



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**AGENDA
(Public Document)**

**Ashburton Hall, Ashburton Avenue,
Paraburdoo**

20 November 2013

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 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 20 November 2013 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

EH (Jim) Kelly
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 D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr A Bloem	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward

Mr EH Kelly	A/Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr F Ludovico	Executive Manager, Corporate Service
Ms D Wilkes	Executive Manager, Community Development
Mr T Davis	Executive Manager, Technical Services
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 & Support, Department of Local Government
Cr K Chappel	Shire President, Morawa Shire Council
Mr D Burnett	Chief Executive Officer, City of Kalgoorlie-Boulder

3.2 APOLOGIES

Cr D Wright	Pannawonica Ward
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3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

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4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 16 October 2013, the following question was taken on notice and a written response will be provided.

Georgia Lewis from Buurabalayji Thalanyji Aboriginal Corporation tabled the following question.

Q1. *“Thalanyji people are the traditional owners of country in the Shire of Ashburton. This was confirmed by the Federal court in 2008 and applies to at least 11,120 sq km comprising mainly pastoral lands in the Shire of Ashburton as well as Onslow town sites.*

Thalanyji have Indigenous Land Use Agreements and contracts with mining companies and commercial groups located in Onslow, the Shire of Ashburton, the Pilbara and Perth. Thalanyji are looking to invest significantly in to Onslow, which will positively impact the Shire of Ashburton and the greater Pilbara region.

It is Thalanyji's view that after all the mining operations have ceased and investors move to a more lucrative area, Thalanyji will still be here. It makes sense therefore, for the Ashburton Shire and Thalanyji to partner well, capitalizing on current resources and opportunities.

The main problem that Thalanyji see, is a lack workers accommodation for Aboriginal people which is at crisis point.

What is the Ashburton Shire doing to support Aboriginal business and employee accommodation in Onslow?”

Response

The Shire of Ashburton is very aware of the housing shortage in Onslow and feels the impact directly at great cost to the rate payers of the Shire. It does understand Thalanyji's issues and has been working with key government agencies on solutions in the short to medium term.

The Department of Housing, Pilbara Cities/ Pilbara Development Commission, Department for State Development and the Shire have been working together to provide a “service worker village” which will include a mixture of one and two bedroom units. It is anticipated that 12 units will be installed providing 24 beds to key businesses in Onslow. These Agencies have been working hard to have this short term solution in place by early into the new year with permanent accommodation to be provided in the new subdivision when serviced land is made available in 2015.

The opportunity was advertised extensively in July 2013, with all local businesses invited to attend. The process is being facilitated by the Department of Housing.

Furthermore the Shire of Ashburton is committed to extending and creating employment opportunities for Aboriginal people, enhancing their business skills, and improving the social and economic conditions of Aboriginal people and communities in the Shire.

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Whilst the Shire doesn't have a formal Aboriginal Participation in Construction Projects Guideline.

Its aim is to improve workforce diversity in the projects it undertakes by facilitating the development of Aboriginal enterprises and encouraging local government contractors to provide Aboriginal people with opportunities to tender, on-the-job skills training and career opportunities.

It is proposed in order to achieve this that local government agencies will, on selected construction projects:

- require service providers to meet agreed Aboriginal participation targets;
- report on the delivery of Aboriginal development outcomes; and
- seek to use service providers with a commitment and demonstrated ability to effectively plan and implement Aboriginal participation appropriate to the needs of the service provider, the project and employees.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

Lisa Shields will be presented with a gift in recognition of her term as an Elected Member.

John Barrett, Principal Development Inland, RTIO will be making a presentation regarding Agenda Item 14.2 – Request by the Department of State Development for Comment – Extension of Use of Existing Accommodation at Paraburdoo Camp (Kurra Kulli).

Representatives from Dampier Port Authority (DPA), Steve Tyter, DPA's Engineering Services Manager and Nicholas Preston, DPA's Architect / Consultant (Director, HCP Architects) will be making a presentation regarding Agenda Item 14.17 – Planning Application – Three Dwellings (Group Dwellings at Three Levels) at Lot 305 (No. 3) First Avenue, Onslow, with Access for One Dwelling from Rear Right of Way.

Representatives from Chevron, Ian Yull Team Lead Wheatstone Government Approvals and Roger Stein Government Approvals Specialist Wheatstone Project will be making a presentation regarding Agenda 14.6 – Shire Objection to Exploration Licence Application 47/2975 Made on behalf of FMG Pilbara Pty Ltd within the Paraburdoo Township.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 16 OCTOBER 2013

That the Minutes of the Ordinary Meeting of Council held on 16 October 2013, as previously circulated on 21 October 2013, be confirmed as a true and accurate record, subject to the following amendment:

- A. Agenda Item 6.3 Presentations to include:
Cr Cecilia Fernandez gave a presentation on behalf of IBN Corporation regarding the \$40,000 funding they received for the aboriginal Community.
- B. Agenda Item 12.3 2013/14 Budget Amendment/CEO Motor Vehicle.
In the resolution change:

Ledger Account	Description	Budget	Increase/Decrease	Revised Budget
124964	Purchase of Motor Vehicles	\$655,479	\$77,053	\$732,532
125040	Proceeds from the Disposal of Assets	(\$366,000)	(\$70,048)	(\$436,048)
Reason: adjustment to allow for the purchase of the CEO's motor vehicle				

To:

Ledger Account	Description	Budget	Increase/Decrease	Revised Budget
124964	Purchase of Motor Vehicles	\$655,479	\$77,053	\$732,532
125040	Proceeds from the Disposal of Assets	(\$366,000) (\$346,000)	(\$70,048)	(\$436,048) (\$416,048)
Reason: adjustment to allow for the purchase of the CEO's motor vehicle				

- C. The motion for Agenda Item 14.13 Award Of RFT 15/13 Coondewanna Intersection Upgrade Asphalt Works was a typographical error and has been changed from Cr Dias to Cr Rumble.
- D. Agenda Item 18.2 showed "Cr Dias Entered the meeting at 2.27" this should have appeared before the resolution.

7.2 SPECIAL MEETING OF COUNCIL HELD ON 29 OCTOBER 2013

That the Minutes of the Ordinary Meeting of Council held on 29 October 2013, as previously circulated on 31 October 2013, be confirmed as a true and accurate record.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

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

9.1 DECLARATION OF INTEREST

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

Councillors to Note

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

- (a) In a written notice given to the Chief Executive Officer before the Meeting
or;
- (b) At the Meeting, immediately before the matter is discussed.

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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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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9.1 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 & Councilor Support Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	18 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 1.1 (Minute 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 a document used for operational use to increase transparency, a report on the status of implementing Council decisions has been prepared for Council.

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

ATTACHMENT 10.1

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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: Neil Hartley	Signature:

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10.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER

FILE REFERENCE:	OR.DA.00.00 AS.AS.00000.000 PS.TP.07.00
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO Susan Babao Administration Assistant, Planning & Health Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	18 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

This report includes all actions performed under delegated authority for:

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

Background

The Use of the Common Seal

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

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

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

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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 October 2013 are set out below.

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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

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

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

Comment

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

This report is prepared for each Council meeting.

The Use of the Common Seal

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

- Seal 532 Funding Agreement – Community Development & Support Team
- Seal 533 Amendment No. 24 to the Shire of Ashburton Town Planning Scheme No. 7
- Seal 534 Amendment No. 1 to Financial Assistance Agreement – Onslow Airport Apron Access Road
- Seal 535 SoA – Cemeteries Amendment Local Law 2013
- Seal 536 SoA – Local Government Property Amendment Local Law 2013
- Seal 537 SoA – Activities on Thoroughfares & Public Places & Trading Amendment Local Law 2013
- Seal 538 Deed of Renewal – SoA & Fortescue Junior Football Club – Portion of Squash Courts (Former Gym) Tom Price Reserve 40835
- Seal 539 Licence Agreement between SoA & Rebels Cricket Club
- Seal 540 Licence Agreement between SoA & Tigers Football Club
- Seal 541 Licence Agreement between SoA & Towns Football and Cricket Club
- Seal 542 Licence Agreement between SoA & Panther's Football Club & Tom Price Touch Association
- Seal 543 Licence Agreement between SoA & Scorchers Cricket Club
- Seal 544 Deed of Settlement, Discharge and Release – SoA & Vicki Lee Settatee

Planning Delegations

Planning Delegations undertaken for the month of October 2013.

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A	Advertising and Determining Applications for Planning Approval				
Adv or Det. App.	Date	Applicant	Description	Development location	
Advertised Amendment 21	2/10/2013 & 9/10/2013	TPG Town Planning and Urban Design	Amendment 21	Onslow	
Advertised Amendment 22	2/10/2013 & 9/10/2013	TPG Town Planning and Urban Design	Amendment 22	Onslow	
Advertised LPP 28 - Beadon Bay Village Concept Plan (Version 2)	2/10/2013	Masterplan	To facilitate 12 'Key Worker' accommodation units	Lots 557 & 563 Beadon Creek Road and lots 555 & 556 Parsley St, Onslow	
Advertised 13-11	23/10/2013	Discovery Parks	Service Workers Accommodation (x12)	Lot 555 Beadon Creek Road, Onslow	
Advertised VTIS Tower	23/10/2013	Dampier Port Authority	Excision of part of Reserve 19291 for purpose of Vessel Traffic Information System Tower	Reserve 19291 (Lot 303 on DP 49430) Seaview Drive, Onslow	
Advertised 13-15	30/10/2013	DA Burke Builders (Jon Nannen)	Residential multiple dwelling	Lot 969 Cameron Ave, Onslow	
Delegated Approval 20130265 (P)	30/10/2013	API Management	Diner/ Kitchen/ Toilet - Laundry Facilities/ Dry Store/ Freezers/ Verandah	E8/1283 Red Hill Station Cardo Outcamp	
Delegated Approval 20130276	31/10/2013	Nordic Homes Pty Ltd	Residential Dwelling	Lot 579 House 6 Hedditch Street Onslow	
Delegated Approval 13-3	30/10/2013	Byblos Constructions Pty Ltd (Paraburdo)	Storage Shed	Lot 8 Turee Way, Paraburdo	
Delegated Approval 13-6	31/10/2013	Paul Thomas	Shed to incorporate cyclone storage, laundry, W/C, cold shower and garage	Lot 336 First Ave, Onslow	
Delegated Approval 13-12	31/10/2013	Andrew and Catherine Cranfield	New Administration Office	Lot 19 Mine Road, Tom Price	
Delegated Approval 13-16	31/10/2013	DEIGHTON PTY LTD	Mobile Telephone Base Station on Road Reserve	North West Coastal Highway, Nanutarra (GPS Coordinates - 22.5086 115.5183)	
B	Advertising draft Development Plans -				
C	Advertising Extension for Town Planning Scheme Amendments and Development Plans -				
D	Subdivision and Development Design -				
E	Consideration of WAPC Referrals of Applications for Subdivision Approval - WAPC 148606 Lot 555 Beadon Creek Road, Onslow - WAPC 148605 Lot 557 Beadon Creek Road, Onslow - WAPC 147468 For Part Lot 152 Onslow Road, Ashburton North - WAPC 148676 Lot 332 Third Ave, (Corner Of First Street) Onslow - WAPC 1139-13 Lot 390 Third Avenue, Onslow				
F	Clearance of Local Government Conditions associated with Subdivision Approval - WAPC 903-11 Lot 465 House 9 Hope Court Onslow				
G	Issue of Certificates (Strata Titles)				

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	-			
H	Directions regarding unauthorised development			
	-			
I	Responsible Authority Reports to the Development Assessment Panel			
	Date	Applicant	Description	Development Location

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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

Consultation

The Use of the Common Seal

Chief Executive Officer

Planning Delegations Issued

Chief Executive Officer

Executive Manager, Technical Services

Manager Building Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Put in Only Execs who have submitted approval form.

