon Domestic Gas Plant. Such indemnity is to be contained in a Deed of Indemnity containing terms approved by the Chief Executive Officer, to be prepared at the expense of the Applicant, including the Shire's legal expenses.
4. Prior to 'first gas' of the Macedon Domestic Gas Plant, the Applicant is to prepare a risk assessment and emergency escape plan for residents of the camp to the requirements of the Department of Mines and Petroleum and Department of Fire and Emergency Services to satisfaction of the Chief Executive Officer.
5. In relation to Condition 1, upon written request from the Applicant to extend the period of Planning Approval, the Council may extend that period until 31 December 2016 only where Council is satisfied that:
 - i) the number of available beds associated with the Wheatstone Transient Workforce Accommodation Village is not less than 4864 beds; and
 - ii) there is no greater risk to residents of the camp from strategic or prescribed industries operating in the locality of the camp; and
 - iii) the siting of the camp for the additional period of time is unlikely to impact the development of the Ashburton North Strategic Industrial Area.
6. The use shall at all times comply with the definition of "transient workforce accommodation" as contained within the Scheme as follows:

"transient workforce accommodation: dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition

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to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas.”

Advice Notes

- i. Conditions 2 and 3 reflect the professional industry advice of Chevron Australia Pty Ltd that it is "...satisfied that the risk levels associated with occupation of the camp when the Macedon Plant is operational and future expansion of Macedon are acceptable".
- ii. The Deed of Indemnity reflected in Condition 3 is immediate from the issue of this Planning Approval. The Shire Administration will undertake to prepare the written Deed of Indemnity and provide it to the Chevron Australia for acceptance.
- iii. 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).
- iv. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- v. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- vi. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

OR

1. **RESOLVES** that based on the information provided in relation to Planning Application 20130270 Council considers that if the Macedon camp continues to operate beyond the period of time associated with the construction of the Macedon Domestic Gas Plant and is occupied by Chevron, occupants of the Chevron ('Brolga') Camp may not be safe from any potential risk from a catastrophic impact resulting from a mishap at the Macedon Domestic Gas.
2. **REFUSES** Planning Application for a change of the use from the Macedon Transient Workforce Accommodation Camp ('Brolga Camp' comprising a maximum of 380 beds, associated facilities and services) to enable sole occupation by the Chevron Wheatstone construction and commissioning workforce At Lot 500 Onslow Road, Ashburton North generally in accordance with the application (**ATTACHMENT 14.6A**) on following grounds:

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1. The development proposal is not consistent with Clause 1.6 Scheme Objectives of Local Planning Scheme No. 7, in particular:
 - “(n) To assist in the effective implementation of regional plans and policies, including the State Planning Strategy.”
2. The development proposal is not consistent with the purpose and intent of Clause 5.9 of Local Planning Scheme No. 7, which pertains to addressing matters including:
 - “(a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,
 - (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.”
3. The occupation of the Chevron (‘Brolga’) Camp may establish an unacceptable risk to residents of the Camp from a catastrophic impact resulting from a mishap at the Macedon Domestic Gas Plant.

Advice Note:

1. Council is prepared to reconsider its position with respect to the perceived unacceptable to residents of the Camp from a catastrophic impact resulting from a mishap at the Macedon Domestic Gas where Council is provided with BHPB’s Quantitative Risk Assessment Report PMA-VG1-SR-REP-007 (or version that addresses Camp risk from a catastrophic impact resulting from a mishap at the Macedon Domestic Gas).
3. Advise all submitters and the Department of Planning of the decision of Council

Author: Rob Paul	Signature:
Manager: Frank Ludovico	Signature:

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14.7 PLANNING APPLICATION - VARIATION TO PLANNING APPROVAL 20130074(P) AT LOTS 555, 556, 557 AND 563 BEADON CREEK ROAD AND PARSLEY STREET, ONSLOW, WA

FILE REFERENCE:	RE.BD.R.34101 13-4
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Master Plan SA Pty Ltd and Discovery Parks Pty Ltd
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.7 (Minute 11527) - Ordinary Meeting of Council 8 May 2013 Agenda Item 13.10 (Minute 112117) - Ordinary Meeting of Council 20 June 2012 Agenda Item 13.09 (Minute 11216) - Ordinary Meeting of Council 20 June 2012 Agenda Item 13.08 (Minute 11215) - Ordinary Meeting of Council 20 June 2012 Agenda Item 13.02.08 - Ordinary Meeting of Council 16 February 2011

Summary

Application for planning approval is sought for the development of Stage 3 of the redevelopment of the Beadon Bay Village Caravan Park and transient workers accommodation. The application represents development of a portion of Lot 555 and variation to the previous approval for works approved over Lot 556 and 557.

The subject land includes the land currently owned by Beston Parks Land Co Pty Ltd (Lots 557 and 563). The proposed works, the subject of this application for Planning Approval can best be described as follows:

- Construction of 24 caravan sites (on Lot 555), and variation to the previous Planning Approval 20130074(P) comprising the following variations:
- Reduction in the number of Stage 2A caravan park sites approved on Lot 556 from 27 to 19 in order to facilitate necessary service infrastructure.
- Expansion of the new wastewater treatment facility and replacement of the former wastewater treatment plant.
- Establishment of a proposed desalination plant for the supply of potable water.
- Siting of a pad site to accommodate two gas bullets.
- Installation of boom gates to the park entrance.
- Siting of two, eight metre diameter tanks adjacent the Parsely Street (Unmade Road boundary). The tanks comprise fire tank with a height of 3 metres above slab and a potable water tank has a height of 2.8 metres above ground level.

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- Replacement of the existing administration/park office and reception building with a new administration-park office and reception building on the site of the existing office.
- Establish and additional eight caravan sites adjacent the southern boundary of Lot 563.
- Relocate the bus parking area adjacent to the main entrance, to the area previously identified for the new park admin office and reception.
- Relocate on-site car parking spaces to ensure there is still sufficient on-site car parking spaces associated with the established Transient Workforce Accommodation.
- Fencing of the site with pool style fencing to 2.1m high.

As the Application represents a minor variation to the *'Local Planning Policy - 'Beadon Bay Village Concept Plan'* (location and reduced and additional van site numbers, bus parking and parking) the matter is provided to Council for determination.

The modifications sought are considered acceptable on the basis that the development is in keeping with the operation and use of the caravan park approved by Council and more recently, under delegation. To ensure consistency with the delegated approvals, identical conditions are proposed.

It is anticipated that the modifications as provided will be reflected in the revised *'Local Planning Policy'* that is addressed in a separate Item to Council.

Background

The Beadon Bay Village comprises Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 0.9130ha with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres.

Lots 555 and 556 are owned by the Shire and under contract of sale to Discovery Parks who are owners of the Beadon Bay Village. Lots 555 and 556 are vacant and have the following respective areas:

- Lot 555 - 1.85ha
- Lot 556 - 1.308ha

Lots 555 and 556 have frontage to Parsley Street road reserve (unconstructed) and generally have a ground level of between 2.5m – 4mAHD.

Lots 555, 556, 557 and 563 are zoned 'Tourism' and included in the Onslow Coastal Hazard Area Special Control Area under the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). Lots 555 and 556 are also included in the Airport Height Restrictions Area Special Control Area.

Lot 557 has an area of approximately 2.769ha with a frontage to Parsley Street road reserve of approximately 60 metres. The land subject of the application is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and include in the 'Onslow Coastal Hazard Area'. Lots 555 and 556 are located with the Airport Height Restrictions Area.

Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion.

A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

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Access to both Lots 563 and 577 is currently provided by Parsley Street road reserve. An internal access road is provided between Lots 563 and 557.

Lots 563 and 557 are generally flat with a predominant existing ground level at 3.0mAHD albeit areas of previous development for the purposes of transient workers accommodation have been filled to a level of 4.0mAHD in accordance with previous approvals. In addition to the current existing use as a caravan park, Beadon Bay Village accommodates transient workers accommodation comprising 130 single bed units together with associated facilities including:

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



The existing caravan park comprises:

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

The current approvals allow for an existing 60 single bed transient workforce accommodation units to exist together with the existing caravan park, and an additional 64 transient workforce accommodation units to temporarily exist until November 2018.

At the Council meeting of 17 March 2010, Council approved a development application at the Beadon Bay Village for additional 64 transient workers accommodation units on Lot 557 and 40 units on Lot 563.

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The Approval allowed for the construction of a total of 16 transient workforce accommodation buildings comprising:

- 10 transportable buildings, each containing 4 units (total of 40), in the north eastern portion of Lot 563 and set back 44 metres from Beadon Creek Road; and
- 6 transportable buildings, each containing 4 units (total of 24), in the north eastern portion of Lot 577.

The Application sought to retain the units for a three year period (until 2013) and this was reflected as a condition of Approval.

The units were established in accordance with the Approval as reflected in the following condition (in part):

- “3) Prior to the development being occupied the “owner of the land” shall at the expense of the owner and accepting Council’s costs, prepare and enter into a signed agreement with the Shire. The agreement shall:*
- ii) require the use of the structures to cease by 17 March 2013 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days;”*

The agreement (as required by the above condition) has been entered into by the operator and the Shire. It is noted that the Shire has received no in relation to the use and operation of the units. Under delegation, the Chief Executive Officer has agreed to extend the Approval for a further three (3) years, due to the need for controlled and serviced transient workforce accommodation in Onslow.

At the Council meeting of 16 November 2011, Council extended Planning Approval approved by Council on 17 March 2010 for additional 64 transient workers accommodation units on Lot 557 and 40 units on Lot 563 Beadon Bay Village Caravan Park until November 2018.

At the Council meeting of 20 June 2012, Council considered new three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units on Lots 557 & 563 Beadon Bay Village with associated irrigation of waste water on Lots 555 & 556 Parsley Street, Onslow {20120376(P)} and resolved as follows:

- “1. Request the Chief Executive Officer to sign the Application form for Planning Approval to enable Master Plan SA to pursue the proposal that wastewater to be irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire).*
- 2. With respect to the Planning Application made by Master Plan SA Pty Ltd for three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units at Lot 563 and Lot 557 Parsley Street, Onslow and wastewater irrigation on Lot 555 and Lot 556 that Council in accordance with Clause 4.3.2(b) of the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’) considers that the proposed wastewater irrigation on Lot 555 and Lot 556 may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and the application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.*
- 3. Authorises the Chief Executive Officer to determine the Planning Application in accordance with the relevant provisions of the Scheme and addressing matters raised in this Report.”*

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

At the same meeting Council had a similar resolution for a new two storey kitchen mess and recreation building on Lots 557 & 563 Beadon Bay Village with associated irrigation of waste water on Lots 555 & 556 Parsley Street {20120375(P)}.

As noted, the land is within Onslow Coastal Hazard Special Control Area under the Scheme. In this regard, Clause 7.3.8 applies:

"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."*

Clause 7.3.8(e) should be applied to any Planning Approval.

On the basis of the Council resolutions of 20 June 2012, the following planning approvals were issued under delegation on 13 November 2012:

- Planning Approval: 20120376 (P).
Proposed new three, two storey buildings with undercroft car parking accommodating 96 Transient Workers Accommodation units on Lots 557 and 563 Beadon Creek Road Onslow with associated irrigation of waste water on Lots 555 and 556 Parsley Street Onslow.
- Planning Approval: 20120375 (P).
Proposed new two storey kitchen mess and recreation building on Lots 557 and 563 Beadon Creek Road, Onslow with associated irrigation of waste water on Lots 555 and 556 Parsley Street, Onslow.

Both developments have commenced and at different levels of completion.

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At the Ordinary meeting of 8 May 2013, Council considered the adoption of the draft 'Local Planning Policy - 'Beadon Bay Village Concept Plan' and resolved as follows:

"That Council:

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

Under delegated Authority dated 8 June 2013, Planning Approval was issued as follows:

20130074 (P)

Proposed construction of 160 Transient Workers Accommodation units in the form of two interconnected two storey buildings with undercroft car parking and two interconnected three storey buildings with undercroft car parking together with 27 caravan sites, new office and administrative shop, visitor car parking, and bus (coach parking) interconnecting internal road network new outdoor recreation area and effluent irrigation area.

20130081 (P)

Proposed construction of 96 Transient Workers Accommodation' Units together with 27 caravan sites, new outdoor recreation area and effluent irrigation area.

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Proposal

Application for planning approval is sought for the development of Stage 3 of the redevelopment of the Beadon Bay Village Caravan Park and transient workers accommodation. The application represents development of a portion of Lot 555 and variation to the previous approval for works approved over Lot 556 and 557.