Independent Risk Assessment for Brolga Camp (Chevron)

Statutory Environment

The Use of the Common Seal

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

Planning Delegations Issued

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Planning Delegations Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

There are no financial implications related to this matter.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Strategic Implications

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

Policy Implications

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 November 2013”.

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

10.3 PILBARA REGIONAL COUNCIL OCTOBER 2013

FILE REFERENCE:	OR.IG.03.08
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO
NAME OF APPLICANT/RESPONDENT:	Pilbara Regional Council
DATE REPORT WRITTEN:	6 November 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 our 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 our 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

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.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

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

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

10.4 ORDINARY MEETING OF COUNCIL - SCHEDULE OF MEETING DATES, TIMES AND LOCATIONS FOR JANUARY TO DECEMBER 2014

FILE REFERENCE:	OR.MT.00.00
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	23 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda item 10.1 (Minute No. 11395) Ordinary Meeting of Council 16 January 2013 Agenda Item 10.6 (Minute No. 11586) Ordinary Meeting of Council 17 July 2013 Agenda Item 10.1 (Minute No. 11340) Ordinary Meeting of Council 21 November 2012 Agenda Item 10.1 (Minute No. 11308) Ordinary Meeting of Council 17 October 2012 Agenda Item 10.1 (Minute No. 11146) Ordinary Meeting of Council 16 March 2012

Summary

It is a requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

It is recommended that Council adopt the following meeting schedule for 2014.

Background

In November 2012, Council postponed adopting the proposed schedule for 2013 Council Meetings. Instead Council determined the January 2013 Council Meeting will be held in Tom Price on 23 January 2013 and resolved to determine the remaining dates and locations following a workshop to be held at the January 2013 Council Meeting.

At the January 2013 Council Meeting Commissioner Yuryevich adopted an amended proposal of the meeting schedule. The reason for adjustments to the 2013 meeting schedule was so that meeting dates could fit in with his schedule.

In July 2013 with the re-instatement of Councillors and the Onslow venue no longer being available a review was undertaken. At the July 2013 Council Meeting Council adopted a revised meeting schedule for the period August to December 2013.

This report sets out a proposed meeting schedule for the 2014 calendar year.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Comment

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

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

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

In July 2013 the Council adopted in part the following timetable for Council Meetings dates:

“Tom Price and Paraburdoo – 10 am Workshop / Briefing Session – 12.30 pm Lunch – 1 pm Council Meeting followed by Fellowship at the completion of Council Meeting.

Onslow and Pannawonica – 11 am Workshop / Briefing Session – 12.30 pm Lunch – 1 pm Council Meeting followed by Fellowship at the completion of Council Meeting.”

The new Chief Executive Officer has suggested that due to the long distances involved with travelling to Council Meetings as well as Councillors only meeting once a month, it is very important that as much time as possible can be dedicated to the strategic direction of the Council. In light of the earlier finish time of the last Council meeting (October 2013), it may be possible to add a discussion topic or two to the end of the day if time permits. This will ensure that Councillor’s time and expertise to deal with strategic issues is maximised on the Council Meeting days when all Councillors are together.

Suggested dates are outlined in the table below. If this proposal is adopted there will be four meetings in Onslow, four meetings in Tom Price, three meetings in Paraburdoo and one meeting in Pannawonica during the year. Traditionally meetings are held on the third Wednesday of the month. The January 2014 meeting has been moved to the fourth Wednesday (22 January 2013) and the December 2014 meeting has been moved to the second Wednesday (10 December 2013). These two meeting have been moved due to the close proximity of Christmas and Councillor and staff annual leave.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

The proposed schedule is set out below.

DATE	LOCATION	TIME
Wednesday, 22 January 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 19 February 2014	Ashburton Hall, Ashburton Avenue, Paraburdo	
Wednesday, 19 March 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	
Wednesday, 16 April 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 21 May 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	
Wednesday, 18 June 2014	Ashburton Hall, Ashburton Avenue, Paraburdo	
Wednesday, 16 July 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 20 August 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	
Wednesday, 17 September 2014	Mayu Maya Centre /Barry Lang Centre, Pannawonica	
Wednesday, 15 October 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 19 November 2014	Ashburton Hall, Ashburton Avenue, Paraburdo	
Wednesday, 17 December 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	

Consultation

Chief Executive Officer
Councillors

Statutory Environment

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

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

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

Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of Council meetings.

Strategic Implications

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

Policy Implications

Council Policy ELM01 – Council and other meetings.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Recommendation

That Council:

1. Adopt the Schedule of Meeting dates, times and locations for the period January 2014 to December 2014 as outlined below; and
2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period January 2014 to December 2014.

DATE	LOCATION	TIME
Wednesday, 22 January 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 19 February 2014	Ashburton Hall, Ashburton Avenue, Paraburadoo	
Wednesday, 19 March 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	
Wednesday, 16 April 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 21 May 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	
Wednesday, 18 June 2014	Ashburton Hall, Ashburton Avenue, Paraburadoo	
Wednesday, 16 July 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 20 August 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	
Wednesday, 17 September 2014	Mayu Maya Centre /Barry Lang Centre, Pannawonica	
Wednesday, 15 October 2014	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	
Wednesday, 19 November 2014	Ashburton Hall, Ashburton Avenue, Paraburadoo	
Wednesday, 17 December 2014	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	

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

Tom Price / Paraburadoo: _____Workshops / Briefing Sessions, _____ pm
Lunch, _____Council Meeting.

Onslow / Pannawonica: _____Workshops / Briefing Sessions, _____ pm Lunch
and _____ Council Meeting.

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

10.5 COUNCILLOR PORTFOLIOS

FILE REFERENCE:	GOVN1
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager, Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	23 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.3 (Minute No. 11342) - Ordinary Meeting of Council 21 November 2012 Agenda Item 10.1 (Minute No. 11277) - Ordinary Meeting of Council 19 September 2012 Agenda Item 10.1 (Minute No. 11249) - Ordinary Meeting of Council 18 July 2012 Agenda Item 10.1 (Minute No. 11147) - Ordinary Meeting of Council 21 March 2012

Summary

Consultant, Morrison Low completed a Structure Review of Council in July 2011.

Part of the recommendations from the Morrison Low Structure Review Final Report was to institute portfolios for Councillors.

The purpose of the Councillor Portfolio is to improve the overall performance of the Council by providing Councillors with the opportunity to hold a portfolio that they have an interest in and that utilises their knowledge in a particular area.

At Council's September 2012 meeting it was decided to trial the Portfolio System for the Transport (Public Transport and Roads), Indigenous Affairs and Tourism portfolios for a 6 months period subject to "*Portfolio Leaders Personal Performance Agreement*" being approved by Council.

At Council's November 2013 meeting the "*Portfolio Leaders Personal Performance Agreement*" for Transport (Public Transport and Roads) was approved. However this was not implemented due to the suspension of Council.

It is appropriate this decision is reviewed prior to it being put into operation.

This item recommends the discontinuance of the Policy.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Background

At the Ordinary Meeting of Council 21 March 2012 Council nominated Councillors to each portfolio.

At the Ordinary Meeting of Council 18 July 2012 Council assigned Executive Managers to each portfolio.

At Council's September 2012 meeting it was decided to trial the Portfolio System for the Transport (Public Transport and Roads), Indigenous Affairs and Tourism portfolios for a 6 months period subject to "*Portfolio Leaders Personal Performance Agreement*" being approved by Council.

At Council's November 2013 meeting the "*Portfolio Leaders Personal Performance Agreement*" for Transport (Public Transport and Roads) was approved. However this was not implemented due to the suspension of Council.

It is appropriate this decision is reviewed prior to it being put into operation.

Comment

The design of the Local Government Act is that the elected Council as a group consider the various issues concerning the community in order to provide good governance.

Whilst the Local Government Act allows for delegations to be made to Committees and staff members the Council is the overseeing body and any delegations made, need to be reported back to the Council.

In reviewing the portfolio system allowances were made in order to deal with the above issues.

It is considered however that following Councillor training and the appointment of the new Chief Executive Officer is more appropriate to recognise the division of responsibilities contained within the Local Government Act.

There is a view that using portfolios blurs the line between the operational side of the organisation and the strategic and where Administration stops and Council activities commence.

In order to build on the cohesiveness generated by councillor training and to enable Council as a group to provide good governance to the community it is recommended that the portfolio policy be discontinued.

Consultation

Chief Executive Officer
Councillors
Department of Local Government

Statutory Environment

Nil

Financial Implications

Expenses will reduce.

Strategic Implications

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

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council discontinue the implementation of the Councillor portfolio system.

Author: Frank Ludovico	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

11. COMMUNITY DEVELOPMENT REPORTS

11.1 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:	Deb Wilkes Executive Manager Community Development
NAME OF APPLICANT/ RESPONDENT:	Small Business Centre West Pilbara (SBCWP)
DATE REPORT WRITTEN:	7 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4 (Minute number 11649) – Ordinary Meeting of Council 18 September 2013 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 support the Onslow business community. To enable this to happen they are seeking office space in Onslow and have requested the use of office space at the Onslow Business House on Lot 675 Second Avenue, Onslow.

This request came before Council in September 2013, but at that time, the SBCWP was also seeking to take over the governance and operational functions of the Onslow Community Resource Centre, which has been unable to source a new local committee to undertake their functions. Had that venture been successful, it would have afforded them some office space at the current CRC venue, and in recognition of this possibility, Council voted against their request.

Subsequent to this, the SBCWP has been unsuccessful in their endeavours to assume the management and operational functions of the Onslow CRC, as the CRC has managed to form a new local committee to oversee its governance functions, so the SBCWP is looking to have their earlier request reconsidered.

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

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Roebourne and Ashburton and was recently awarded the title of Best Regional Business Enterprise Centre in Australia.

The 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

Small business is integral to economic and community development, diversity and sustainability.

The Shire of Ashburton works 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 support the Onslow business community, they are now looking for secure and on-going office space in Onslow. They are currently renting office space at the Onslow Business House at the advertised commercial rate of \$150.00 per room/per day, but as they are a not-for-profit community organisation, this is not sustainable.

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.

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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

Chief Executive Officer
Executive Management Team
Strategic Revitalisation & Relationship Manager
Small Business Centre West Pilbara
Josh Byrnes and Associates

Statutory Environment

Local Government (Functions and General) Regulations 1996; Part 6, Reg30 '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

Potential income of \$100 per week for a two year period

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

Absolute 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 Chief Executive Officer to sign the Licence Agreement for a period of two years.

Author: Deb Wilkes	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

12. CORPORATE SERVICES REPORTS

12.1 GIFT AND PRESENTATION TO RETIRED COUNCILLOR

FILE REFERENCE:	OR.CR.00.00
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	16 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Elected members are informed of any gifts to retiring council members at an Ordinary Council Meeting following council elections. The gift amount as outlined in the Local Government Act and any subsequent plaque will also be recommended at this time via an agenda item.

"34AC. Gifts to council members, when permitted etc. (LG Act s. 5.100A)

(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.

(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)."

Background

Cr Lisa Shields was an Elected Member on the Shire of Ashburton Council from 27 October 2009 to 18 October 2013. During this time Cr Shields was appointed to the following Committees and Panels:

- Audit Committee
- CEO Performance Review Panel
- Bushfire Advisory Committee
- Tom Price/Paraburdoo Local Emergency Management Committee
- Tom Price/Paraburdoo Local Recovery Committee
- Consortium of the Western Pilbara Communities for Children Committee

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Comment

It is recommended that Council gift Lisa Shields the amount of \$400 in accordance with the Act and presents her with an engraved Shire of Ashburton plaque.

Consultation

Chief Executive Officer
Executive Officer CEO

Statutory Environment

Local Government Act 1995

Financial Implications

\$400 plus cost of plaque

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. In accordance with the Act s.5.100A (34AC) award a gift to retired Council member Lisa Shields up to \$400.
2. Present Lisa Shields with an engraved Shire of Ashburton commemorative plaque in acknowledgement of her time in the Shire as a Council member for the period of 2009 to 2013.

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

12.2 ELM04 CODE OF CONDUCT POLICY FOR COUNCILLORS, COMMITTEE MEMBERS AND STAFF

FILE REFERENCE:	OR.CR.00.00
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.2 (Minute No. 11607) – Ordinary Meeting of Council 21 August 2013 Agenda Item 12.07.1045 Ordinary Meeting of Council 11 April 2006 Agenda Item 12.05.22 Ordinary Meeting of Council 18 November 1997

Summary

Following a workshop presented to councillors in October 2013 this agenda item is presented in order to adopt the ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff.

The reviewed ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff reflects the Shire's commitment to ensuring that best practice governance principles are applied and that councillors observe a high level of conduct as elected members. The policy has been written to reflect the most up to date statutory environment.

Background

The policy was last reviewed in April 2006. In order for the Shire of Ashburton to sustain a level of good governance it is important to recognise the compliance of this policy as per the Local Government Act Section 5.103. It states that the Code of Conduct is to be reviewed within 12 months after each ordinary election day.

Comment

ELM04 was presented at the Executive Managers meeting on 9 May 2013 as part of the SoA policy review process. Feedback was incorporated into the policy from this meeting and the policy was again presented to the Executive Managers meeting on 20 May 2013 before being presented for Council consideration.

On 16 October 2013 the policy was work shopped with Council. As no amendments to the policy were received following this workshop Council are now asked to adopt the policy ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff

ATTACHMENT 12.2A

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Consultation

Chief Executive Officer
Executive Management Team
Manager, Advice and Support - Department of Local Government
WALGA

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
Objective 3 – Council Leadership
Objective 4 – Exemplary Team and Work Environment

Policy Implications

Policy records to be updated on AIMS and Synergy.

Voting Requirement

Simple Majority Required

Recommendation

That Council adopt Policy ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff and associated forms as per **ATTACHMENT 12.2B**.

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

12.3 SHIRE OF ASHBURTON GOVERNANCE MANUAL

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:	21 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute No. 11312) - Ordinary Meeting of Council 17 October 2012 Agenda Item 12.4 (Minute No. 11608) – Ordinary Meeting of Council 21 August 2013

Summary

This manual has been compiled to assist the Council in achieving the appropriate level of governance as required by legislation in fulfilling their roles as elected members.

Governance is defined as a system of processes through which an organisation makes decisions and how it directs, controls and monitors its operations. The action of governance refers to the management of government that is essentially free of abuse and corruption and with due regard for the rule of law. These systems are complex, which is why having a formal manual will support new and existing Councillors to achieve excellence in their governance roles.

Background

In the independent review all systems, policies and procedures as part of the risk management and integrated planning research and development, it was evident that a more formal and documented approach to the governance policies and procedures would be of benefit to the Council. It will assist in communication and comprehension of the governance role and legislative requirements to the organisation at large.

The Governance Manual has been based on a number of existing governance frameworks but in particular the principles and practices outlined in the "Excellence in Governance for Local Government" produced by the Local Government Managers Australia and CPA Australia.

Comment

The Manual links the respective roles under the Local Government Act and other relevant legislation with the suite of available governance documents. It is designed to provide guidance and information to the major participants in all functions and governance processes of the Council.

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

The Governance Manual will act as:

- An introduction for new Councillors and staff members to the governance framework and processes for the Council;
- A guide and reference for Councillors in performing their duties as elected representatives;
- A document that establishes clear guidelines for the day to day governance of the Council; and
- A basis to monitor the performance of the Council and Administration in working towards excellence in governance.

On 16 October 2013 the Governance Manual was workshopped with council. As no amendments were received following this workshop Council are now asked to adopt the Governance Manual.

ATTACHMENT 12.3

Consultation

Chief Executive Officer
Manager, Advice and Support – Department of Local Government
Manager, Governance – WALGA

Statutory Environment

Local Government Act 1995

Financial Implications

Nil

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership

Policy Implications

Nil

Voting Requirement

Simple Majority Required.

Recommendation

That Council adopt the Shire of Ashburton Governance Manual a as per **ATTACHMENT 12.3**.

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

12.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF SEPTEMBER & OCTOBER 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:	8 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

September 2013

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

ATTACHMENT 12.4A

October 2013

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

ATTACHMENT 12.4B

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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:

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

Author: Leah M John	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

12.5 BUDGET AMENDMENT / VARIATION

FILE REFERENCE:	FI.BU.13.14
AUTHOR'S NAME AND POSITION:	Natalie Briney Budget & Grants Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

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

Comment

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

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

	GL/ Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget Figure
<u>Community Development - Club Development</u>					
1	11380010	Salaries & Superannuation	\$0	\$189,155	\$189,155
	11380110	Meeting/Travel Expenses	\$0	\$8,000	\$8,000
	11380210	Vehicle Operation Costs	\$0	\$20,000	\$20,000
	11380310	Consultant/Project Costs	\$200,000	\$100,000	\$300,000
	11380410	Service Fee- Accommodation	\$0	\$6,000	\$6,000
	11380610	Staff Housing Allocated	\$0	\$13,000	\$13,000
	11249540	Plant & Equipment Capital Expenditure	\$620,000	\$55,000	\$675,000
	11050010	Salaries & Superannuation	\$352,164	\$97,425	\$449,589
	11050160	Staff Housing Allocated	\$21,310	\$13,000	\$34,310
	11050020	Meeting/Travel Expenditure	\$2,100	\$6,000	\$8,100
	11050040	Service Fee- Accommodation	\$2,000	\$1,000	\$3,000
	11050050	Salaries & Superannuation	\$227,494	\$97,425	\$324,919
	11050170	Staff Housing Allocated	\$174,210	\$13,000	\$187,210
	11050060	Meeting/Travel Expenditure	\$1,260	\$6,000	\$7,260
	1105018	Service Fee- Accommodation	\$0	\$1,000	\$1,000
	11380090	Rio Tinto Funding	\$200,000	\$626,005	\$826,005

Reason: Funding agreement with Rio Tinto for community Development and Support endorsed at October 2013 Council Meeting. This agreement funds a Club Development Manager, 2 x Club Development Officers & 2 x Community Capacity Building Co-ordinators, plus resources. Overall effect on budget is nil.

Operations - Private Works

2	X040	Works to Wombat Crossing	\$0	19,300	\$19,300
	XI40	Income Wombat Crossing	\$0	\$31,033	\$31,033

Reason: new private Works for Wombat Crossing to include tree removal and road maintenance (rail crossing for oversized vehicles coming through Tom Price). ALE ECR Heavy lift requested work to be carried out.

Consultation

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

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Statutory Environment

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

(b) is authorised in advance by resolution*

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

* requires an absolute majority of Council

Financial Implications

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

Strategic Implications

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Recommendation

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

	GL/ Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget Figure
<u>Community Development - Club Development</u>					
1	11380010	Salaries & Superannuation	\$0	\$189,155	\$189,155
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	11050010	Salaries & Superannuation	\$352,164	\$97,425	\$449,589
	11050160	Staff Housing Allocated	\$21,310	\$13,000	\$34,310
	11050020	Meeting/Travel Expenditure	\$2,100	\$6,000	\$8,100
	11050040	Service Fee- Accommodation	\$2,000	\$1,000	\$3,000
	11050050	Salaries & Superannuation	\$227,494	\$97,425	\$324,919
	11050170	Staff Housing Allocated	\$174,210	\$13,000	\$187,210
	11050060	Meeting/Travel Expenditure	\$1,260	\$6,000	\$7,260
	1105018	Service Fee- Accommodation	\$0	\$1,000	\$1,000
	11380090	Rio Tinto Funding	\$200,000	\$626,005	\$826,005

Reason: Funding agreement with Rio Tinto for community Development and Support endorsed at October 2013 Council Meeting. This agreement funds a Club Development Manager, 2 x Club Development Officers & 2 x Community Capacity Building Co-ordinators, plus resources. Overall effect on budget is nil.

Operations - Private Works

2	X040	Works to Wombat Crossing	\$0	19,300	\$19,300
	XI40	Income Wombat Crossing	\$0	\$31,033	\$31,033

Reason: Works for Wombat Crossing to include tree removal and road maintenance (rail crossing for high vehicles coming through Tom Price). ALE ECR Heavy lift requested work to be carried out.

Author: Natalie Briney	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

13. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

13.1 APPROVAL TO ADVERTISE AND SEEK PUBLIC COMMENT ON THE BUSINESS PLAN FOR THE PROPOSED DEVELOPMENT OF LOT 16 ONSLOW ROAD ONSLOW (ONSLow LIGHT INDUSTRIAL AREA - AIRPORT SUBDIVISION)

FILE REFERENCE:	ON.OA.16
AUTHOR'S NAME AND POSITION:	Emma Heys A/Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	29 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.2 (Minute No. 11315) – Ordinary Meeting of Council 17 October 2012

Summary

A Business Plan for the proposed development of Lot 16 Onslow Road, Onslow (Onslow Airport LIA) has been prepared in accordance with the recommendation made by Council at the 17 October 2012 Council Meeting

Three options for the proposed development have been outlined in the Business Plan for Council's consideration.

Council approval is now being sought to advertise the Business Plan for the purposes of seeking public comment in relation to the preferred options being considered.

Investigations and discussions with Councillors will continue to take place until a formal recommendation is reached and presented back to Council in February 2014.