The subject land includes the land currently owned by Beston Parks Land Co Pty Ltd (Lots 557 and 563). The proposed works, the subject of this application for Planning Approval can best be described as follows:

- Construction of 24 caravan sites (on Lot 555), and variation to the previous Planning Approval 20130074(P) comprising the following variations:
 - Reduction in the number of Stage 2A caravan park sites approved on Lot 556 from 27 to 19 in order to facilitate necessary service infrastructure.
 - Expansion of the new wastewater treatment facility and replacement of the former wastewater treatment plant.
 - Establishment of a proposed desalination plant for the supply of potable water.
 - Siting of a pad site to accommodate two gas bullets.
 - Installation of boom gates to the park entrance.
 - Siting of two, eight metre diameter tanks adjacent the Parsely Street (Unmade Road boundary). The tanks comprise fire tank with a height of 3 metres above slab and a potable water tank has a height of 2.8 metres above ground level.
 - Replacement of the existing administration/park office and reception building with a new administration-park office and reception building on the site of the existing office.
 - Establish and additional eight caravan sites adjacent the southern boundary of Lot 563.
 - Relocate the bus parking area adjacent to the main entrance, to the area previously identified for the new park admin office and reception.
 - Relocate on-site car parking spaces to ensure there is still sufficient on-site car parking spaces associated with the established Transient Workforce Accommodation.
 - Fencing of the site with pool style fencing to 2.1m high.

ATTACHMENT 14.7

Comment

As the Application represents a minor variation to the *'Local Planning Policy - Beadon Bay Village Concept Plan'* (location and reduced and additional van site numbers, bus parking and parking) the matter is provided to Council for determination.

The modifications sought are considered acceptable on the basis that the development is in keeping with the operation and use of the caravan park approved by Council and more recently, under delegation. To ensure consistency with the delegated approvals, identical conditions are proposed.

It is anticipated that the modifications as provided will be reflected in the revised *Local Planning Policy - Beadon Bay Village Concept Plan* that is addressed in a separate Item to Council.

Consultation

A/Chief Executive Officer

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Statutory Environment

Planning and Development Act

Shire of Ashburton Town Planning Scheme No. 7

State Planning Policy 2.6 - The State Coastal Planning Policy

State Planning Policy 3.4 – Natural Hazards and Disasters

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

Policy Implications

Local Planning Policy 'Transient Workforce Accommodation'

Local Planning Policy 'Interpretation of Onslow Coastal Hazard Area'

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVES** Planning Application for modification to caravan park and transient workforce accommodation development on Lots 555, 556, 557 and 558 Parsley Street Onslow with associated irrigation of waste water on Lot 555 Parsley Street, Onslow with access via Lot 557 Beadon Creek Road generally in accordance with the submitted plans and subject to the following conditions:
 1. The use and development shall not commence until the developer has undertaken the following to the satisfaction of the responsible authority:
 - i. An agreement has been entered 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;
 - ii. Evidence from a suitably qualified person that the proposed wastewater treatment plant and irrigation area will be capable of servicing the use and development subject of this Planning Approval along with the existing approved development over Lots 555, 556, 557 and 563 and development as approved under Planning Approvals issued by the Shire of Ashburton comprising:
 - 20130081 (P)
 - 20120376 (P)
 - 20120375 (P)
 - 20130074 (P)
 - 20130081 (P)
 - iii. Evidence from a suitably qualified person that the proposed wastewater treatment plant and irrigation area will not negatively impact the health or amenity of occupants on the caravan sites and TWA units from smell, odour and the like.

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- iv. Evidence that the Department of Environment Regulation has issued a works approval for the proposed wastewater treatment plant over Lot 556 and irrigation area over Lot 555.
 - v. Evidence that the Department of Health WA has consented to the effluent irrigation area and the stinging and occupation of caravans.
2. The use and development shall not commence until the developer has submitted the following plans and information to the requirements and approval of the responsible authority:
- i. Modify the submitted plan to ensure that the Caravan sites and associated works designed and constructed in compliance with the *Caravan Parks and Camping Grounds Regulations 1997*.
 - ii. All caravan bays fronting Parsley Street set back not less than 2 metres from the road reserve.
 - iii. A fencing plan to prevent access to Lots 555 and 556 directly from Parsley Street.
 - iv. The submission of a landscape plan to the satisfaction of the responsible authority whereby the Plan indicates:
 - the location and type of fencing to be installed;
 - measures to prevent access to the adjoining unvested Crown Land; and
 - the location and type of reticulation to be installed; and the location and type of paving to be installed.

The Plan will also include:

- a plant schedule nominating each species;
- the spacing 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 will identify and include Parsley Street along with necessary reticulation.

- v. Construction of a 1.8m wide footpath to Parsley Street at the cost of the developer and a contribution of footpath development along Beadon Creek Road.
- vi. A plan addressing the design, materials and colours of the proposed development.
- vii. A notation on plan to be endorsed stating "Without the written consent of the Shire of Ashburton, all access to Lots 555 and 556 shall be via Lot 557.
- viii. A fencing plan to prevent access to Lots 555 and 556 directly from Parsley Street.
- ix. 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

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approved details prior to the occupation of the development hereby approved, and thereafter maintained.

- x. 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. 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.

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.

- xi. Full details of external clothes drying area/s. The clothes drying facilities shall be fully installed and screened from view from surrounding street/s in accordance with the approved details and installed prior to the occupation of the development hereby approved.
- xii. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
- xiii. 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:
 - (a) noise;
 - (b) hours of construction;
 - (c) traffic management;
 - (d) access management;
 - (e) management of loading and unloading of vehicles;
 - (f) heavy vehicle access;
 - (g) dust;
 - (h) protection of any trees to be retained; and
 - (i) any other relevant matters.

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

- 3. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter

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maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.

4. This Planning Approval lapses if:
 - i. the development is not substantially commenced by 8 June 2018 and/or a reticulated water supply is not available to service the development by this date; and or
 - ii. Lot 555 is not available for effluent disposal purposes and the development is not connected to a reticulated sewerage system to the requirements of the Department of Health, Water Corporation and the Shire of Ashburton.
5. Prior to occupation of the development the developer shall fence at the cost of the developer Lots 555 and 556 in accordance with the fencing shown on the endorsed plan.
6. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.
 - i. The Developer shall:
 - a) Amalgamate Lots 555, 556 and 557.
 - b) Establish a memorial or other instrument acceptable to the responsible authority on the certificates of title stating:

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases."

"The land is within an area of potential coastal instability, flooding and storm surge. The developer undertakes to absolve the State of Western Australia and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events."
 - c) Upgrade Parsley Street from Lot 557 to Beadon Creek Road.
 - ii. All parking and manoeuvring areas to be bitumen sealed, concrete or brick paved.
 - iii. Disabled parking bay(s), located convenient to the building entrance and with a minimum width of 3.0 metres.
 - iv. Management and strategy arrangements addressing the means by which garbage and recycling arrangements will be established in such a manner that it will not negatively impact the amenity of the locality.
 - v. The provision of a suitably screened bulk bin area for refuse to the specifications.
 - vi. Bicycle-parking facilities for a minimum of 20 bicycles are to on site in accordance with Australian Standard AS 2890.3.

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- vii. Management arrangements that either prohibit audible reversing warning systems on vehicles or means that vehicles are reversed into parking spaces.
- viii. An emergency response plan/s (i.e. fire escape route maps, evacuation contingency associated with cyclone threat etc) and implementation
- ix. 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.
- x. The development shall be connected to a reticulated water supply and sewerage system to the requirements of the Department of Health and Water Corporation.
- xi. 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.
- xii. The developer shall fence at the cost of the developer, Lots 555 and 556 in accordance with the fencing plan.

Advice Notes

- i. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of the Shire, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- ii. The Shire of Ashburton advises that it would support modified plans showing the finished floor level of the development reduced from 6.3m AHD to 5.9m AHD.
- iii. Shire is aware that a covenant exists over Lots 557 Parsley Street Onslow in relation to the use of the land for tourist and transient workforce accommodation purposes. This Planning Approval should not be construed as support or otherwise for the retention or removal of what is essentially a private treaty with the State of Western Australia and the land owner.
- iv. In relation to Conditions 1 and 6xi), Water Corp previously advised the Shire as follows:

“The Corporation does not object to the application, consisting of additional facilities and residential units, and the location of the temporary wastewater treatment facility subject to the following advice and conditions.

Advice

The recycling of treated wastewater to the accommodation units and for irrigation is supported, to reduce reliance on the potable water supply. The current water supply to the town is currently constrained however upgrades to increase supply are scheduled for completion during 2014. It is noted that the wastewater treatment facility proposed is temporary, and that it is intended to redirect flows to the Corporation's Onslow Wastewater Treatment Plant in the future when the capacity is expanded. The Onslow Wastewater Treatment Plant is currently scheduled for expansion in 2016. Later this year site testing will be conducted to confirm the limit of current capacity to inform the planned upgrade.”

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Condition

Use of scheme water supply not to exceed current level of average usage, and hence the current meter size is to be retained for the initial stages of this proposed development.”

- v. The Department of Environment and Conservation advised previously the Shire as follows:

“...the 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.

The planning report submitted with the development application indicates that a new wastewater treatment plant (WWTP) is required to service the transient workforce accommodation. Under the Environmental Protection Act 1986, a works approval will be required for the construction of the WWTP, followed by a registration or license to operate the facility. On 29 November 2012, DEC provided advice to Tri-Star Water Solutions which confirmed that a works approval is required, however, an application has not yet been submitted to DEC for approval. Prior to construction, approval must be sought from DEC to construct the WWTP and the proponent is strongly advised to contact DEC Pilbara Region on 91822000 to discuss these requirements.

DEC has identified that dust from construction activities has the potential to impact on nearby residents and other sensitive receptors. All practical measures should be taken to minimise dust emissions and to ensure that there are no unreasonable dust emissions from the premises. During construction and operation of the development, the proponent should ensure site drainage is appropriately designed and managed to minimise the runoff of sediment laden and/or nutrient rich water into the estuarine environment.”

- vi. The Department of Indigenous Affairs advised previously the Shire as follows:

“A review of the DIA Aboriginal heritage database indicates that there are no known Aboriginal heritage sites or places within the cadastral parcels to which the applications relate. However, DIA is unaware of any Aboriginal heritage survey ever having been undertaken over these parcels.

It is noted in the Social Impact Statement accompanying the applications that a Cultural Heritage Survey has been undertaken. This survey does not appear to have been included as an attachment to the applications. DIA would appreciate a copy of the Cultural Heritage Survey, as it relates to Aboriginal heritage, being forwarded in the interests of ensuring an up to date Aboriginal heritage database with respect to the subject land.

I also encourage the Shire to draw the prospective developer's attention to the State's Cultural Heritage Due Diligence Guidelines which can be located at [http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20managementiAHA Due Diligence Guidelines.pdf](http://www.dia.wa.gov.au/Documents/HeritageCulture/Heritage%20managementiAHA%20Due%20Diligence%20Guidelines.pdf)

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The guidelines are intended to assist prospective developers to assess the risk that a proposed development may hold with respect to its potential to impact upon Aboriginal heritage sites. It also assists a developer when assessing whether approval under the Aboriginal Heritage Act 1972 is required prior to development occurring.”

- vii. This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting:

<http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

14.8 PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING AT NO. 8, LOT 2 HOPE COURT, ONSLOW

FILE REFERENCE:	20130200; ON.HP.602
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Applicant: Ben Papalia (Ray White Exmouth) Owner: Nagel Claydon/Djarat Enterprises Pty Ltd
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application has been received to use No. 8, Lot 2 Hope Court, Onslow as a "residential building" use (for 4 persons) within the existing four bedroom (duplex) dwelling on the subject site. It should be noted that Planning Application 20130198 has been lodged over adjoining No. 8 Hope Court.