Background

Changes for Onslow commenced with the announcement by the State Government in 2008 to establish the Ashburton North Strategic Industrial Area (ANSIA), 11 kilometres southwest of Onslow. The commencement of construction of BHP Billiton Petroleum's Macedon and Chevron Australia's Wheatstone Projects at the ANSIA has already impacted upon the town.

With the continued expansion of the resources sector, Onslow's population is expected to grow exponentially, bringing with it a dramatic economic impact and placing demands on already stretched local services, facilities and resources. Already the town of Onslow is experiencing a severe shortage of available and suitable serviced industrial land for contractors and locals.

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The recent growth in economic activity has highlighted several major constraints, which are limiting the town's ability to grow. These include, amongst other things:

- A lack of accommodation (long and short term).
- A lack of vacant, serviced land (residential, commercial and industrial) for new development.
- Aging community infrastructure and a decline in the level of community services

The development and release of serviced industrial land is considered to be an extremely important opportunity for commercial growth and would ultimately strengthen the local economy. Diversification of industry and commerce is essential for the future of the town.

Accordingly, Shire Administration presented Council with a concept design of a proposed land subdivision, located at Lot 16 Onslow Road, Onslow at the 17 October 2012 Ordinary Meeting of Council. At this meeting, Council:

- “1. Notes the concept design for the possible staged development of Lot 16 Onslow Road, Onslow as generally outlined in the report, and delegates authority to the Chief Executive Officer to refine the designs and submit applications generally in accordance with the concept design as required to obtain conditional subdivision approvals from WAPC; and***
- 2. Requires the Chief Executive Officer to prepare and present a Business Plan outlining the expected cost of development, profit and method of disposal of new lots prior to proceeding with works for Council endorsement and advertisement in accordance with Section 3.59 Local Government Act 1995”***

A preliminary design of the proposed development of Lot 16 Onslow Road Onslow was submitted to the Western Australian Planning Commission in December 2012, with approval granted in April 2013.

As per Section 3.59 of the Local Government Act 1995 *“Commercial Enterprises by Local Government”* before entering into a major land transaction, the Shire must prepare a business plan which is to include an overall assessment of the major land transaction. The Shire Administration has prepared a Business Plan with options for development to be considered by the Council.

Comment

The Shire Administration has prepared a Business Plan in consultation with Project Management consultants, Civil Engineers; Electrical Engineers; Economic consultants; and the Executive Management Team.

The Business Plan is in accordance with the Local Government Act 1995, Section 3.59 (2). The document includes a range of preliminary costs and benefits; feasibility studies; options analysis; and a strategic assessment

In relation to the development options of Lot 16 Onslow Road, Onslow the Business Plan presents three options to Council for consideration;

1. Sell As Is – sell Lot 16 Onslow Road, Onslow in its current condition, with the conditional WAPC approved plan of subdivision as per the requirements of Section 3.58 of the Local Government Act 1995.

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2. Shire of Ashburton Development – develop Lot 16 Onslow Road Onslow into the proposed Onslow Light Industrial Area. This option undertakes for an internal project team from the Shire of Ashburton to facilitate and control the development in its entirety.
3. Joint Venture – for the Shire of Ashburton to enter into a partnership with another organisation or relevant department to undertake the development of Lot 16 Onslow Road Onslow.

The Business Plan for the proposed development of Lot 16 Onslow Road, Onslow is attached.

ATTACHMENT 13.1

Approval to advertise the Business Plan is now being sought. The proposed advertising is for the purposes of seeking public comment on the preferred options being presented to Council for consideration for the proposed development of Lot 16 Onslow Road (Onslow Light Industrial Area – Airport Subdivision).

During and after the advertising period, Shire Administration will facilitate a workshop with Councilors to develop and further explore an understanding of the options available for the development and to aid the Councilors in reaching an agreed way forward for the development.

It is proposed that after an extensive consultation period with the Councilors, the Shire Administration will present a recommendation to progress the development, dependent upon the decisions reached by Council during the workshop period, along with the outcome of the public comment phase.

A further recommendation on this project will be presented back to Council at the February 2014 Ordinary Meeting of Council and endorsement will be sought for that recommendation.

Consultation

Cr Kerry White

Chief Executive Officer
Executive Manager – Strategic & Economic Development
A/Executive Manager – Corporate Services
Executive Manager – Technical Services
Executive Manager – Community Development
Strategic Revitalisation & Relationship Manager

Project Support Officer

HQ Management – Project Management Consultant
Localise – Economic & Strategic Consultant
David Wills & Associates – Civil Engineers
APD – Electrical Engineers

Statutory Environment

Local Government Act 1995 S3.59 “Commercial Enterprises by Local Government”
Local Government Act 1995 S3.58 “Disposing of Property”

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Financial Implications

Expenses relating to the preparation of the Business Plan have been budgeted for in GL codes 11473150 and 11473120.

Any income generated from the development of Lot 16 Onslow Road, Onslow will be accounted for through the Budget Review process.

Strategic Implications

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

Goal 02: 'Enduring Partnerships'

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

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Approve the Business Plan be advertised for public comment on the preferred options for the proposed development of Lot 16 Onslow Road, Onslow (Onslow Light Industrial Subdivision – Airport Subdivision) for a period of no less than 14 days; and
2. Proceed with workshops to understand the options available to Council in relation to the development of Lot 16 Onslow Road, Onslow; and
3. Undertake to consider the options for the development of Lot 16 Onslow Road, Onslow; and
4. Consider a further recommendation for the development of Lot 16 Onslow Road, Onslow at the February 2014 Ordinary Meeting of Council.

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

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

13.2 REQUEST TO RELINQUISH THE MANAGEMENT ORDER OVER RESERVE 43225 (LOT 73 DEPOSITED PLAN 188713), METTAWANDY PLACE PARABURDOO

FILE REFERENCE:	PA.MW.0072
AUTHOR'S NAME AND POSITION:	Emma Heys Acting Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	The Department of Lands (DoL)
DATE REPORT WRITTEN:	7 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Department of Lands (DoL) has received a request for the purchase of Lot 73 on Deposited Plan 188713, Reserve 43225, Mettawandy Place, Paraburdo.

The Shire currently holds a Management Order for the purposes of Drainage over Reserve 43225.

Council endorsement to relinquish the Management Order over Reserve 43225 is now sought.

Background

The Department of Lands (DoL) received a request from Thompson Surveying Consultants acting on behalf of Brent James Rowe for the purchase of Lot 73 on Deposited Plan 188712, Reserve 43225, Mettawandy Place, Paraburdo, for the purpose of amalgamating it into the adjacent Lot 72 on Deposited Plan 188713.

Lot 72 is owned freehold by Brent James Rowe.

Reserve 43225 (Lot 73) is currently vested with the Shire for the purposes of 'Drainage'. Investigations by the Shire have shown Reserve 43225 to be a narrow lot of 217m², with no apparent purpose or benefit to the Shire.

The letter and reserve map from DoL are attached.

ATTACHMENT 13.2

DoL are now seeking comment and/or objections to the proposed sale of Lot 73, Reserve 43225 to Brent James Rowe.

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Comment

The Shire has investigated the proposal and no adverse consequences of the proposal are apparent. Therefore, Council support is now being sought to relinquish the existing management order over Reserve 43225, Lot 73 Mettawandy Place Paraburdoo to allow the proposed purchase to occur.

Consultation

Executive Manager – Technical Services
Project Support Officer
Department of Lands

Statutory Environment

Land Administration Act 1997
Local Government Act 3.54 Reserves Under the Control of Local Government

Financial Implications

Nil

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council relinquish the existing Management Order over Reserve 43225, Lot 73 on Deposited Plan 187713, Mettawandy Place Paraburdoo to allow the proposed purchase to occur.

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

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

13.3 REVISED CONCEPT DESIGN FOR RECREATION FACILITIES IN PARABURDOO COMMUNITY HUB

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: 8 November 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.3 (Minute No. 11673) - Ordinary Meeting of Council 16 October 2013
Agenda Item 13.3 - Ordinary Meeting of Council 18 September 2013
Agenda Item 13.2 (Minute No. 11611) - Ordinary Meeting of Council 21 August 2013
Agenda Item 12.3 (Minute No. 11550) - Ordinary Meeting of Council 5 June 2013
Agenda Item 12.6 (Minute No. 11351) - Ordinary Meeting of Council 21 November 2012
Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012
Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

Summary

The proposed staging and development of the Paraburdoo Community Hub was considered by Council at the Ordinary Meeting held on 21 August 2013. At that time Council directed the CEO to review the concept plan previously prepared by Roxby Architects to consolidate identified duplication of facilities and create better efficiencies, in the expectation this would result in cost saving.

Council further approved the formation of a Paraburdoo Community Hub (CHUB) Working Group comprised of Councillor Dias, Councillor Rumble, a Rio Tinto representative from the Partnership Management Group, a representative of the Pilbara Development Commission (PDC) and representatives from the Community Development and Strategic & Economic Development departments to direct and review proposed design changes.

The Paraburdoo CHUB Working Group has met regularly to review and direct proposed changes to the recreation facilities included in the Paraburdoo Community Hub to consolidate and provide better efficiencies. The concept design accepted by the Working Group, and incorporating Council's direction from the August 2013 Ordinary Meeting of Council is presented for consideration by Council.

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Background

Existing recreation and community facilities in Paraburdoo have either reached the end of their usable life, or are not fit for purpose. In response to this, the Paraburdoo Community Hub concept plan was developed by the Shire and informed by extensive community consultation and stakeholder engagement.

The Community Hub concept design, prepared by Roxby Architects, was endorsed by Council at the November 2012 Ordinary Council Meeting. It aimed to address the needs of the Paraburdoo Community through the provision of new buildings in a centralised location including:

Facility	Features	Estimated Construction Cost (excl GST)
Child Care Centre	73 place including after-school care	\$3.87 million
Neighbourhood Centre	New facilities for Karingal Neighbourhood Centre including meeting rooms, not-for-profit service areas, toy library, op shop, consultant and health service rooms	\$2.73 million
Multi-Purpose Sports Facility	Indoor basketball/netball courts, function centre, squash courts, administration, meeting rooms, change rooms, spectator viewing areas	\$7.22 million
Sporting Clubhouse	Indoor/outdoor spectator areas, function room, kitchen, bar, change rooms, umpire/first aid facilities	\$1.21 million
Shared Pool and Oval Facilities	Change rooms, storage facilities, pool chemical store	\$1.67 million
Upgraded External Areas	Shade canopies, car parks, landscaping, lighting, furniture, bbq's, some headwork's	\$3.39 million
Total		\$20.09 million

ATTACHMENT 13.3A

The total cost of these proposed facilities was estimated by quantity survey at around \$21 million; however this does not include certain headworks such as power upgrades or contingencies (further \$850,000 - \$1,000,000). The design provided for the childcare, neighborhood and recreation facilities to be independent of each other, and enables a staged approach to construction.

The overall design, feasibility and operation costs of the Hub was assessed by ABV Leisure Consultancy Services to ensure efficient and effective delivery of services and the general sustainability of services and facilities.