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

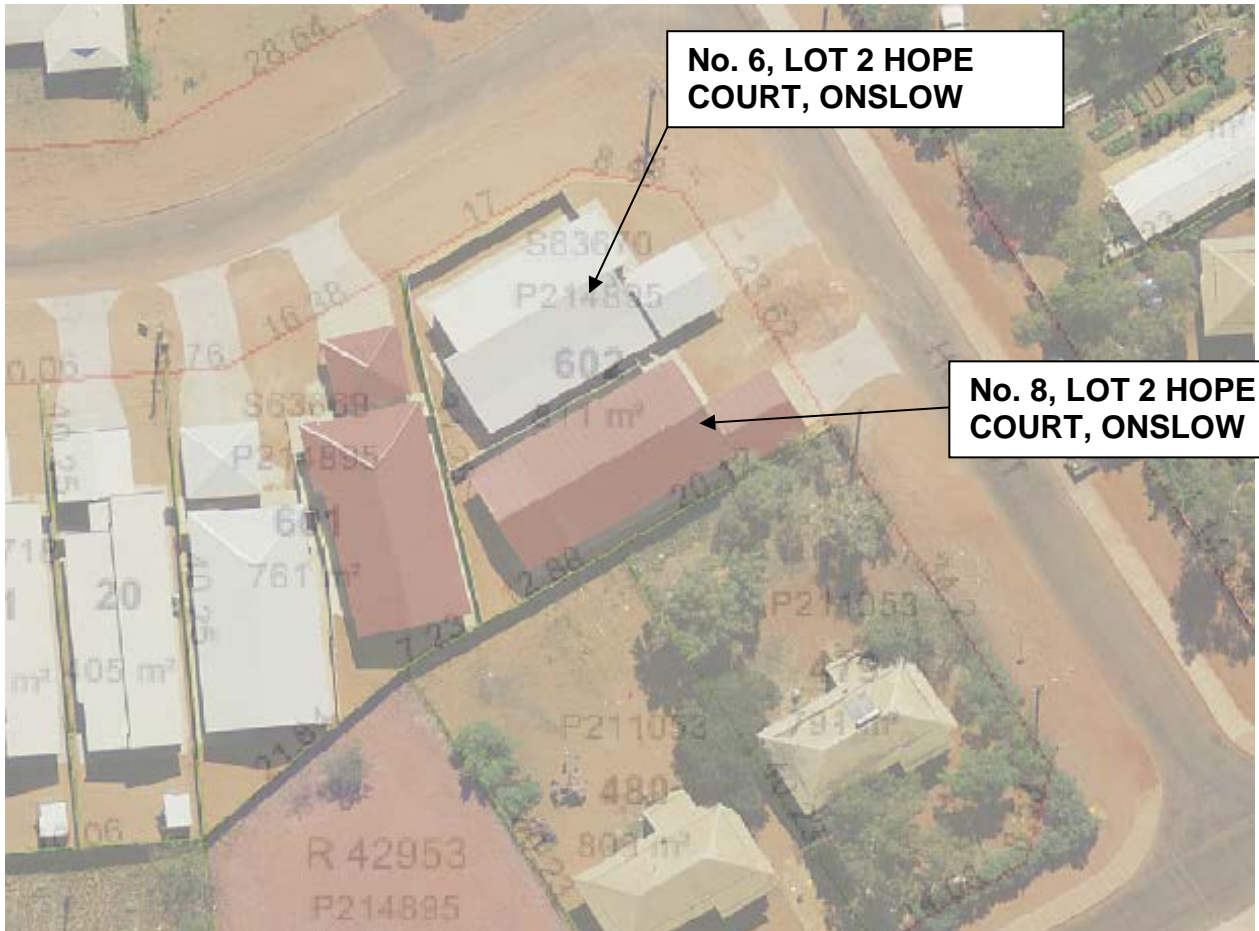
The Application reflects the provisions of Council's *'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings'*.

It is recommended that the "residential building" use within the existing dwelling be approved subject to a number of conditions.

Background

No. 8, Lot 2 Hope Court, Onslow is occupied by existing four bedroom (duplex) dwelling. No carport or garage or sealed access or fencing or landscaping has been established on the land.

Council has adopted *'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings'* (LPP). The intent of the LPP is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not impact upon the residential amenity of the locality.



Proposal

Application has been received to use No. 8, Lot 2 Hope Court, Onslow as a “residential building” use (for 4 persons) within the existing four bedroom (duplex) dwelling on the subject site.

ATTACHMENT 14.8

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) 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, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation.”

The subject land is zoned Residential in the ‘Scheme with an R Coding of 12.5/30. Within such a zone a Residential Building is a ‘D’ use which is a use is not permitted unless the

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Local Government has exercised its discretion by granting planning approval. However, as a standard practice, the Shire advertised the Application and no submissions were received.

Planning Policy

The proposal is also subject to the provisions of 'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings'. Council should give consideration to the contents of the policy when considering the subject development application.

The LPP states that any application is to be considered on its individual merits, having regard to the following criteria.

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

Under the LPP, 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 a reticulated water supply.

In considering approval of an Application, LPP requires that the following will apply:

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

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

vii) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date."

In considering the Application the following comments are made.

Location

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

Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use. Vehicles with operating audible reversing warning systems should be prohibited.

Essential Services and Waste Disposal

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

Traffic/Parking Implications

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

Emergency Escape Plan

The Applicant has provided acceptable 'fire escape plan' information to residents on cyclone evacuation contingency should be required.

Building Modifications

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

Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue..

Strategic Implications

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

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

Policy Implications

'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings' is relative to this Application

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVES** Planning Application for residential building at No. 8, Lot 2 Hope Court, Onslow generally in accordance with the submitted plans and subject to the following conditions:
 1. Not more than four (4) guests shall be accommodated within the premises at any one time.
 2. All car parking generated by the use shall occur within the boundaries of the property.
 3. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.
 4. Vehicles with operating audible reversing warning systems will either be switched off while entering or leaving the property of the system is unable to be switched off, such vehicles are not permitted.
 5. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.
 6. 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 No. 8, Lot 2 Hope Court, Onslow.
 7. 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.

Note

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

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

14.9 PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING AT NO. 6, LOT 2 HOPE COURT, ONSLOW

FILE REFERENCE:	ON.HP.602 20130298 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Applicant: Ben Papalia (Ray White Exmouth) Owner: Nagel Claydon/Djarat Enterprises Pty Ltd
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application has been received to use No. 6, Lot 2 Hope Court, Onslow as a "residential building" use (for 4 persons) within the existing four bedroom (duplex) dwelling on the subject site. It should be noted that Planning Application 20130200 has been lodged over adjoining No. 8 Hope Court.

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

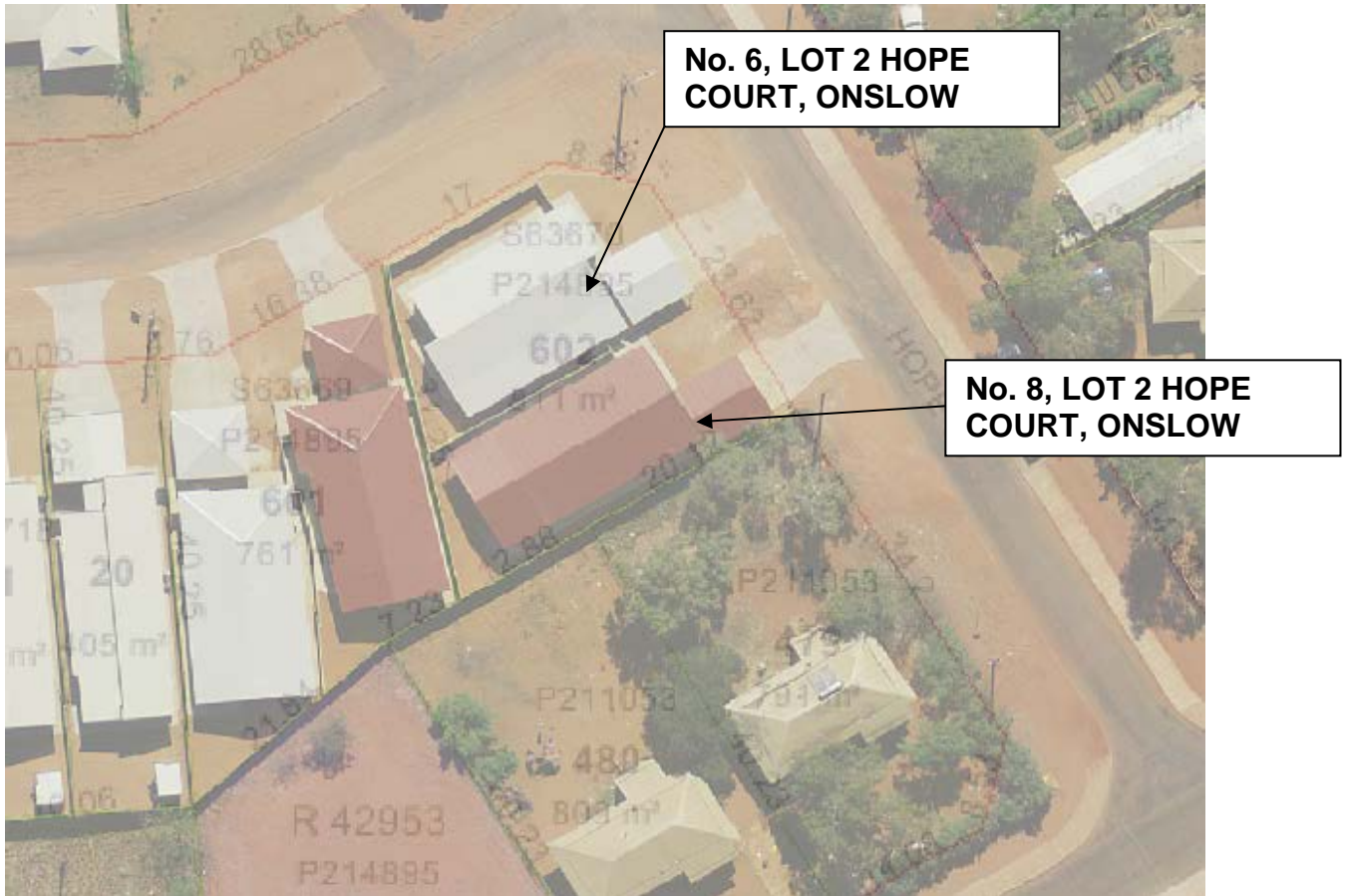
The Application reflects the provisions of Council's 'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings'.

It is recommended that the "residential building" use within the existing dwelling be approved subject to a number of conditions.

Background

No. 6, Lot 2 Hope Court, Onslow is occupied by existing four bedroom (duplex) dwelling. No carport or garage or sealed access or fencing or landscaping has been established on the land.

Council has adopted '*Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*' (LPP). The intent of the LPP is to ensure that a rigorous assessment of such applications is undertaken to ensure that such uses do not impact upon the residential amenity of the locality.



Proposal

Application has been received to use No. 6, Lot 2 Hope Court, Onslow as a “residential building” use (for 4 persons) within the existing four bedroom (duplex) dwelling on the subject site.

ATTACHMENT 14.9

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) 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, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation.”

The subject land is zoned Residential in the ‘Scheme with an R Coding of 12.5/30. Within such a zone a Residential Building is a ‘D’ use which is a use is not permitted unless the Local Government has exercised its discretion by granting planning approval. However, as a standard practice, the Shire advertised the Application and no submissions were received.

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Planning Policy

The proposal is also subject to the provisions of 'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings'. Council should give consideration to the contents of the policy when considering the subject development application.

The LPP states that any application is to be considered on its individual merits, having regard to the following criteria.

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

Under the LPP, 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 a reticulated water supply.

In considering approval of an Application, LPP requires that the following will apply:

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

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vii) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date."

In considering the Application the following comments are made.

Location

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

Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use. Vehicles with operating audible reversing warning systems should be prohibited.

Essential Services and Waste Disposal

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

Traffic/Parking Implications

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

Emergency Escape Plan

The Applicant has provided acceptable 'fire escape plan' information to residents on cyclone evacuation contingency should be required.

Building Modifications

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

Consultation

A/Chief Executive Officer

The application was advertised by sign on site and notice to neighbours. No submissions were received.

Statutory Environment

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

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Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

Policy Implications

'Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings' is relative to this Application

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVES** Planning Application for residential building at No. 6, Lot 2 Hope Court, Onslow generally in accordance with the submitted plans and subject to the following conditions:
 1. Not more than four (4) guests shall be accommodated within the premises at any one time.
 2. All car parking generated by the use shall occur within the boundaries of the property.
 3. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.
 4. Vehicles with operating audible reversing warning systems will either be switched off while entering or leaving the property of the system is unable to be switched off, such vehicles are not permitted.
 5. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.
 6. 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 No. 6, Lot 2 Hope Court, Onslow.
 7. 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.

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Note

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

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

14.10 PLANNING APPLICATION - LAYDOWN & UTILITY YARD TO SUPPORT MARINE SERVICES OPERATIONS AT 'LOT 8' RESERVE R30711, BEADON CREEK HARBOR, ONSLOW – COUNCIL DIRECTION SOUGHT ON LACK OF 'STRATEGIC PLANNING' FOR THE HARBOUR

FILE REFERENCE:	RE.BD.R.30711 20130264
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ RESPONDENT:	JAG Marine Holdings Pty Ltd State of Western Australia (Department of Transport)
DATE REPORT WRITTEN:	6 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application has been received to Laydown & Utility Yard to Support Marine Services Operations at 'Lot 8' Reserve R30711, Beadon Creek Harbor, Onslow. The application is currently being advertised and referred to State agencies. 'Lot 8' does not exist on any land or planning instrument and is essentially a Department of Transport (DoT) commercial estate plan.

The purpose of this Report is to gauge Council's views on whether in relation to this and other proposals at the Beadon Creek harbour, a "strategic plan" is required before Council is in a position to determine such proposals.

The Shire and Council have repeatedly requested the DoT to prepare a development plan that addresses the development potential of the harbour and which installs access for community needs. This was most recently addressed at the Ordinary Meeting of Council 5 June 2013 where Council resolved to write to the Minister for Transport, Director General of the Department of Transport and the Director General of the Department of State Development a copy of the Shire Administration Report to Council seeking a whole of Government approach to the planning and ultimate development of the Beadon Creek Harbour that reflects a transparent planning, environmental and community consultation process.

Accordingly, what is sought is a whole-of-Government approach to the planning and ultimate development of the Beadon Bay Harbour that reflects a transparent planning, environmental and community consultation process.

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Background

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

The harbour immediately adjoins land designated under the Shire's Local Planning Scheme as 'Industry' (to the south-west) and 'Tourist' (to the north-west). Importantly, land within the 'Tourist' zone has been developed for accommodation purposes since the early 1990's (Lots 557 and 563). This land was originally a reserve for caravan park purposes and was sold by the State to the (then) occupier of the 'Beadon Bay Caravan Park' in (or around) 2009. The 'Beadon Bay Caravan Park' has since been sold to Discovery Parks Pty Ltd, which develops high quality tourist and workforce accommodation sites throughout Australia.

The significance of the 'Beadon Bay Caravan Park' and Discovery Parks Pty Ltd involvement has become a matter of strategic importance for the Shire and daresay, the State. Discovery Parks Pty Ltd is committed to redeveloping the site for transient workforce accommodation purposes. The need for additional accommodation for the Town of Onslow is of paramount importance, as development of Chevron Australia's Wheatstone LNG/domestic gas project at Ashburton North gets under way.

Whilst Chevron proposes a construction village of up to 5000 beds at Ashburton North, Chevron is not required by the State to build to this level of accommodation nor make it available to other users. In addition to the Wheatstone project, LandCorp is seeking to develop approximately 140ha of land adjoining the town however no accommodation for this construction workforce has been determined.

Since the State, and more particularly, LandCorp and Chevron declined to be involved in the establishment of a 'multi-purpose overflow accommodation camp', it has been left to the private sector to invest and fill the void of what the Shire believes will be the requirement of in excess of 800 additional beds over the next 3 - 7 years.

In this regard, Discovery Parks Pty Ltd recent acquisition of the 'Beadon Bay Caravan Park' has been most welcome. However, the opportunity for the 'Beadon Bay Caravan Park' to be used and redeveloped to provide for up to 800 additional beds may be jeopardised by the intent of the DoT to develop the harbour.

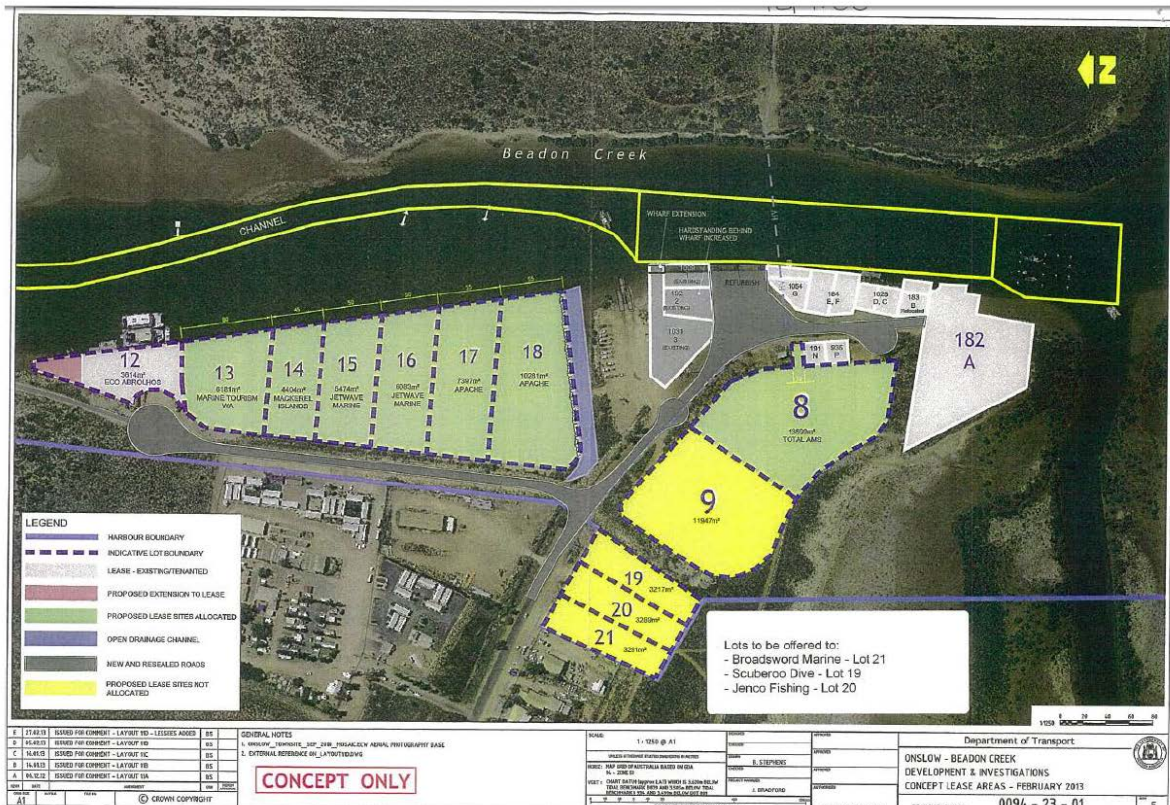
The Shire has been made aware of 'confidential' concept plan prepared by the DoT that shows industrial use and development within 20 metres of existing accommodation at the 'Beadon Bay Caravan Park'.

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

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

The following 'concept plan included represents one of many 'concepts' prepared by the DoT for the development of Beadon Creek Port.

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In addition, the DoT has dredged the Harbour area and has placed the dredge spoil to establish the industrial sites shown on the plan. It is understood that no consultation with the community (or DoT's neighbours) was undertaken prior to dredging, nor has there been any community discussion with respect to the DoT's intended development of the Harbour as reflected in the 'confidential' concept plan. The Shire is not aware of any environmental assessment being carried out in relation to the dredging or placement of the spoil. What is also clear is that the 'confidential' concept plans have no consideration of responsible land use planning and transport access matters, nor does it address environmental matters associated with noise, smell, leachate into the bay and flooding issues.

The concern of the Shire is that the Harbour expansion intent of the DoT fails to acknowledge existing development within very close proximity. Clearly, any inappropriate uses at the Beadon Creek Harbour will significantly impact the accommodation opportunities that are proposed by Discovery Parks Pty Ltd and other potential operators within the same Tourist' zone.

Proposal

Application has been received to Laydown & Utility Yard to Support Marine Services Operations at 'Lot 8' Reserve R30711, Beadon Creek Harbor, Onslow. The application is currently being advertised and referred to State agencies.

The applicant advises that primary purpose of the proposed Laydown Yard Facility is to provide a laydown storage yard and enable general purpose logistic and operational support to the commercial marine operations performed by the Proponent, its associate companies and their customers at existing adjacent facilities at Beadon Creek Onslow WA.

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The purpose of this Report is to gauge Council's views on whether in relation to this and other proposals at the Beadon Creek harbour, a structure or development is required before Council is in a position to determine such proposals.

ATTACHMENT 14.10

Comment

The Shire and Council have repeatedly requested the DoT to prepare a development plan that addresses the development potential of the harbour and which installs access for community needs.

This was most recently addressed at the Ordinary Meeting of Council 5 June 2013 where Council resolved to write to the Minister for Transport, Director General of the Department of Transport and the Director General of the Department of State Development seeking a whole-of-Government approach to the planning and ultimate development of the Harbour to achieve a transparent planning, environmental and community consultation process.

In addition, in June 2012, the Shire Administration wrote to the Minister for Planning, the Minister for Regional Development, Minister for Transport and the Minister for Environment expressing its concerns at the development of the Harbour as indicated on the 'confidential' concept plan and requesting they direct their respective Departments to address the necessary planning and environmental assessment of the harbour before the Department of Transport's 'confidential' plan becomes an unworkable reality.

To date, the DoT has not sought to prepare or engage the Council, Shire or the community on the 'concept plan' or any professionally prepared a 'strategic plan' for the harbour that has community input and addresses, environmental and land use conflicts. It must be emphasised that the Shire Administration does not oppose development of the harbour however it needs to be undertaken in a manner that addresses all planning aspects such the proponents and the Onslow community are provided with certainty as to development within the DoT land.

It is considered necessary that the Council write to the Minister for Planning, the Minister for Regional Development, Minister for Transport and the Minister for Environment expressing the absolute need for the DoT to immediately undertake a 'strategic plan' for the harbour.

In the meantime, whilst Council is obliged to consider all planning applications on their respective merits, it is also appropriate to advise the DoT and proponents that Council is unlikely to approval applications at the Beadon Creek harbour without guidance from a professionally 'strategic plan' that has community input and addresses, environmental and land use conflicts.

It should be noted that a similar matter of community interest associated with the Beadon Creek harbour is addressed in Agenda Item 13.7 of this Agenda. Both items relate to different aspects of the harbour development but reflect the lack of strategic planning of the Harbour. Importantly, both recommendations are mutually compatible.

Consultation

A/Chief Executive Officer
Executive Manager Strategic and Economic Development

Statutory Environment

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

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Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

Policy Implications

There are no policy implications relative to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

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

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.11 PLANNING APPLICATION - OPERATE A TRANSPORTABLE CONCRETE BATCHING PLANT ('INDUSTRY-NOXIOUS') ON UNALLOCATED CROWN LAND (UCL) WITHIN MINING LEASE M08/475, APPROXIMATELY 70 KM SOUTH EAST OF ONSLOW, SHIRE OF ASHBURTON

FILE REFERENCE:	ST.MTMI
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	PMR Quarries Pty Ltd/ WA Limestone
DATE REPORT WRITTEN:	7 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire is in receipt of an Application for Planning Approval seeking to operate a transportable concrete batching plant on unallocated crown land within an existing mining operation at mining lease M08/475, approximately 70 km south east of Onslow.

WA Limestone obtained approval for the operation of a transportable concrete batching plant and production of precast concrete products, as an ancillary operation to the Mount Minnie Quarry from the Department of Mines and Petroleum on 9 August 2011. This approval permits the operation of the batching plant for internal use within the site. The mobile concrete batching plant is currently in operation, however has approval for internal use only i.e. for the construction of the accommodation camp, weighbridge etc.

The proposed use is defined as a 'industry-noxious' under the Shire of Ashburton Local Planning Scheme No. 7. As no use is prohibited within the 'Conservation, Recreation and Nature Landscape' reservation Council can consider an application for 'industry-noxious' in the reserve.

In accordance with CI 3.2.6 of the Scheme, the Shire referred the Application to the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW)- Regional Services Division - Pilbara Region for comment. Both Departments responded to the referral without objection with DPaW seeking the inclusion of two conditions and advice note in any approval.

The fact that the batching plant and access arrangements currently exist and the DER and DPaW do not object to the Application, it is recommended that Planning Approval issue.