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The report presented by ABV indicated that the proposed childcare centre meets licensing requirements for 73 places (the identified need and scope for design); the Neighborhood Centre meets identified needs however better efficiencies could be attached through sharing of open space areas. Some significant issues were noted with the Recreation components feature, including duplicated function and meeting room facilities, excessive change room facilities, inappropriate storage buildings and it was suggested that co-location of facilities could create better efficiencies with potential construction and operational savings.

ATTACHMENT 13.3B

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

Funding for the childcare centre component and initial headwork's for the Hub has been identified (\$4.66m) and is in the process of being secured. At the August 2013 Ordinary Meeting Council approved the construction of headworks and the childcare centre to proceed as the first stage of the Hub upon confirmation of identified funding.

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

Comment

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

Avoca Design was engaged to undertake the design work, and ABV Leisure Consultancy has worked with the Working Group to inform the design rationale, operating models and estimated construction costs. The Working Group has met fortnightly, and also undertaken a large amount of Out-of-Session work, to meet the tight deadlines surrounding the review of the design.

In accordance with the recommendations in ABV's Review and Feasibility Report, the Working Group's focus was to co-locate and rationalise the recreation components of the Hub to reduce the capital construction cost, improve efficiencies in management and the ongoing operational cost. Facilities such as change rooms function areas and meeting space had been duplicated, and additional attention was required to the interaction of the facilities with the existing swimming pool and plant.

ATTACHMENT 13.3C

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Unfortunately the review process has taken longer than anticipated as the relationship between each component and its use needed to be considered. The proposal design was finalized on 7 November 2013 which only allowed two days for estimated construction and operating costs to be obtained. High level estimates have been provided by ABV Leisure Consultancy and Neil Butler Surveying Services; however these will require further information and review to provide more accuracy.

ATTACHMENT 13.3D ATTACHMENT 13.3E

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

Overall Hub Cost Estimates		
Facility	Original Design Cost Estimate	Revised Design Cost Estimate
Child Care Centre (funded)	\$3.87 million	\$3.87 million (no change)
Neighbourhood Centre	\$2.73 million	\$2.73 million (no change)
Multi-Purpose Sports Facility	\$7.22 million	\$16.62 million (combined facilities)
Sporting Clubhouse	\$1.21 million	
Shared Pool and Oval Facilities	\$1.67 million	
Upgraded External Areas	\$3.39 million	
	\$20.09 million	\$23.22 million

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

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

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

Rio Tinto has indicated that an application for funding of up to \$6 million toward the completion of the recreation facilities and neighbourhood centre would be considered. PDC have also suggested that an amount of around \$5 million may be available in their next funding round, and possibly slightly more if an application can demonstrate actual need, robust and efficient design, and sustainability. This is a total of \$11 million identified potential funding toward the project.

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The completion of the Hub, including the recreation facility, oval storage and neighbourhood centre, is estimated to cost \$19,353,042 (excl GST). There is a deficit of \$8,353,042 required to deliver the project based on the revised design presented by the Working Group. Investigation has not been able to source additional significant funding and therefore Council's further instruction is required for this matter.

PDC has advised that their next board meeting is proposed for 13 February 2014 in Paraburdoo, at which time the business case with funding application for the Paraburdoo CHUB was planned to be presented. Should Council endorse the revised design presented by the Working Group, the business case will need to either request funding for the full identified shortfall of \$13,353,042 or identify alternative leveraging for the current deficit to limit the application to \$5 million.

Alternatively, Council may direct the Working Group to reduce the scope of the remaining stages of the Paraburdoo Community Hub to meet the current budget estimate of \$11 million. Subject to the Working Group's ability to carry out this work, the estimates will be further developed along with a draft business case for presentation at the December 2013 Council meeting. This will enable the business case to be finalised and submitted to PDC by their agenda deadline of 13 January 2014.

It is also relevant to note that Mike Hollett (Chairman of PDC) and Vince Catania (MLA) met with the Paraburdoo Councillors, Shire President and CEO on 28 October 2013 to discuss the proposed Hub design, and later with Anthony Murphy of Avoca Design. During these meetings it was suggested that the other components of the Hub (Childcare facility and Neighbourhood Centre) could be incorporated to further consolidate and create one all-inclusive building. Investigation of this was undertaken by Shire officers and unfortunately it was found that the regulatory and privacy requirements around the childcare facility and proposed counselling/health clinician rooms precluded any connection with the recreation and social facilities. It is therefore proposed that these remain as stand-alone facilities but are identified as part of the overall vision for the Hub in the business case for funding.

Consultation

Councillor Rumble

Councillor Dias

Chief Executive Officer

Executive Manager – Strategic & Economic Development

Executive Manager – Community Development

Rio Tinto/Shire of Ashburton Partnership Governing Committee

Rio Tinto/Shire of Ashburton Partnership Management Group

Audrey Martin-Hill – Pilbara Development Commission

Ben Laidlaw – Rio Tinto

Shontay Cardew – Rio Tinto

ABV Leisure Consultancy Services

Anthony Murphy – Avoca Design

Statutory Environment

None Identified

Financial Implications

1. The construction cost of the Child Care Centre and initial headwork's for the overall development is estimated at \$4.66 million (excl GST) has already been approved by Council as Stage 1 of the Paraburdoo Community Hub;
2. Stage 1 has been funded by a contribution by Rio Tinto of \$3 million, \$300,000 from Shire of Ashburton and \$1.5 million from RDL. The RDL component was originally

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secured by Rio Tinto for the childcare facility but approval is being undertaken for transfer to Shire;

3. Rio Tinto have indicated an application for up to \$6 million may be considered for the completion of all components of the Paraburdoo Community Hub;
4. PDC have indicated that an amount of around \$5 million may be available subject to application;
5. The Paraburdoo Community Hub has been identified in the Long Term Financial Plan for construction between 2013 – 2015, subject to funding.

Strategic Implications

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

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender Policy

FIN04 – Buy Local – Regional Price Preference Policy

These policies will be taken into consideration throughout the project.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Receives the proposed concept design prepared by Avoca Design under direction of the Paraburdoo CHUB Working Group for the recreation components of the Paraburdoo Community Hub;
2. Receives the high-level estimated construction costs and operating costs for the consolidated design; and
3. Instructs the Paraburdoo CHUB Working Group to reduce the scope of the design so that the remaining stages of the Hub do not exceed an estimated \$11 million in construction costs, and to produce a design whereby any and all components that have been excluded can be added in to the design at a later stage. This revised design is to be presented to Council at the December 2013 Ordinary Council Meeting, along with the proposed funding business case to Pilbara Development Commission.

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

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13.4 EXTENSION OF LEASE - ONSLOW SUN CHALETS

FILE REFERENCE:	RE.SE.R.35889
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager, Strategic and Economic Development
NAME OF APPLICANT/RESPONDENT:	Ashburton Investments Pty Ltd
DATE REPORT WRITTEN:	5 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute 11569) - Ordinary Meeting of Council July 2013 Agenda Item 12.6 (Minute 11375) - Ordinary Meeting of Council December 2012 Confidential Agenda Item 17.3 (Minute 11333) - Ordinary Meeting of Council October 2012 Confidential Agenda Item 16.02.01 - Ordinary Meeting of Council 19 February 2008 Confidential Agenda Item 16.07.10 - Ordinary Meeting of Council 18 December 2007 Confidential Agenda Item 16.07.10 - Ordinary Meeting of Council 17 July 2007 Confidential Agenda Item 16.05.09 Ordinary Meeting of Council 22 May 2007

Summary

At the July 2013 Council Meeting – Council authorised the extension of the Onslow Chalets Lease until 31 December 2013. This was to enable negotiations with the Lessee and further delegated authority to the A/CEO to negotiate with the Lessee and the Minister for Lands an extension to the existing lease under the current terms. This extension period allowed for the tasks as required under Section 3.58 Disposing of Property by private treaty to occur and then refer the matter back to Council for final determination

There has unfortunately been a further delay, resulting from stretched resources within the Strategic and Economic Development Department and the lease negotiations have not been able to be progressed as expediently as was indicated at that Council Meeting, and therefore it is proposed to lengthen the extension of the lease by a further 6 months to complete the lease negotiations by June 2014 at the very latest.

Background

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

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

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

An extension to the process was requested at the 12 December 2012 Council Meeting to enable ample time to negotiate given the circumstances of the time. The Shire administration has been unable to progress the negotiations due to resourcing issues and a conflict with prioritization.

Valuations have also held up recent progress. It is therefore requested that a further short term lease extension to be issued and signed off by the Minister for Lands and Regional Development.

It is proposed to apply for a 6 month further lease extension to cover the time required to present to Council and if agreement is reached, carry out the statutory obligations of the Local Government Act 1995.

This will be the last extension and the negotiations have now been allocated a higher priority.

Comment

Lease Negotiations have not proceeded as proposed. Factors affecting delay include but are not limited to major projects such as:

- Paraburdoo Hub Planning
- Onslow Aerodrome
- Onslow Light Industrial Area Subdivision Business Case Preparation

These factors have all impacted and resulted in the Strategic and Economic Development Team not being able to meet the requested time extension.

In order to give Ashburton Investments some security through this negotiation time it is proposed that a further six month extension be offered under the same lease conditions currently in place. This will again require the approval of the Minister for Lands prior to being executed.

The lease currently in place will see Council receive approximately \$25,000.00 in income during the full six months of the extension. It is because of this income there is a need to comply with section 3.58 of the Local Government Act.

Consultation

CEO

A/ Land and Economic Development Manager

Statutory Environment

Local Government Act 1995 - Section 3.58 Disposing of Property.

Financial Implications

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

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Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Authorises the extension of the Onslow Chalets Lease with Ashburton Investments Pty Ltd until 30 June 2014 on the existing terms and Conditions; and
2. Advertise the extension in accordance with Section 3.58 Disposing of Property of the Local Government Act 1995; and
3. Should no objections be received to the extension Council delegate to the Chief Executive Officer the authority to enter into a Lease Agreement for the extension with Ashburton Investments Pty Ltd; and
4. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to the Lease extension.

Author: Amanda O'Halloran	Signature:
Manager: Neil Hartley	Signature:

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13.5 ONSLOW AERODROME TEMPORARY TERMINAL - LICENCE AGREEMENT

FILE REFERENCE:	TR.AT.01.01
AUTHOR'S NAME AND POSITION:	Emma Heys Acting Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Onslow Airport Services (Exmouth Aviation Services) Pty Ltd Virgin Australia (SkyWest) Pty Ltd
DATE REPORT WRITTEN:	6 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.4 (Minute No. 11317) – Ordinary Meeting of Council 17 October 2012

Summary

Virgin Australia (SkyWest Airlines Australia) Pty Ltd currently has a Licence Agreement to utilise a portion of the Onslow temporary terminal for their airline operations out of Onslow. The Licence Agreement has expired and has moved onto a monthly periodical tenancy.