Background

WA Limestone obtained approval for the operation of a transportable concrete batching plant and production of precast concrete products, as an ancillary operation to the Mount Minnie

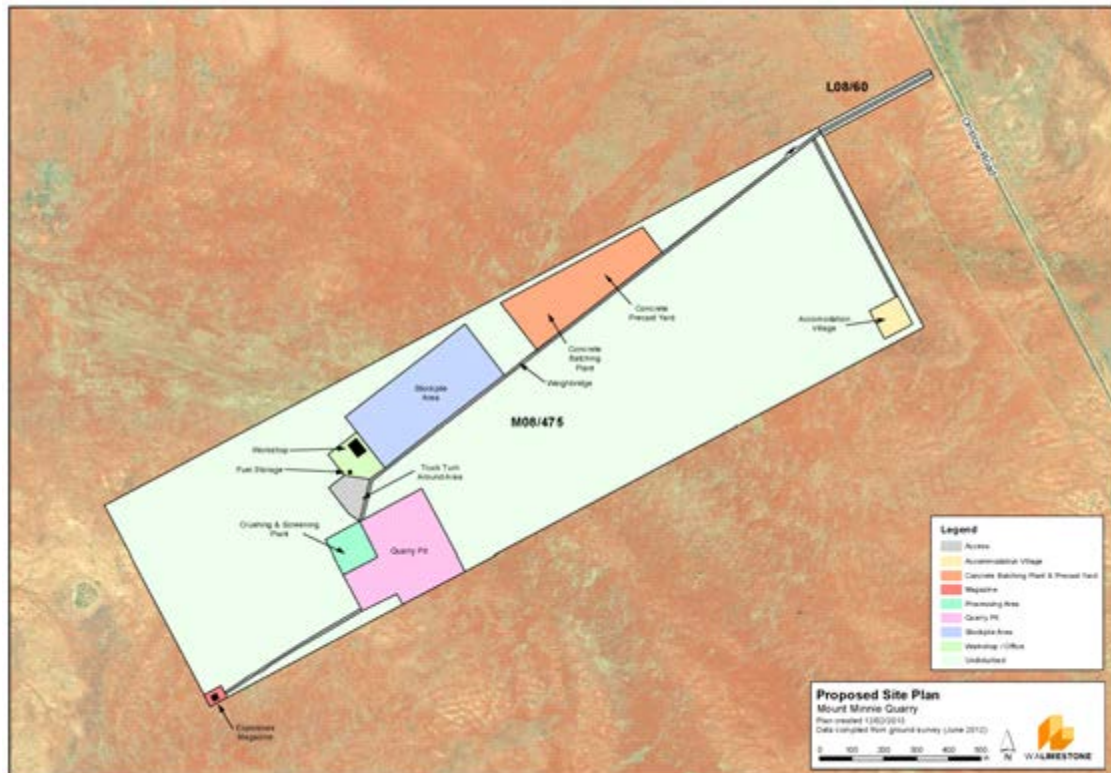
AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

Quarry from the Department of Mines and Petroleum (DMP) on 9 August 2011. This approval permits the operation of the batching plant for internal use within the site.

Proposal

The Shire is in receipt of an Application for Planning Approval seeking to operate a transportable concrete batching plant on unallocated crown land within an existing mining operation at mining lease M08/475, approximately 70 km south east of Onslow.

The mobile concrete batching plant is currently in operation, however has approval for internal use only i.e. for the construction of the accommodation camp, weighbridge etc.



The Applicant advises:

“The concrete batching plant at WA Limestone's Mount Minnie quarry was originally constructed to supply concrete for internal use within the site (e.g. camp construction, weighbridge footings, etc).

Currently there is no existing facility within the region capable of producing the high quality precast concrete components required by the Wheatstone and associated infrastructure projects in the Onslow region. Previously all precast components have had to be manufactured in Perth or internationally and transported. Manufacturing these components locally offers a range of benefits for both for our clients and for the local community.”

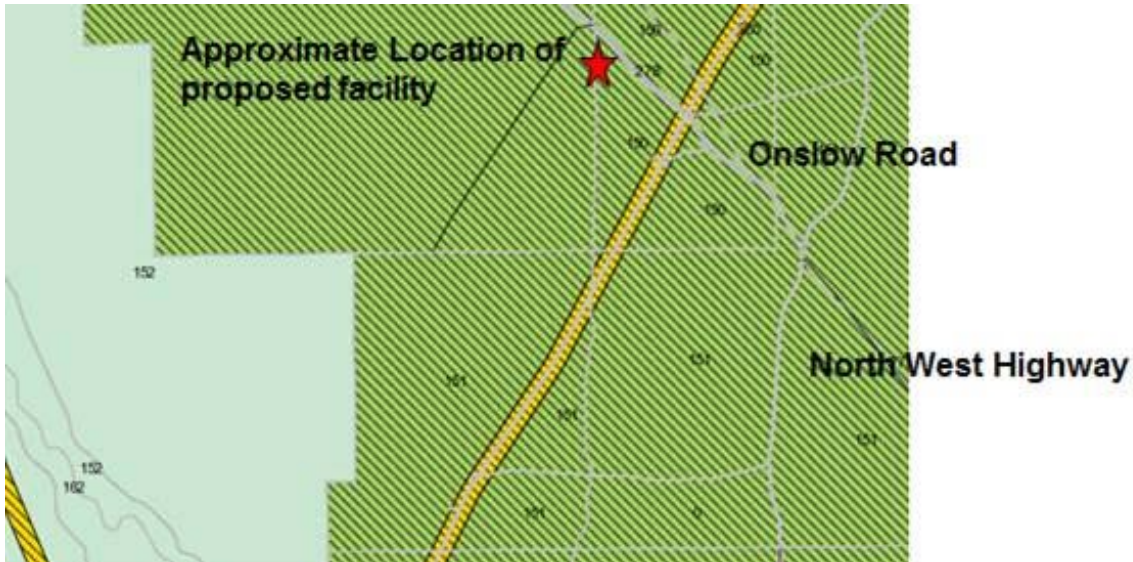
ATTACHMENT 14.11

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Comment

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

The land is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Conservation, Recreation and Nature Landscape' and planning approval is required from the Shire for 'transportable concrete batching plant and production of precast concrete products.'



The following clauses provided for in the Scheme are relevant:

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

Reserved Land:

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

"Use and Development of Reserves

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

3.2.2 Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the

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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.*
- 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.”*

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;

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

Under the Scheme, the proposal is primarily defined as “*industry-noxious*” which means: “*...an industry which is subject to licensing as “Prescribed Premises” under the Environmental Protection Regulations 1987 (as amended).*”

It is understood that a batching plant as sought is a ‘prescribed premises’ under the *Environmental Protection Regulations 1987*.

No use is prohibited within the ‘*Conservation, Recreation and Nature Landscape*’ reservation, hence Council can consider an application for ‘industry-noxious’ in the reserve.

Agency Referral and Response

In accordance with CI 3.2.6 of the Scheme, the Shire referred the Application to the Department of Environment Regulation and the Department of Parks and Wildlife - Regional Services Division - Pilbara Region for comment. Both Departments responded the referral as follows:

Response from Department of Environment Regulation (DER):

“I refer to your correspondence dated 23 July 2013 in which you requested the Department of Environment Regulation (DER) provide comments on the development of concrete batching plant on Mining Tenement M08/475. DER has the following comments to make with respect to the proposed development:

Under part V of the Environmental Protection Act 1986 (the Act) the proponent is required to submit a works approval application for the prescribed premises as outlined in the Environmental Protection Regulations 1987 to construct the concrete batching plant and upon completion will be required to amend the existing licence prior to operation of the plant. The licence will allow the operation of the plant at the premises for the manufacture of cement products or concrete which will be used off site. DER can confirm that the proponent has submitted the works approval application, which is currently being assessed by the Pilbara office.

Please note that the Department of Environment and Conservation (DEC) has separated into two departments from 1 July 2013. Application sent to DEC Pilbara will now be responded to by each department (Department of Parks and Wildlife (DPaW) and DER) separately. Please ensure you have received both responses prior to finalising the application. Please continue to send applications to the Karratha office address until further advised.”

Response from Department of Parks and Wildlife (DPaW):

“I refer to your correspondence dated 24th May 2013 in which you requested the Department of Parks and Wildlife (DPaW) to provide comments on the development application for transportation of pre-cast concrete products from mining lease M08/475. DPaW has the following comments to make with respect to the proposed development:

The Department of Parks and Wildlife (DPaW) has reviewed a Planning Application from WA Limestone to use a concrete batching plant established under mining

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tenements M08/475 and L08/50 for non-mining activities in Unallocated Crown Land (UCL) within the former Mt Minnie Pastoral Lease. The following conditions and advice notes are provided by DPaW's Pilbara region.

Recommended Conditions:

- 1. That the applicant prepares and implements a Conservation Management Plan (CMP) for the entire project, in consultation with the Department of Parks and Wildlife (DPaW) and to the satisfaction of the Shire of Ashburton prior to development commencing.*
- 2. That the applicant prepares and implements a communication plan between Department of Parks and Wildlife (DPaW) and the applicant, to manage biodiversity conservation issues, including fire, weed and pest animal management. The plan is to be prepared by the applicant in consultation with DPaW and to the satisfaction of the Shire of Ashburton prior to development commencing.*

Advice notes:

In relation to recommended condition 1, DPaW notes that the referred planning application is for additional uses (non-related mining activities) including external use of a concrete batching plant on Mining Lease M08/475 and L08/50. The mining leases are located on the former pastoral lease Mount Minnie, which was purchased for reservation in 1999, is currently managed under s33(2) of the Conservation and Land Management Act 1984 (CALM Act) and is subject to ongoing discussions / negotiations between relevant government departments toward reservation as a conservation park. DPaW, as the manager of this land on behalf of the Government of Western Australia under the CALM Act 1984 and the agency responsible for administering the requirements of the Wildlife Conservation Act 1950, has concerns regarding the development, implementation and eventual closure of this project. These concerns were to be addressed as a part of the Conservation Management Plan (CMP) for the project. DPaW (formerly DEC) provided comments on the CMP in February 2012, but did not receive a final version of the CMP after these comments were accepted by the applicant. Given the project is being altered through this planning application, DPaW requests that the CMP is updated in consultation with DPaW and to the satisfaction of the Shire of Ashburton, to address recent changes to the project and to provide a final copy to DPaW.

Recommended condition 2 requests that a communication plan is prepared and implemented for the project, by the applicant which addresses formal communication procedures between the applicant and the land manager (DPaW). Procedures are required for communicating with DPaW's Karratha office and the Mount Minnie Caretaker, Paul Shadier (phone: 91845190). For example, the DPaW duty officer may need to contact quarry staff during an emergency such as bushfire. Communication procedures should include arrangements that allow DPaW access to the site at any time, including access to water points for bushfire management, and give consideration for assisting DPaW during bush fire emergencies e.g. through the use of earth moving machinery. This information should be provided along with key site contacts. This procedure is important for ensuring safety and good communications between the land manager and the site operator. The communication plan should be prepared in consultation with DPaW to the satisfaction of the Shire of Ashburton."

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No other referrals were undertaken by the Shire.

Conclusions

The fact that the batching plant and access arrangement currently operates enables the Shire to support the proposal for a limited time which should be linked to the life of the operation of the mining activity itself.

With the views of DER and DPaW received and subject to conditions associated with limiting the time of the use and DPaW, it is recommended that Planning Approval issue.

Consultation

Chief Executive Officer

Due to the remoteness of the land, the Application was not advertised.

In accordance with CI 3.2.6 of the Scheme, the Shire referred the Application to the Department of Environment Regulation (DER) and the Department of Parks and Wildlife (DPaW)- Regional Services Division - Pilbara Region for comment. Both Departments responded to the referral without objection with DPaW seeking the inclusion of two conditions and advice note in any approval.

Statutory Environment

Shire of Ashburton Local Planning Scheme No.7.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns.

Policy Implications

There are no policy implications relative to this issue.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Approve the Planning Application operate a transportable concrete batching plant ('Industry-Noxious') on Unallocated Crown Land (UCL) within Mining Lease M08/475, approximately 70 Km south east of Onslow, Shire of Ashburton in accordance with the endorsed plans, subject to the following conditions:
 1. The transportable concrete batching plant ('Industry-Noxious') facility shall cease by 31 December 2016 or other period as agreed by the Chief Executive Officer.
 2. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy – 'Industry-Noxious' the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
 3. Prior to the commencement of use, the following matters shall be submitted to the requirements and satisfaction of the Shire and when endorsed by the responsible authority shall become the amended plans. The matters shall include the preparation of a:
 - a) bushfire management plan; and
 - b) cyclone warning and evacuation plan;

The requirements of these plans are to be observed at all times and all works identified are to be constructed/established prior to use.