Expressions of Interest have been received from both Virgin Australia (SkyWest Airlines Australia) Pty Ltd and Onslow Airport Services (Exmouth Aviation) Pty Ltd to enter into a Licence Agreement with the Shire for use of the Onslow Aerodrome Temporary Terminal.

Endorsement from Council to enter into a Licence Agreement with one of the interested parties is now sought.

Background

Onslow is undergoing considerable change and development with the construction of the Wheatstone LNG and the Macedon Domestic Gas plants underway. Virgin Australia (SkyWest Airlines Australia) Pty Ltd currently holds a Licence Agreement to utilize a portion of the Onslow temporary terminal for their airline operations out of Onslow. This Licence Agreement has now expired and moved into a monthly periodical tenancy.

Virgin Australia (SkyWest Airlines Australia) Pty Ltd is requesting a License Agreement for the use of all the temporary terminal space to support its operations and ticketing capacity. SkyWest has agreements direct with the Resource companies and therefore requires a License in order to provide adequate arrival and departure services.

Please see attached email from Virgin Australia (SkyWest Airlines Australia) Pty Ltd

ATTACHMENT 13.5A

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Onslow Airport Services (Exmouth Aviation) Pty Ltd have also requested a Licence agreement for the use of all the temporary terminal space. However, Onslow Airport Services have stated they do not intend to use the space exclusively and, if successful in obtaining a Licence Agreement for the area, will request authorisation to enter into one or more 'Sub-Licences' in order to allow a diverse range of service providers to operate from the Temporary Terminal.

Please see attached email from Onslow Airport Services (Exmouth Aviation) Pty Ltd.

ATTACHMENT 13.5B

Comment

Providing for business expansion is a key plank of the economic prosperity strategic goal that sits strategically within the vision and aspirations of the community and broad strategies of the *Living Life* document - the Shire of Ashburton's Strategic Community Plan 2012-2022.

The Strategic Community Plan identifies opportunities to provide local employment and greater diversification of the local economy. Local economic resilience and ongoing development will be enhanced with increasing diversity and depth of local businesses

In order to harness this opportunity to deliver economic diversity to the Onslow region a Licence Agreement for the Onslow Temporary Terminal should be entered into with a business that is able and willing to operate alongside and support other businesses in the region.

It is the belief of Administration that Onslow Airport Services (Exmouth Aviation) Pty Ltd are best able to deliver an aviation services to the Onslow Community, in conjunction with other aviation businesses. The Administration believes that a Licence Agreement with Virgin Australia (SkyWest Airlines) Pty Ltd will preclude other aviation business from providing a service to the Onslow Community.

As such, it is recommended that Council enter into a Licence Agreement with Onslow Airport Services (Exmouth Aviation), with the clause that Onslow Airport Services enter into a 'Sub-Licence' with Virgin Australia (SkyWest Airlines Australia) Pty Ltd to allow them to continue to utilize a designated portion of the Onslow temporary terminal for airline operations out of Onslow.

The Licence Agreement for the term of two (2) months initially, with a month by month periodical arrangement occurring after that, dependent upon the completion date for the new terminal. Negotiations for tenancy within the new terminal will continue to occur and a recommendation will be presented to Council at a later date.

Consultation

Executive Manager Strategic and Economic Development
Aerodrome Services Project Manager
Business Development Executive Virgin Australia (SkyWest Airlines Australia) Pty Ltd
Manager Onslow Airport Services

Statutory Environment

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

Financial Implications

Based upon the current Licence Agreement, the total value of the License is likely to net Council approx. \$6,000

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Strategic Implications

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

Goal 02 'Economic Prosperity': Objective 01 'Strong Local Economies': Facilitate timely release of land to support the local economy.

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Approve a Licence Agreement with Onslow Airport Services (Exmouth Aviation) for the use of the Onslow Temporary Terminal, with the following terms:
 - a. For a term of two (2) months, with a month by month periodical holding over period;
 - b. for the rental amount of \$650 (ex GST) per week (paid monthly in advance);
 - c. with the authority to sub-licence to third parties for the provision of aviation services; and
2. Delegate authority to the Chief Executive Officer to enter into a Licence Agreement with Onslow Airport Services (Exmouth Aviation) for the terms as set out above; and
3. Authorise the Shire President and the Chief Executive Officer to affix the common seal of the Shire of Ashburton to the Licence Agreement.

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

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13.6 LEASE OF PREMISES - 84 ASHBURTON COURT, PARABURDOO

FILE REFERENCE:	PA.AS.0084
AUTHOR'S NAME AND POSITION:	Chelsie Robson Project Support Officer
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	7 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No. 11647) - Ordinary Meeting of Council 18 September 2013

Summary

Part Lot 811 Ashburton Court, Paraburadoo is currently leased to Skilled Pty Ltd. The current Lease Agreement expired on 27 October 2013.

A Request for Tender (RFT) for Lease of Premises was advertised, as per Council recommendations, with no submissions received.

Council endorsement is now sought to negotiate and enter into a new Lease Agreement with Skilled Pty Ltd.

Background

Skilled Group Ltd have leased part of Lot 811 Ashburton Court, Paraburadoo from the Shire of Ashburton since 2009 for the purposes of running a recruitment and temporary personnel agency for the Paraburadoo and wider Ashburton community.

The current Lease Agreement expired in 2011, at which time the option to extend was exercised for a further two (2) year term, please see attached the Lease Agreement and Deed of Renewal for your reference.

The current Deed of Extension expired on 27 October 2013. As per Clause 22 of the Lease Agreement the holding over period in effect and the Lease Agreement has entered into a monthly periodical tenancy with a one month termination clause.

ATTACHMENT 13.6A
ATTACHMENT 13.6B

As per Council's recommendations from the 18 September Ordinary Meeting of Council, a RFT for Lease of Premises was advertised. There were no submissions received for the RFT, please see attached RFT document for your reference.

ATTACHMENT 13.6C

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Shire Administration advised Skilled of the requirements to submit a tender for the lease of the premises. Skilled Group Pty Ltd confirmed that they received the correspondence but due to an internal restructure and subsequent miscommunication no submission was provided.

Comment

Shire Administration has again contacted Skilled Group Pty Ltd and they have now expressed their interest in seeking a further Lease Agreement for part of Lot 811 Ashburton Court, Paraburdoo, with a preference to enter into a monthly periodical tenancy, with a three month termination notice by either party, please see attached letter for your reference.

ATTACHMENT 13.6D

It is the Shire's recommendation that negotiations with Skilled Pty Ltd continue, in order to achieve a more stable tenancy period for part of Lot 811 Ashburton Court, Paraburdoo. Ideally, the Shire would seek a Lease Agreement for a period of 6 months, with a further two extensions of six (6) months, with a three month termination notice by either party.

Consultation

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

Statutory Environment

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

Financial Implications

An income (account 040237) of \$30,000 was budgeted in total for the premises in 2013/2014 with \$26,641 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. Delegate authority to the Chief Executive Officer to enter into a Lease Agreement with Skilled Group Pty for Lot 84 Ashburton Court, Paraburdoo for the purposes of a "recruitment agency" for the nominated period of 6 months at the current rental amount of \$2537.04 (inc GST) per month (paid in advance); and
2. Authorise the Shire President and the Chief Executive Officer to affix the common seal of the Shire of Ashburton to the Lease Agreement.

Author: Chelsie Robson	Signature:
Manager: Amanda O'Halloran	Signature:

14. TECHNICAL SERVICES REPORTS

14.1 REQUEST BY THE DEPARTMENT OF STATE DEVELOPMENT FOR COMMENT - INCREASE IN WEST ANGELAS PRODUCTION RATE TO 35 MTPA

FILE REFERENCE:	RD.MI.00.00 Rec 1322950
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Department of State Development
DATE REPORT WRITTEN:	31 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Department of State Development (DSD) has sought the views of the Council with respect to Robe River Mining Co's increasing the West Angelas iron ore production rate to 35 Mtpa.

The West Angelas mine is located within the Shire of East Pilbara approximately halfway between Newman and Tom Price and the expansion of the production will remain in the Shire of East Pilbara.

Consistent with previous Council advice to DSD on other significant mining operations (and expansions), subject to the State of Western Australia undertaking an independent social impact assessment that addresses the impacts on Tom Price and Newman that Council not oppose Robe River Mining Co's increasing the West Angelas iron ore production rate to 35 MTPA.

Background

The West Angelas mine was originally developed following approval of Original Proposal by the Minister for State Development on 4 May 2000.

The West Angelas mine is located within the Shire of East Pilbara approximately halfway between Newman and Tom Price and the expansion of the production will remain in the Shire of East Pilbara.

The original Proposal approved the initial development of West Angelas mine and the above and below water table sequential mining of Deposit A and Deposit B. A maximum approved throughput of 20 Mtpa was initially approved.

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On 13 November 2006, the Minister for State Development approved an increase in the production rate at West Angelas to 30 Mtpa. Given that the mining of Deposit B is already approved under the Original Proposal, this proposal seeks approval for the increase in the production rate at West Angelas to be generated by mining Deposit B, and for the related works and upgrades at West Angelas mine required to support the increase in tonnes (such as the upgrades to the processing plant).

Proposal

Robe River Mining Co advise as follows:

“The development of Deposit B will result in an increase in the production rate at these West Angelas deposits from 30 Mtpa to 35 Mtpa. West Angelas mine currently is expected to operate at the increased production rate from Quarter 1, 2015.

The Company will achieve 35 Mtpa of iron ore production at West Angelas by mining Deposit A, Deposit B and Deposit E. When Deposit B comes online in 2015, the split between the three deposits will be fairly even, but as the ore at Deposit A is depleted, the proportion of the 35 Mtpa of production sourced from Deposit B will increase. As other deposits in the West Angelas area are approved and developed over time, the composition of the 35 Mtpa of production will further change.”

ATTACHMENT 14.1

Comment

It is not uncommon for DSD or other agencies to seek the views of Council in relation to significant mining operations (and expansions) within the Shire and in close proximity. These have included RTIO/Hamersley Iron proposal for mining activity at Brockman 2 and 4, Marandoo and more recently the Koodaideri Iron Ore Mine and Infrastructure Project (acknowledging that the comments raised on this proposal related to the Public Environmental Review process).

Consistent with previous Council advice to DSD on other significant mining operations (and expansions), subject to the State of Western Australia undertaking an independent social impact assessment that addresses the impacts on Tom Price and Newman that Council not oppose Robe River Mining Co's increasing the West Angelas iron ore production rate to 35 MTPA .

It is appropriate to provide a copy of the submission and Shire Report to the Shire of East Pilbara and the Western Australian Local Government Association.