4. Prior to the commencement of use, the following matters shall be submitted to the requirements of the Department of Parks and Wildlife (DPaW) and satisfaction of the Shire and when endorsed by the responsible authority shall become the amended plans. The matters shall include:
 - (a) That the applicant prepares and implements a Conservation Management Plan (CMP) for the entire project, in consultation with the DPaW and to the satisfaction of the Shire of Ashburton prior to development commencing.
 - (b) That the applicant prepares and implements a communication plan between DPaW and the applicant, to manage biodiversity conservation issues, including fire, weed and pest animal management.

Advise the applicant as follows:

- i. In relation to Condition 3 (a), it is recommended that prior to the submission of the Fire Management Plan the Applicant discuss the proposal with FESA.
- ii. In relation to Condition 4, the DPaW advise as follows:

"In relation to recommended condition 1, DPaW notes that the referred planning application is for additional uses (non-related mining activities) including external use of a concrete batching plant on Mining Lease M08/475 and L08/50.

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The mining leases are located on the former pastoral lease Mount Minnie, which was purchased for reservation in 1999, is currently managed under s33(2) of the Conservation and Land Management Act 1984 (CALM Act) and is subject to ongoing discussions / negotiations between relevant government departments toward reservation as a conservation park. DPaW, as the manager of this land on behalf of the Government of Western Australia under the CALM Act 1984 and the agency responsible for administering the requirements of the Wildlife Conservation Act 1950, has concerns regarding the development, implementation and eventual closure of this project. These concerns were to be addressed as a part of the Conservation Management Plan (CMP) for the project. DPaW (formerly DEC)

Recommended condition 2 requests that a communication plan is prepared and implemented for the project, by the applicant which addresses formal communication procedures between the applicant and the land manager (DPaW). Procedures are required for communicating with DPaW's Karratha office and the Mount Minnie Caretaker, Paul Shadier (phone: 91845190). For example, the DPaW duty officer may need to contact quarry staff during an emergency such as bushfire. Communication procedures should include arrangements that allow DPaW access to the site at any time, including access to water points for bushfire management, and give consideration for assisting DPaW during bush fire emergencies e.g. through the use of earth moving machinery. This information should be provided along with key site contacts. This procedure is important for ensuring safety and good communications between the land manager and the site operator. The communication plan should be prepared in consultation with DPaW to the satisfaction of the Shire of Ashburton.

Please note: The Department of Environment and Conservation separated into two departments from 1 July 2013. Applications sent to DEC Pilbara will now be responded to by each department (Department of Parks and Wildlife and Department of Environment Regulation) separately. Please ensure you have received both responses prior to finalising the application. Until further advised, please continue to send applications to the Karratha Office address."

- ii. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Permit.
- iii. Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- iv. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage

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of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.

- v. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- vi. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or on <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.12 PLANNING APPLICATION - ADDITIONAL TWO STOREY DWELLING (GROUP DWELLINGS) AT LOT 373 SECOND AVENUE, ONSLOW

FILE REFERENCE:	ON.SE.0373.00 20130262 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/ OWNER:	SRM Construction Pty Ltd Ugly Boats Pty Ltd
DATE REPORT WRITTEN:	7 September 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 373 Second Avenue, Onslow which has an area of 1012m². The land is zoned Residential R20 and located with the Onslow Coastal Hazard Area Special Control Area. The application comprises an additional dwelling (two storey) at the rear of the lot. The adjoining lot to the east is occupied for residential purpose whilst the adjoin lot the west is vacant drainage Reserve 32308.

The Application is assessed against the WAPC's Residential Design Code (RCode) which controls residential development in Western Australia. The Applicant has provided a review of the development against the RCodes where it indicates that certain setbacks and open space requirements are not met.

Council can vary the setback requirements where it is satisfied that there is no direct overlooking of "active habitable spaces and outdoor living areas of adjacent dwellings achieved..." In this regard, the non-compliance of the setbacks and visual privacy are to drainage Reserve 32308 which does not have potential for development for residential purposes. Accordingly, it is recommended that flexibility be provided to the Applicant to accept a lesser setback of 3.1m to drainage Reserve 32308 as the difference of 1.4m will not impact any nearby residential uses.

In relation to the 'unenclosed outdoor active habitable spaces' being 4.2m instead of 7.5m, the development is considered to be low density with adequate open space available through two balcony areas and with the provided building setbacks. Accordingly, it is recommended that flexibility be provided to the Applicant to accept a lesser setback of 4.2m instead of 7.5m for 'unenclosed outdoor active habitable spaces' as the difference will not impact residential occupancy of the development.

It is recommended that conditional Planning Approval issue.

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Background

The subject site comprises Lot 373 Second Avenue, Onslow which has an area of 1012m² and is occupied by an existing dwelling sited 10m from the Second Avenue frontage.

The site is serviced with underground power, sewer and water. The lot is currently developed with workshops and dwelling. The site slopes slightly from the road down towards the Right of Way (ROW).

The adjoining lot to the east is occupied for residential purpose whilst the adjoin lot the west is vacant drainage Reserve 32308. Opposite over Second Avenue is vacant land utilised for drainage purposes. Land to the south (over the ROW) is occupied by BHPB's operational residential building. Primary access to the subject site is via Second Avenue which is a sealed constructed to a good standard. The subject site also benefits from rear access in the form of an unconstructed ROW that has a width of approximately 5.0m.



Proposal

The application comprises an additional dwelling (two storey) at the rear of the lot. The dwelling is provided with external private recreational areas and no central open space is sought. Access is via an internal driveway site on the eastern boundary directly from Second Avenue. Two car parking spaces for the new dwelling are provided in the undercroft area, although the plans do not indicate parking arrangements for the existing dwelling.

The additional dwelling provides a first floor finished floor level of 5.9mAHD. However the plans for a habitable room (study) is at ground level (3.2mAHD).

ATTACHMENT 14.12A

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Comment

The site is zoned Residential R20 under the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme'). 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:
 - (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,*

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- (s) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal,*
- (v) *any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6,*
- (w) *any relevant submissions or objections received or sought on the application, and*
- (x) *any other planning consideration that Local Government considers relevant.”*

As the subject land is located within the Onslow Hazard Special Control Areas, residential development shall not exceed R20.

The ‘*Onslow Coastal Hazard Area Special Control Area*’ provision under Clause 7.1.1 of the Scheme was originally identified by the former Department of Planning and Urban Development in the Onslow Coastal Plan (1994).

This plan recommended town planning schemes indicate the area on maps and incorporate provisions relating to minimum development standards. Clause 6.20 of the Scheme relevant to Flood and Storm Surge Prone Land states:

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

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

“7.3 Onslow Coastal Hazard Area

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

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

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

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

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

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- 7.3.6 *Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.*
- 7.3.7 *After receipt of advice or recommendations from the agencies referred to in subclause 7.3.3, the Local Government may, notwithstanding any other provision of the Scheme:*
- (a) approve the development proposal,*
 - (b) refuse the development proposal, or*
 - (c) approve the development proposal subject to conditions, which may include the requirement to prepare and implement a foreshore management plan.*
- 7.3.8 *In considering applications for planning approval, Local Government shall have regard for the following matters:*
- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
 - (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
 - (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
 - (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
 - (e) That any building development or building alteration approval in the hazard area be endorsed with the following:*

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

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

Local Planning Policy - Shire Requirements for Planning Applications within the Onslow Coastal Hazard Area - Scheme Control Area

The Shire is aware that some modification to the minimum AHD of the current scheme is likely due to a review undertaken by LandCorp and other State Agencies. This review is still to be finalised through Scheme Amendment No. 24 however the Shire is becoming increasingly aware of numerous proposals looming with the SCA. Clause 6.20.4 of the Scheme provides:

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

The Applicant has provided an assessment in accordance with Clause 6.20.4 which supports the minimum floor height of 5.9m AHD. However the plans refer to a ‘study’ (habitable room) on the ground floor of the dwelling. Under the Scheme, the Shire has no power to approve habitable rooms less than the Scheme provisions. In this regard, the use of the ‘study’ cannot be supported however it can be used as a ‘store room’. Plans endorsed to any Approval will need to be modified accordingly.

Key Planning Issues

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

Residential Design Code Requirements

The Application is assessed against the WAPC’s Residential Design Code (RCode) which controls residential development in Western Australia. The Applicant has provided a review of the development against the RCodes where it indicates that certain setbacks and open space requirements are not met.

ATTACHMENT 14.12B

Specially, the development does not comply with the RCodes as follows:

5.4.1 Visual privacy

Site	Location	Required (m distance)	Provided (m distance)	Complies
Rear Lot	West side of building: Study Window (Ground Floor)	4.5m	3.1m	No
Rear Lot	West side of building: Master Bedroom Window (First Floor)	4.5m	3.1m	No
Rear Lot	West side of building: Second Bedroom Window (First Floor)	4.5m	3.1m	No
Rear Lot	Unenclosed outdoor active habitable spaces	7.5m	4.2m	No

Comment on Non-Compliance

Council can vary the setback requirements where it is satisfied that there is no direct overlooking of “active habitable spaces and outdoor living areas of adjacent dwellings achieved...” In this regard, the non-compliance of the setbacks and visual privacy are to drainage Reserve 32308 which does not have potential for development for residential purposes. Accordingly, it is recommended that flexibility be provided to the Applicant to accept a lesser setback of 3.1m to drainage Reserve 32308 as the difference of 1.4m will not impact any nearby residential uses.

In relation to the ‘unenclosed outdoor active habitable spaces’ being 4.2m instead of 7.5m, the development is considered to be low density with adequate open space available through two balcony areas and with the provided building setbacks. Accordingly, it is recommended

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that flexibility be provided to the Applicant to accept a lesser setback of 4.2m instead of 7.5m for 'unenclosed outdoor active habitable spaces' as the difference will not impact residential occupancy of the development.

Carparking and Access

Two car parking spaces for the new dwelling are provided in the undercroft area, although the plans do not indicate parking arrangements for the existing dwelling. The RCodes require two spaces per dwelling. Whilst the Application does not show the parking on the submitted plans, this can be provided as a condition requiring amending plans.

Parking Strategy & Laneways Study for Onslow

The Shire has identified the need to plan for appropriate parking provision in light of increasing commercial and retail demand in both Tom Price and Onslow. Further, Onslow has a network of laneways which typically run along the rear of properties many also contain services and utilities. The Shire wishes to understand the condition, capacity and legal status of these laneways and ensure that planning policies are in place to properly manage this infrastructure over time.

How these laneways are eventually managed will impact future car parking strategies. It is proposed that the laneway information gathering and strategy is developed prior to commencing the development of the Onslow car parking study to enable consideration of different laneway use options. Accordingly, the Shire has appointed a consultant (Whelans) to undertake the study in accordance with the above Scope.

In relation to the Application before Council, no vehicular access is shown to the ROW. This should also be a condition of any planning approval.

Water Supply

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

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

The Shire is aware that the provision of water supply services to Onslow is at capacity. Water Corporation has previously advised that a limited number of additional connections are likely to be available using the existing infrastructure and supply. In this regard, it is possible that there could be some servicing issues with the proposal (as well as all other proposals in Onslow).

In previous Applications, the local government has continued to consider applications in Onslow on planning merit. Where an approval has issued, it is conditioned on the basis that prior to the issue of a building permit the applicant provides evidence that Water Corp has the means to provide a water supply to the development. In addition, an applicant is advised that the provision of a reticulated water supply may be limited and that they may need to supplement or provide alternate means for such supply.

Enclosed lockable area for each dwelling

In accordance with the requirements of Clause 6.7.2 of the Scheme, 4m² stores for each dwelling is required. The new dwelling has storage in excess of the 4m² however no

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reference has been made for the exiting dwelling. In relation to the Application before Council, this should also be a condition of any planning approval.

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. This would be reflected in a recommended condition to any strata proposal.

Should fencing along the front boundary of the lot be sought, it should be a 'feature fence' designed and constructed to promote the 'high quality' of the development.

Conclusion

From the information provided, the Application can be supported.

Consultation

Chief Executive Officer
Manager Building Services

Public Consultation

The Application was not advertised as it is not required under the Scheme.

Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

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

Policy Implications

Local Planning Policy - Shire Requirements for Planning Applications within the Onslow Coastal Hazard Area - Scheme Control Area

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20130262(P) for additional two storey dwelling (group dwellings) at Lot 373 Second Avenue, Onslow generally in accordance with plans as provided in **ATTACHMENT 14.12A** to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:
 1. The use shall not commence until the landowner has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the development upon the advice of the Water Corporation and to the satisfaction of the responsible authority.
 2. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:
 - i. All parking/access designed in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), and reversing areas designed to avoid buildings and structures; and
 - ii. Clotheslines for all units;
 - iii. For the new dwelling, reference to 'study' removed and replaced with 'storage';
 - iv. Parking and access for the existing dwelling comprising not less than two (2) parking spaces; and
 - v. 4m² storage unit for the existing dwelling.

Plans are to be reconfigured to the satisfaction of the responsible authority taking into the above requirements and when endorsed by the responsible authority shall become the amended plans.
3. This Planning Approval lapses if the development is not substantially commenced by 18 September 2015.
4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
 - i. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.

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- 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;
 - b) the location and type of reticulation to be installed; and
 - c) 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 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.

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

i. The Applicant is to establish a memorial on title or other instrument acceptable to the responsible authority stating:

“The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events. The development should be considered to be a commercial development with a planning timeframe of 50 years (2063).”

ii. Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.

iii. The landscaping and reticulation as identified this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.

iv. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.

v. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.

vi. Details on mail boxes and fencing, including colour, texture and materials of the development. Fencing along the front boundary of the lot shall be a ‘feature fence’, visually permeable, designed and constructed to the satisfaction of the responsible authority. All mail boxes and fencing is to be erected in accordance with the approved details and thereafter maintained.

vii. 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.

viii. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of WaterCorporation.

6. Compliance with definition of ‘dwelling’ of the Scheme 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.”*

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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).
- iii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.

Author: Rob Paull	Signature:
Manager: Frank Ludovico	Signature:

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14.13 REQUEST TO AMEND 2013 / 2014 ANNUAL BUDGET RELATING TO ONSLow WASTE SITE SELECTION AND FEASIBILITY STUDY

FILE REFERENCE:	FI.BU.13.14
AUTHOR'S NAME AND POSITION:	Michelle Tovey Project, Admin and Technical Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 6.1 – Special Meeting of Council 3 September 2013

Summary

A site selection and feasibility study for a new Onslow waste management facility is to be conducted in the 2013/14 financial year. This is to be funded under the Critical Services Infrastructure program for the Chevron Wheatstone project.

This item was not incorporated into the Draft Annual Budget. Therefore, it is recommended that the Draft Annual Budget be amended to include the income and estimated expenditure items for this project.

Background

The capacity of the current Onslow landfill facility is nearly exhausted and its buffer zone impacts on the proposed expansion of the residential area of the town and the alignment of the new, proposed Onslow Ring Road. A new waste management facility is required that meets appropriate siting, design and operational standards.

Under the Ashburton North State Development Agreement (Wheatstone Project), Chevron is required to make a capped contribution of \$2 million to develop a new waste management facility. This full contribution is contingent upon the facility meeting Chevron's environmental standards of a Class IV facility.

In order to determine an appropriate site and the feasibility of providing a facility to meet Chevron's standards, agreement was reached for \$300,000 of the \$2 million to be allocated to a site selection and feasibility study.

A Letter of Intent for this study was provided by the WA Department of State Development in June 2013 and subsequently agreed to by the Acting Chief Executive Officer.

The Shire of Ashburton is now seeking consultancy services to conduct the Site Selection and Feasibility Study for the proposed Onslow Waste Management Facility. The provisional estimate and funding for this study is \$300,000. Whilst the expense of this study will be funded by Chevron, it is necessary to amend the current 2013/14 Annual Budget to reflect this funding and estimated expenditure as Council is managing the project.

ATTACHMENT 14.13

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Comment

Pursuant to Section 6.2 of the Local Government Act 1995 ("Local government to prepare annual budget"), Council adopted the 2013/14 Draft Annual Budget Council. Due to uncertainty over the funding arrangements and study parameters at the time of budget preparation, it was not included in the budget.

It is recommended that the 2013/2014 budget is amended to reflect the funding and estimated expenditure of the Onslow Waste Management Facility Site Selection and Feasibility Study.

Consultation

Executive Manager Strategic and Economic Development
Executive Manager Technical Services
Finance Manager

Statutory Environment

Section 6.2 of the Local Government Act 1995

Financial Implications

This study is funded by Chevron in accordance with the Ashburton North State Development Agreement, the Critical Services Infrastructure program and the Onslow Waste Management Facility Site Selection and Feasibility Study Project Implementation Plan (PIP). Therefore, there will not be any net financial implications of this study on the Annual Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 02 – Enduring Partnerships
Objective 01 – Strong Local Economies
Objective 02 – Enduring Partnerships with Industry and Government

Policy Implications

There are no specific policy implications relating to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

That Council amends the 2013/14 Annual Budget to:

- a) Include the item "Onslow Waste Management Facility Site Selection and Feasibility Study" at an estimated expenditure of \$300,000; and
- b) Recognise the Letter of Intent from the Department of State Development allocating \$300,000 from the Critical Services Infrastructure program as income.

Author: Michelle Tovey	Signature:
Manager: Troy Davis	Signature:

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14.14 TENDER ASSESSMENT CRITERIA FOR REQUEST FOR TENDER FOR PANEL SUPPLY OF PLANT AND EQUIPMENT HIRE

FILE REFERENCE:	AS.TE.14.13
AUTHOR'S NAME AND POSITION:	Michelle Tovey Project, Admin and Technical Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Plant and equipment is hired externally by Council to supplement its existing fleet on an "as required" basis. The extent of hire varies according to type of plant required, current work priorities and cost effectiveness of hiring. While the value of this can vary greatly, some items are likely to be in excess of \$100,000 per year in total.

Accordingly, a Request For Tender for the panel supply of plant and equipment hire will ensure compliance with the Local Government Act 1995 and Shire of Ashburton FIN12 Purchasing and Tender Policy.

The tender assessment criteria outlined in the Tender Assessment Criteria Policy adopted at the 13 February 2013 Ordinary Meeting of Council is not fitting to this tender so the purpose of this Agenda Item is to determine the appropriate tender assessment criteria.

Background

Pursuant to Section 3.57 of the Local Government Act 1995, a local government is required to invite tenders before it enters into a contract under which another person is to supply goods or services of a value exceeding \$100,000. The Shire of Ashburton FIN12 Purchasing and Tender Policy also specifies the following purchasing thresholds:

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Purchase Value	Model Policy – Quotes Required (Minimum)
\$0 - \$1,999	Best price, no additional paperwork.
\$2,000 - \$5,000	Obtain at least two verbal quotations which must be recorded on the Verbal Quotation Form (FIN12 Form) and included with the purchase order when passes for payment.
\$5,001 - \$50,000	Obtain at least two written quotations which must be included with the purchase order when passed for payment.
\$50,001 - \$100,000	Obtain at least written quotations. Written quotations and included with the purchase order when passed for payment.
\$100,000 and above	Conduct a public tender process.

In addition to this, FIN12 Purchasing and Tender Policy also states;

“Where it is considered beneficial, tenders may also be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST).”

The Shire of Ashburton requires the utilisation of various items of plant and equipment beyond its own fleet whilst conducting day to day business activities. Examples of such items include water carts, graders and excavators. While the value of this can vary greatly, some items are likely to be in excess of \$100,000 per year in total. This necessitates a tender process being implemented.

In this instance, a panel tender is considered to be most advantageous to the Shire of Ashburton. A panel tender is an arrangement under which a number of suppliers submit prices to supply services to the Council. A contract is then formed under a standing offer each time the Shire purchases goods or services under the panel arrangement.

Panels are generally of most benefit when they cover goods or services that are purchased regularly, as it allows the Shire of Ashburton to enter into contracts with panel members without a further procurement process. This process improves efficiency and also allows the Shire to obtain the best price for the services required.

The panel supply of plant and equipment hire also allows the Shire of Ashburton to define its expected requirements and allows for the strategic sourcing of suppliers in key areas. This will allow the Shire of Ashburton to proceed in a timely manner as future projects arise and also ensures the Shire receives value for money through competitive pricing from tenderers.

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The following Tender Selection Criteria is proposed:

Compulsory Criteria	Yes / No
Tender Timing Was the tender received at the correct location before the deadline?	
Tender Conformance Did the tender conform to the specification and required conditions?	
Alternative Tenders Did the tender contain qualifications or conditions? Was an alternative tender submitted along with a conforming tender?	
Price Schedule Was the Schedule of Rates attached and complete?	

Qualitative Selection Criteria	Weighting
Experience and Capacity to Meet Requirements Demonstrate the organisation has the skills and capacity to provide the required services, particularly demonstrated experience in the provision of similar practices as detailed in the specification.	40%
Resources Demonstrate the ability to supply the necessary resources, including personnel, sub-contractors, and plant equipment and materials.	20%
Quality and Occupational Health and Safety Systems Provide an overview of the reporting / recording systems, risk management and safety systems in place within the organisation	20%
Key Personnel Key personnel's experience in completing similar activities and their skills and experience including their role and qualifications.	10%
Past Company Performance The track record of the company or individuals including demonstrated evidence of the quality of past work and demonstrated evidence of competency, cooperation and sound judgment in past projects.	10%

Comment

The Local Government (Functions and General) Regulations 1996 states that;

“Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000.”

As such, panel tenders are beneficial to the Shire in terms of both ensuring compliance with the Local Government Act 1995 (and accompanying Regulations) and also facilitating the timely completion of Shire projects.

Consultation

Jenni Law - Manager of Advice and Support, Department of Local Government
Wade Dunstan – Senior Advisor Probity and Procurement, Stantons International

A/Chief Executive Officer
Executive Manager Technical Services
A/Economic & Land Development Manager

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Statutory Environment

Section 3.57 of the Local Government Act 1995

Financial Implications

This item is in accordance with the 2013/14 Draft Annual Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Goal 5 Inspiring Governance

Objective 03 Exemplary Team and Works Environment

Policy Implications

FIN12 Purchasing and Tender Policy

FIN14 Shire of Ashburton Tender Assessment Criteria

Voting Requirement

Simple Majority Required

Recommendation

That Council authorise the Acting Chief Executive Officer to invite public tenders for the Panel Supply of Plant and Equipment Hire, to be issued in accordance with the following evaluation criteria:

Compulsory Criteria	Yes / No
Tender Timing Was the tender received at the correct location before the deadline?	
Tender Conformance Did the tender conform to the specification and required conditions?	
Alternative Tenders Did the tender contain qualifications or conditions? Was an alternative tender submitted along with a conforming tender?	
Price Schedule Was the Schedule of Rates attached and complete?	

Qualitative Selection Criteria	Weighting
Experience and Capacity to Meet Requirements Demonstrate the organisation has the skills and capacity to provide the required services, particularly demonstrated experience in the provision of similar practices as detailed in the specification.	40%
Resources Demonstrate the ability to supply the necessary resources, including personnel, sub-contractors, and plant equipment and materials.	20%
Quality and Occupational Health and Safety Systems Provide an overview of the reporting / recording systems, risk management and safety systems in place within the organisation	20%
Key Personnel Key personnel's experience in completing similar activities and their skills and experience including their role and qualifications.	10%
Past Company Performance The track record of the company or individuals including demonstrated evidence of the quality of past work and demonstrated evidence of competency, cooperation and sound judgment in past projects.	10%

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Author: Michelle Tovey	Signature:
Manager: Troy Davis	Signature:

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14.15 ENDORSEMENT OF THE FORTESCUE VALLEY ROAD RAIL INTERFACE AGREEMENT

FILE REFERENCE:	LE.CO.00.00
AUTHOR'S NAME AND POSITION:	Michelle Tovey Project, Admin and Technical Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Under the provisions of the *Rail Safety Act 2010*, Interface Agreements are required for all rail crossings involving a road, footpath or shared path. Pursuant to this, an Interface Agreement entitled "Public Road and Rail Crossing at Grade or Grade Separated Interface" has been drafted between The Pilbara Infrastructure Pty Ltd (trading as Fortescue Metal Group), the Shire of Ashburton and Main Roads Western Australia (MRWA) for the rail crossing on Fortescue Valley Road.

It is recommended that the Council authorise the Acting Chief Executive Officer to sign this document on behalf of the Shire of Ashburton.

Background

The Solomon Project area is located approximately 60 kilometres north of Tom Price with the mining tenement areas situated within the Hamersley Ranges one kilometre north west of Karijini National Park.

Fortescue Metal Group (FMG) has developed the 127 kilometre Solomon rail corridor to access the Kings and Firetail mining areas in the Solomon Project area. This railway line intersects with the Fortescue Valley Road.