Consultation

Chief Executive Officer
Strategic Revitalisation & Relationship Manager

Statutory Environment

Iron Ore (Robe River) Agreement Act 1964

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

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Policy Implications

There are no Policy implications relative to this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. In regard to correspondence received from the Department of State Development (DSD) dated 22 October 2013 (**ATTACHMENT 14.1**) seeking comment on Robe River Mining Co's increasing the West Angelas iron ore production rate to 35 Mtpa, that Council advise DSD that consistent with previous Council advice on other significant mining operations (and expansions), subject to the State of Western Australia undertaking an independent social impact assessment that addresses the impacts on Tom Price and Newman that Council not oppose Robe River Mining Co's increasing the West Angelas iron ore production rate to 35 Mtpa .
2. Provide a copy of the submission and the Administration's Report to the Shire of East Pilbara and the Western Australian Local Government Association.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

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14.2 REQUEST BY THE DEPARTMENT OF STATE DEVELOPMENT FOR COMMENT - EXTENSION OF USE OF EXISTING ACCOMMODATION AT PARABURDOO CAMP (KURRA KULLI)

FILE REFERENCE:	CA.KIKU.00 Rec 1322958
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Department of State Development
DATE REPORT WRITTEN:	31 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.05.27 - Ordinary Meeting of Council 19 May 2010 Agenda Item 13.11.46 - Ordinary Meeting of Council 18 November 2008 Agenda Item 13.11.41 - Ordinary Meeting of Council 20 November 2007 Agenda Item 13.10.36 - Ordinary Meeting of Council 16 October 2007 Agenda Item 13.02.03 - Ordinary Meeting of Council 13 February 2007 Agenda Item 12.10.070 - Ordinary Meeting of Council 24 October 2006

Summary

The Department of State Development (DSD) has sought the views of the Council with respect to Hamersley Iron Pty Ltd's request to the Minister for State Development (Minister) to extend the use of its existing 120 person Kurra Kulli Paraburdoo accommodation camp to 19 April 2017. The term of the camp currently expires on 31 December 2013.

The Camp was established in November 2004 to accommodate the 120 person construction workforce required for the Paraburdoo brownfields mine expansion. The Kurra Kulli facility is approximately 5km by road from the commercial centre of Paraburdoo. The life of the camp has been extended by the Minister for State Development on two occasions – 2008 and 2010. The 2010 proposal by Hamersley Iron Pty Ltd sought to extend the life of the camp to 2032 and increase the number of beds to 420. The Minister subsequently approved a three year extension to the term of the Paraburdoo Camp, to 31 December 2013 although it isn't clear if he increased the number of beds.

Hamersley Iron Pty Ltd now wishes to retain the camp at 120 beds and indicate (although not categorically stated) that the camp is to be retained until 19 April 2017 (when the Lease expires).

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The Administration reluctantly recommends that the Kurra Kulli facility be supported for a further 12 month period only so as to provide Hamersley Iron and DSD time to meaningfully address the following:

- The Camp is removed by 30 June 2017 and the site be rehabilitated.
- RTIO or the State of Western Australia undertake an independent social impact assessment that addresses the long term impacts on Paraburdoo of the continuation of the Kurra Kulli facility.
- RTIO confirms that they won't seek a new or extended lease for the camp beyond 2017.
- RTIO commits to developing the 244 bed transient workforce accommodation at Rocklea Palms thus providing accommodation for the life of the Greater Paraburdoo mining operations and removing the need for the Kurra Kulli camp or a future camp.
- RTIO actively addresses its excess residential land supply for the Paraburdoo and releases land in order to 'free up' supply to enable companies in the LIA (most of whom service RTIO) to improve the accommodation arrangements for workers in Paraburdoo.

Should the Minister not support the Council position, the request to extend the use of Kurra Kulli accommodation camp to 19 April 2017 be regarded as an 'objection'.

Background

The Paraburdoo Camp was established in November 2004 to accommodate the 120 person construction workforce required for the Paraburdoo brownfields mine expansion. The Kurra Kulli facility is approximately 5km by road from the commercial centre of Paraburdoo.

On 28 February 2007, the Minister for State Development approved the use of the Paraburdoo Camp until 31 December 2008. On 24 November 2008 this approval was extended to 31 December 2010.

At the Council meeting of 19 May 2010, Council considered a request to the Minister for State Development by Hamersley Iron Pty Ltd to extend the life of the camp to the year 2032 and increase the number of beds to 420. Council resolved as follows:

"That Council:

- 1. Request the Minister for Regional Development to chair a 3-way dialogue with the Shire, Hamersley Iron P/L and the State in an attempt to establish a long term strategic direction for Paraburdoo.*
- 2. Advise the Minister for State Development, Minister for Regional Development and Hamersley Iron P/L that the Council of the Shire of Ashburton does not support the company's proposal to extend the operational life of the existing 120 person construction worker accommodation Kurra Kulli facility to 31 December 2030 and to increase the capacity by 280 rooms (total of 400 rooms) for the following reasons:*
 - a) no assessment on the potential adverse social and other impacts of the expanded camp on the town of Paraburdoo has been undertaken;*
 - b) the proposal changes the facility from "construction" to "operational" camp;*
 - c) approval not encouraging Hamersley Iron P/L to work with the government and the Shire in improving infrastructure and the supply of land in Paraburdoo.*

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- 3. Advise the Minister for State Development that Council considers a 12 month extension of the operating life of Kurra Kulli construction workers accommodation facility (retaining the existing 120 person facility) is acceptable as it will enable the dialogue referred to in 1. above to be undertaken. Any extension beyond 12 months should be assessed via an independent social impact assessment of the proposal on Paraburdoo.”*

On 13 December 2010, the Minister subsequently approved a three year extension to the term of the Paraburdoo Camp, to 31 December 2013. The 2010 extension was to increase the camp to 420 persons and Hamersley Iron Pty Ltd requested that the period of the camp be extended to 2032.

Proposal

The Department of State Development (DSD) has sought the views of the Shire with respect to Hamersley Iron Pty Ltd's request to the Minister for State Development ('Minister') to extend the use of its existing 120 person Kurra Kulli Paraburdoo accommodation camp to 19 April 2017. The term of the camp currently expires on 31 December 2013.

ATTACHMENT 14.2A

As noted in the Attachment, Hamersley Iron/RTIO considers that it believes that it has undertaken significant consultation with the Shire and the community as follows:

“Collaboration between the Company and the Shire is evidenced below:

- The Company has been involved in considerable engagement with a number of agencies (e.g. the Pilbara Development Commission and Department of Housing) and the Shire regarding the strategic direction for Paraburdoo town. The Shire and the Company have met regularly to discuss Paraburdoo town since 2010, including via a Partnership Governance Committee and Shire Working Group.*
- The Company is party to the WA Government Pilbara Towns Redevelopment Memorandum of Understanding (MOU) (2009), which provides a framework for strategic discussions about Pilbara towns.*
- The Company's internal Pilbara towns strategy (2011) outlines the Company's ongoing commitment to Paraburdoo as a predominantly residential base for its employees at Greater Paraburdoo.*
- The Company has engaged an independent consultant to undertake a social impact assessment and to subsequently develop a Social Impact Mitigation Plan (SIMP) in consultation with the Shire. The social impact assessment and subsequent SIMP is underway and is expected to be completed in Quarter 4, 2013.*
- The Company has also undertaken significant investment in Paraburdoo over the past several years, including for example, major house refurbishment programme within Paraburdoo town, replacement of the high voltage electrical line supplying the town and the development of a new runway and passenger facilities at Paraburdoo airport to improve visitor amenity and landing access and safety.*
- The Company has sold some vacant housing lots in Paraburdoo over the last year to help address the supply of land issue.*
- The Company has also committed to a Community Infrastructure Services Partnership with the Shire of Ashburton. This partnership provides the framework*

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for the Company and the Shire to work cooperatively and collaboratively to revitalise the existing Paraburdoo town. Currently, the Company is working closely with the Shire to improve the amenity and services available in Paraburdoo. Initiatives for Paraburdoo include:

- *the Shire of Ashburton Community Hub Project*
- *new child care centre*
- *town landscape improvements and play facilities*
- *road and drainage infrastructure and maintenance*
- *sports facility upgrades*
- *ongoing community development and events.*

In addition, the Company has consulted with the Shire in the last few months regarding the request to extend the use of the existing 120 person Paraburdoo Camp to 19 April 2017, including discussions with the Acting/Chief Executive Officer and the Executive Manager for Community Development.

It is anticipated that Greater Paraburdoo operations will have a mine life to at least 2035, subject to the approval of individual satellite ore bodies proximate to Greater Paraburdoo. The Paraburdoo Camp is integral to the support of the ongoing Greater Paraburdoo operations.

As such, extending the approved life of the Paraburdoo Camp is essential to provide an ongoing and reliable source of cost effective accommodation.” (pages 2 and 3)

Comment

The Kurra Kulli facility was initially established for Hamersley Iron’s ‘construction’ workforce. Whilst not included in the Application to the Minister, Creating Communities Australia Pty Ltd was engaged by Hamersley Iron/RTIO, “... *to investigate the potential social impacts, benefits and opportunities for improvement for Paraburdoo residents and stakeholders, from the ongoing use of Kurra Kulli village.*”

ATTACHMENT 14.2B provides an information sheet and ‘letter to stakeholders’ from Creating Communities that amongst other things, Kurra Kulli presently has a 97% occupancy rate and there is the expectation that these high rates of occupancy will continue into the long term future (there is in fact as the documents highlight, no foreseeable future date of the facility’s closure). Strangely, the Creating Communities information advises that:

“No changes to the village facilities or occupancy are proposed, just a continued operation of the village for a further six years”.

This would result in the camp being retained until the end of 2019 rather than April 2017 apparently sought by Hamersley Iron/RTIO.

Creating Communities also highlight that camp residents typically utilise their own vehicles to visit the local shops and use some of the local facilities and services available in Paraburdoo, indicating that existing camp services do not cater for all the needs of the users, and there is also no access to Kurra Kulli facilities for the general public, which only serves to reinforce that point.

Neither Hamersley Iron /RTIO nor Creating Communities include in documentation produced to the Minister or the community that RTIO sought and received planning approval for a permanent 244 bed TWA village in Paraburdoo.

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In addition, neither Hamersley Iron/RTIO nor Creating Communities provide comment on whether RTIO will seek a new or extended lease of the Kurra Kulli facility beyond 2017.

The issue of what happens to the facility after 2017 is fundamental to the matter before Council as correspondence from Hamersley Iron to the Minister states:

“It is anticipated that Greater Paraburdoo operations will have a mine life to at least 2035, subject to the approval of individual satellite ore bodies proximate to Greater Paraburdoo.”

Extending the license would seem to only serve to diminish the Shire and community goal of a more vibrant, viable, and sustainable Pilbara. The inclusion of the Kurra Kulli camp residents within the Paraburdoo townsite on the other hand, will enhance local sports and community activities, improve commercial opportunity in the town, and add weight to the justification for and sustainability of, the existing Paraburdoo refurbishment proposals.

Paraburdoo is in need of significant infrastructure upgrades. The investment by Hamersley Iron/RTIO in upgrading the Kurra Kulli facility would be better spent within Paraburdoo where Hamersley Iron/RTIO owns and operates the clear majority of properties, including the existing Rocklea Palms transient workforce accommodation facility.

Consistent with previous Council advice to DSD on other significant mining operations (and expansions) an independent social impact assessment is required that addresses the long term impacts on Paraburdoo of continuing of the Kurra Kulli facility. In addition, discussions are necessary to ascertain the accommodation needs are required by Hamersley Iron/RTIO once the Kurra Kulli facility is closed (assuming it is 2017).