The purpose of the Rail Interface Agreement is to clarify the roles and responsibilities of involved parties and ensure a safe environment is maintained for both rail and road users.

As outlined in the Interface Agreement:

"The Road Manager (Shire of Ashburton) shall:

- Notify the Rail Infrastructure Manager of any road works planned, either of a temporary or permanent nature, in the vicinity of a crossing.*
- Maintain the approaching local road surface in a reasonable condition beyond the rail reserve in accordance with normal maintenance scheduling in the context of the entire local road network.*

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- *Maintain adequate line-of-sight distances for approaching drivers on local roads by removing vegetation and other visibility obstructions within the road reserve (and adjacent private property if required).*
- *Report damaged and unserviceable line marking and signage associated with a rail crossing to MRWA identified during inspection in accordance with normal maintenance regimes.”*

ATTACHMENT 14.15

Comment

In order to execute the Interface Agreement it is recommended that the Acting CEO is authorised to sign the document on behalf of the Shire of Ashburton.

Consultation

Mal Shervill – Policy Officer Road Safety, WALGA
A/Chief Executive Officer
Executive Manager – Technical Services

Statutory Environment

Division 4 Safety Management, Rail Safety Act 2010

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 02 – Enduring Partnerships
Objective 02 – Enduring Partnerships with Industry and Local Government
Goal 04 – Distinctive and Well Serviced Places
Objective 02 – Accessible and Safe Towns

Policy Implications

There are no policy implications relative to this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council authorise the Acting Chief Executive Officer to sign the Interface Agreement “*Public Road and Rail Crossing At Grade or Grade Separated Interface*” between The Pilbara Infrastructure Pty Ltd, Shire of Ashburton and Main Roads Western Australia relating to the Fortescue Valley Road rail crossing on behalf of the Shire of Ashburton.

Author: Michelle Tovey	Signature:
Manager: Troy Davis	Signature:

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14.16 APPOINTMENT OF FIRE CONTROL OFFICERS

FILE REFERENCE:	RS.BC.02.00
AUTHOR'S NAME AND POSITION:	Morgwn Jones Senior Ranger/Supervisor Emergency Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

With the onset of summer and the Tom Price Volunteer Bush Fire Brigade recently having their AGM it is an opportune time to review the appointments of the Shire's Fire Control Officers.

Background

The Bush Fire Advisory Committee has not met since 2011. This has been due to the continuous unavailability of members and both internal and external stakeholders. However in this time the Shire has been appointing Fire Control Officers (FCO's) in accordance with *Section 38 (1) of the Bush Fires Act 1954*.

The Tom Price Volunteer Bush Fire Brigade recently held their AGM where their Officers were elected. These officers serve as authorised persons on behalf of the Shire of Ashburton in respect to the *Bush Fires Act 1954* and are required to be appointed by Council.

Attached is:

1. Tom Price Volunteer Bush Fire Brigade AGM Minutes

ATTACHMENT 14.16

Comment

Under the Bush Fires Act 1954 a Local Government, from time to time, may appoint persons as it thinks necessary to be its Bush Fire Control Officers. With the onset of summer it is necessary to appoint FCO's for the upcoming season.

Consultation

DFES Area Manager - Wayne Cooke
Tom Price Volunteer Bush Fire Brigade Officers
District Operations Advisory Committee

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Statutory Environment

Bush Fire Act 1954 - Section 38 (1) of the Bush Fires Act 1954 – In respect of Appointing Bush Fire Control Officers, a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer from amongst persons so appointed.

Financial Implications

Costs of advertising appointments in local print media.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04– Distinctive and Well Serviced Places

Objective 02 – Accessible and Safe Towns

Policy Implications

There is no policy implications associated with this item at this point in time.

Voting Requirement

Simple Majority Required.

Recommendation

That Council:

1. Revokes all previous appointments of Chief Bush Fire Control Officer, Deputy Bush Fire Control Officer and all Fire Control Officers and
2. Appoints
 - Supervisor of Emergency Services Morgwn Jones as Chief Bush Fire Control Officer
 - Shire of Ashburton Ranger Ashley Robbins as Deputy Chief Bush Fire Control Officer
 - Chris O'Connell Captain of Tom Price Private Fire & Rescue Brigade as Deputy Chief Bush Fire Control Officer.

For the Shire of Ashburton with all powers conferred to them by the Bush Fires Act 1954 including the authority to expend Council funds in respect to fire fighting / prevention activities and initiate legal proceedings for the whole of the Shire of Ashburton.

3. Appoints the following as Fire Control Officers for the Shire of Ashburton with all powers conferred to them by the Bush Fires Act 1954 including the authority to expend Council funds in respect to fire fighting / prevention activities and initiate legal proceedings for the whole of the Shire of Ashburton.

Tom Price Volunteer Bush Fire Brigade Officers

- Captain Darryl Hannah
- 1st Lt Glynn Potter
- 2nd Lt Dave Darling
- 3rd Lt Paul Madden
- 4th Lt Glen Smith

Pannawonica (Shire West)

- Matt Campbell

4. Appoints the following as Fire Control Officers for the district in which they reside with all powers conferred to them by the Bush Fires Act 1954 including the power to initiate legal proceedings.

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Paraburdoo (Shire East)

- Rob Morgan – Pastoralist

Paraburdoo Townsite Only

- Ivan Diaz

5. Appoints neighbouring Chief Bush Fire Control Officers as Fire Control officers for the Shire of Ashburton with all powers conferred to them by the Bush Fires Act 1954 including the power to initiate legal proceedings for the areas where they share a Shire boundary.

Shire of Roebourne

- Mike Booth - CBFCO

Shire of East Pilbara

- Andrew Norris - CBFCO

Shire of Exmouth

- David George - CBFCO

Town of Port Headland

- Peter Wilden - CBFCO

Author: Morgwn Jones	Signature:
Manager: Troy Davis	Signature:

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14.17 BUSH FIRE POLICY (BUSH FIRE ACT 1954) BUSH FIRE MANAGEMENT PLAN (BUSH FIRE ACT 1954)

FILE REFERENCE:	RS.BC.02.00
AUTHOR'S NAME AND POSITION:	Morgwn Jones Senior Ranger/Supervisor Emergency Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Council is advised that the Bush Fire Act 1954 contains provisions for Policy making in relation to Bush Fires.

Background

The purpose of the Shire of Ashburton Bush Fire Policy is an alternative to a Bush Fire Local Law. This approach is taken to structure a meaningful Policy that does not attempt to replicate what would otherwise be the content of the Bush Fire Act 1954.

In the main, the Shire of Ashburton clarifies the role of the Local Government in assisting Bush Fire Brigades to conduct their fire suppression duties and makes reference where applicable to the heads of power under the Bush Fires Act. This Policy does not replicate that which is already a statutory requirement under the Bush Fires Act, such as the requirement for the Local Government to maintain adequate insurance for volunteers.

Attached are:

1. A copy of a proposed new Bush Fire Policy
2. A copy of the proposed Bush Fire Management Plan

ATTACHMENT 14.17A
ATTACHMENT 14.17B

Comment

It is proposed that this Policy document be made available on the Shire of Ashburton website and the local information management system, AIMS .

Consultation

Consultation on the Bush Fire Policy was sought from:
Morgwn Jones - Senior Ranger/Supervisor Emergency Services
Leanne Lind - Local Laws Project Officer
Darren Long - Local Law Consultant

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Consultation on the Bush Fire Management Plan was sought from:

DFES Pilbara Operations
Shire of Ashburton BFAC
SoA Inland LEMC
Onslow LEMC
Pannawonica LEMC
Tom Price Volunteer Bush Fire Brigade, and
Neighbouring CBFCO's

Statutory Environment

Bush Fire Act 1954
Emergency Management Act 2005
Westplan Bushfire 2012

Financial Implications

Advertising costs of approximately \$600 associated with Statewide advertising.

Strategic Implications

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

Policy Implications

There is no policy implications associated with this item at this point in time.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Pursuant to the Bush Fire Act 1954, gives Statewide public notice that it intends to adopt the Shire of Ashburton Bush Fire Policy.
2. Endorses the Firebreak Order and Bush Fire Management Plan.

Author: Morgwn Jones	Signature:
Manager: Troy Davis	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

14.18 SHIRE OF ASHBURTON INLAND LOCAL EMERGENCY MANAGEMENT AND LOCAL RECOVERY COMMUNITY ARRANGEMENTS

FILE REFERENCE:	CS.ES.05.00
AUTHOR'S NAME AND POSITION:	Morgwn Jones Senior Ranger/Supervisor Emergency Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4, (Minute No. 11177) – Ordinary Meeting of Council 2012

Summary

The purpose of this report is to seek Council's endorsement of the Shire of Ashburton Inland LEMC Local Recovery Arrangements for the towns of Tom Price, Paraburdoo and the Indigenous Communities of Wakathuni, Bellary Springs, Youngaleena and Ngwerawanna.

Background

Shire of Ashburton is required under legislation to have emergency management plans in place for communities within the Shire. The Shire of Ashburton is required to evaluate the Local Recovery Arrangements against the requirements of the Emergency Management Act 2005 and the State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts. When the Emergency Management Act 2005 came into effect a Local Recovery Plan was submitted to SEMC (State Emergency Management Committee) this plan is now out dated. It is intended that Recovery Arrangements will replace them as a sub plan under the Shire of Ashburton's Inland LEMC Local Emergency Management Arrangements.

The Shire of Ashburton's Inland LEMC LEMA and Shire of Ashburton's Inland LEMC were endorsed by Council at the April meeting in 2012.

Comment

The plan has been reviewed and is supported by the Local Emergency Management Committee (LEMC), the District Emergency Management Committee (DEMC) and is written in consultation with Fire and Emergency Services Authority (FESA) and prepared in accordance with the Emergency Management Act 2005.

Consultation

Shire of Ashburton Inland LEMC members
Local Emergency Coordinators Western Australian Police Tom Price and Paraburdoo
Pilbara District Emergency Management Committee
FESA Regional Director

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WALGA EM
EMWA

Statutory Environment

Emergency Management Act 2005
SEMC Policy 2.5

Policy Implications

Not Applicable

Financial Implications

Not Applicable

Strategic Implications

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

Voting Requirement

Simple Majority Required

Recommendation

That Council endorses the Shire of Ashburton Inland Local Emergency Management Committee, Local Recovery Arrangements as a sub plan of the Shire of Ashburton Inland LEMC Local Emergency Management Arrangements.

Author: Morgwn Jones	Signature:
Manager: Troy Davis	Signature:

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15. OPERATIONS REPORTS

There were no Operations Reports for this Agenda.

16. COUNCILLOR AGENDA ITEMS

There were no Councillor Agenda Items for this Agenda.

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

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.

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**18.1 CONFIDENTIAL ITEM - DISPUTE ARISING FROM SALE OF
SUBDIVIDED LOTS AT LOT 308 BOONDEROO ROAD, TOM PRICE**

FILE REFERENCE: TP.BN.308

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

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

DATE REPORT WRITTEN: 3 September 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.05.13– Ordinary Meeting of Council 4 May 2007
Agenda Item 15.02.02– Ordinary Meeting of Council 17 February 2010

Please refer to Confidential Item Attachment under separate cover.

Author: Anika Serer	Signature:
Manager: Amanda O'Halloran	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 18 SEPTEMBER 2013

18.2 CONFIDENTIAL ITEM - PROBITY AUDIT REPORT - ADMINISTRATION REPORT TO COUNCIL

FILE REFERENCE: LE.LE.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 17.2 (Minute No. 11566) Ordinary Meeting of Council 5 June 2013
Agenda Item 17.1 (Minute No.11153) Ordinary Meeting of Council 8 May 2013
Agenda Item 17.1 (Minute No. 11510) Ordinary Meeting of Council 10 April 2013
Agenda Item 17.2 (Minute No.11472) Ordinary Meeting of Council 13 March 2013
Agenda Item 17.2 (Minute No.11446) Ordinary Meeting of Council 13 February 2013
Agenda Item 17.2 (Minute No.11423) Ordinary Meeting of Council 23 January 2013
Agenda Item 17.2 (Minute No.11387) Ordinary Meeting of Council 12 December 2012
Agenda Item 17.4 (Minute No. 11364) Ordinary Meeting of Council 21 November 2012

Please refer to Confidential Item Attachment under separate cover.

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

19. NEXT MEETING

20. CLOSURE OF MEETING