Conclusion

In this regard, the Shire recommends that in order to provide Hamersley Iron/RTIO and DSD time to actively address the following with the Shire, the Kurra Kulli facility be supported for a further 12 month period only:

- The Camp to be removed by 30 June 2017 and the site be rehabilitated.
- RTIO or the State of Western Australia to undertake an independent social impact assessment that addresses the long term impacts on Paraburdoo of the continuation of the Kurra Kulli facility.
- RTIO confirm that they won't seek a new or extended lease for the camp beyond 2017.
- RTIO commit to developing the 244 bed transient workforce accommodation at Rocklea Palms thus providing accommodation for the life of the Greater Paraburdoo mining operations and removing the need for the Kurra Kulli camp or a future camp.
- RTIO actively address the excess residential land supply for the Paraburdoo and release land in order to 'free up' supply to enable companies in the LIA (most of whom service RTIO) to improve the accommodation arrangements for workers in Paraburdoo.

Should the Minister not support the Council position, the request to extend the use of Kurra Kulli accommodation camp to 19 April 2017 be regarded as an 'objection'.

It is appropriate to provide a copy of the Council's submission and the Administration's Report to the Shire of East Pilbara and the Western Australian Local Government Association.

Consultation

Chief Executive Officer
Strategic Revitalisation & Relationship Manager

Statutory Environment

Iron Ore (Hamersley Range) Agreement Act 1963 (Paraburdoo)

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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

Paraburdoo

Our Aspirations include:

- Diversified economy
- Beautification of the town
- Town sustainability

Policy Implications

Under Local Planning Policy "*LPP13 Transient Workforce Accommodation*", Council has detailed its position in relation to fly-out" mining. Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. However, Council does acknowledge that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps to be established.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. In regard to correspondence received from the Department of State Development (DSD) dated 22 October 2013 (**ATTACHMENT 14.2A**) seeking comment on Hamersley Iron Pty Ltd's request to the Minister for State Development to extend the use of its existing 120 person Kurra Kulli Paraburdoo accommodation camp to 19 April 2017, that Council respond as follows:
 - a) Council recommends that the Kurra Kulli facility be supported for a further 12 month period only in order to provide Hamersley Iron and DSD time to actively address the following:
 - The Camp to be removed by 30 June 2017 and the site be rehabilitated.
 - RTIO or the State of Western Australia to undertake an independent social impact assessment that addresses the long term impacts on Paraburdoo of the continuation of the Kurra Kulli facility.
 - RTIO confirm that they won't seek a new or extended lease for the camp beyond 2017.
 - RTIO commit to developing the 244 bed transient workforce accommodation at Rocklea Palms thus providing accommodation for the life of the Greater Paraburdoo mining operations and removing the need for the Kurra Kulli camp or a future camp.
 - RTIO actively address the excess residential land supply for the Paraburdoo and release land in order to 'free up' supply to enable companies in the LIA (most of whom service RTIO) to improve the accommodation arrangements for workers in Paraburdoo.

Should the Minister not support the Council position, the request to extend the use of Kurra Kulli accommodation camp to 19 April 2017 be regarded as an 'objection'.

2. Provide a copy of the submission and the Administration's Report to the Western Australian Local Government Association.

Author: Rob Paul	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.3 REQUEST TO EXTEND PLANNING APPROVAL 20130048(P) - RESIDENTIAL BUILDING LOT 651 (NO. 11), SIMPSON STREET, ONSLOW

FILE REFERENCE:	ON.SI.0651.00 20130048 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	A. Asphar (Owner/Applicant)
DATE REPORT WRITTEN:	31 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.8 (Minute: 11505) - Ordinary Meeting of Council 10 April 2013

Summary

At the Ordinary Council meeting of 10 April 2013, Council issued Planning Approval for a 'residential building' at of Lot 651 (No. 11), Simpson Street, Onslow (Council Item 13.8, Minute: 11505).

Condition 10 of the Approval stated:

"The use shall not continue beyond six calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond six (6) calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area."

Within the six month period of Condition 10, the Applicant has requested the Approval be extended. The Administration has not received any adverse comments from neighbours or the extended community in relation to the use and occupation of the land for a 'residential building'. Accordingly, it is recommended that the Approval be extended for a further six months.

In addition, it is considered that further extensions be determined by the Chief Executive Officer. Should complaints or objections be lodged in relation to the continued use as a residential building, the matter be forwarded to Council for decision.

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Background

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

At the Ordinary Council meeting of 10 April 2013, Council issued Planning Approval for a 'residential building' at of Lot 651 (No. 11), Simpson Street, Onslow (Council Item 13.8, Minute: 11505).

Condition 10 of the Approval stated:

"The use shall not continue beyond six calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond six (6) calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area."

Proposal

The use has commenced within the six month period of Condition 10 and the Applicant has requested the Approval be extended.

Comment

The Administration has not received any adverse comments from neighbours or the extended community in relation to the use and occupation of the land for a 'residential building'. Accordingly, it is recommended that the Approval be extended for a further six months.

In addition, it is considered that further extensions be determined by the Chief Executive Officer. In addition, it is considered that further extensions be determined by the Chief Executive Officer. Should complaints or objections be lodged in relation to the continued use as a residential building, the matter be forwarded to Council for decision.

Consultation

Chief Executive Officer

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

Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

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

Policy Implications

Council LPP09 – Non-Residential Land Uses in Residential Areas and Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings are relative to this issue.

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Voting Requirement

Simple Majority Required.

Recommendation

That Council:

1. Pursuant to Condition 10 of Planning Approval 20130048 (P), APPROVE to extend use the existing dwelling at Lot 651 (No. 11), Simpson Street, Onslow for the purposes of a residential building and noting that all conditions of the Planning Approval will continue to apply.
2. With respect to further requests received by the Shire Administration to extend the time pursuant to Condition 10 of Planning Approval 20130048 (P), unless specific complaints or objections are lodged in relation to the continued use of Lot 651 (No. 11), Simpson Street, Onslow for the purposes of a residential building, the Chief Executive Officer is authorised to exercise Delegation DA035 A2 under the Shire of Ashburton Delegations Register.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.4 REQUEST BY THE DEPARTMENT OF LANDS FOR COMMENT - RENEWAL OF LEASE J412198 OVER LOT 14 CAMP ROAD, PARABURDOO

FILE REFERENCE:	PA.CM.0014
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Department of Lands
DATE REPORT WRITTEN:	31 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Department of Lands (DoL) has sought the views of the Council with respect to the renewal of lease J412198 over lot 14 Camp Road, Paraburdo.

Lease J412198 was held for the purpose of "Light Industry" for a term of 21 years by Neville Stewart and Gillian Stewart and expired on the 31 March 2013. DoL seek the Council's views as to whether there is any objection to the lease being renewed for 21 years, backdated to begin on the 1 April 2013.

Lot 14 is located within the Paraburdo Light Industrial Area (LIA) and zoned 'Industry' under the Shire of Ashburton Local Planning Scheme No. 7 (Scheme). The purpose of lease J412198 is in keeping with the zone and in this regard, acceptable.

However in light of the Council's interest in the apparent unauthorised establishment of residential accommodation within the Paraburdo LIA, it would be appropriate to request DoL to include a condition referencing that no residential accommodation other than that approved by the local government will be permitted on the land. In this regard, only a single bedroom, 80m² 'caretakers dwelling' can be approved on the land.

Background

The Department of Lands (DoL) has sought the views of the Council with respect to the renewal of lease J412198 over lot 14 Camp Road, Paraburdo.

Lease J412198 was held for the purpose of "Light Industry" for a term of 21 years by Neville Stewart and Gillian Stewart and expired on the 31 March 2013.

Proposal

DoL seek Council's views as to whether there is any objection to the lease J412198 being renewed for 21 years, backdated to begin on the 1 April 2013.

ATTACHMENT 14.4

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Comment

Lot 14 is located within the Paraburdoo Light Industrial Area (LIA) and zoned 'Industry' under the Shire of Ashburton Local Planning Scheme No. 7 (Scheme). The purpose of lease J412198 is in keeping with the zone and in this regard, acceptable.

However in light of the Council's interest in the apparent unauthorised establishment of numerous residential accommodation within the Paraburdoo LIA. Under the zone, such accommodation units are prohibited.

It would be appropriate to request DoL to include a condition referencing that no residential accommodation other than that approved by the local government will be permitted on the land. In this regard, only a single bedroom, 80m² 'caretakers dwelling' can be approved on the land.

Consultation

Chief Executive Officer

Statutory Environment

Land Administration Act 1997

Planning and Development Act 2005

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

There are no Policy implications relative to this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. In regard to correspondence received from Department of Lands (DoL) dated 4 October 2013 (**ATTACHMENT 14.4**) seeking Council's views as to whether there is any objection to the lease J412198 being renewed for 21 years, backdated to begin on the 1 April 2013, that Council respond as follows:
 - a) Lot 14 is located within the Paraburdoo Light Industrial Area (LIA) and zoned 'Industry' under the Shire of Ashburton Local Planning Scheme No. 7 (Scheme). The purpose of lease J412198 is in keeping with the zone and in this regard, acceptable.
 - b) In light of the apparent unauthorised establishment of numerous residential accommodation units within the Paraburdoo LIA and which under the zone are prohibited, DoL is requested to include a condition in lease J412198 referencing that no residential accommodation other than that approved by the local government will be permitted on the land.

Author: Rob Paul	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.5 EXTENSION OF PLANNING APPROVAL - BEADON CREEK SALTWATER INTAKE FACILITY, BEADON CREEK, ONSLOW

FILE REFERENCE:	RD.OG.02.05 20110494 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Chevron Australia
DATE REPORT WRITTEN:	4 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No. 11406) - Ordinary Meeting of Council 23 January 2013 Agenda Item 13.6 (Minute No. 11053) - Ordinary Meeting of Council 19 October 2011

Summary

At the Council meeting of 19 October 2011, Council approved a 'temporary' seawater extraction facility at Lot 561, Beadon Creek Road, Onslow for Chevron Australia. Chevron advised that water from the extraction is to be carted along Beadon Creek Road for approximately 8 months. After this period, a pipeline is proposed whereby water will be pumped to a standpipe and accessed directly from Onslow Road. The proposal was clearly for temporary purposes only.

At the January 2013 Ordinary meeting of Council, Chevron requested that the facility be approved indefinitely for other projects in and around Onslow. Council approval for the extension was granted until 26 January 2014.

Chevron has again requested that the facility be approved but only for a three (3) year period (until 26 January 2017). This request retains the temporary nature of the use and is considered acceptable. On this basis, it is recommended that approval be extended until 26 January 2017.

Background

At the Council meeting of 19 October 2011, Council approved a 'temporary' seawater extraction facility at Lot 561, Beadon Creek Road, Onslow for Chevron Australia. The Approval provided an expiry period of 28 October 2012, however it gave the Chief Executive Officer (CEO) authority to extend the approval period as follows:

- a) *This Approval will expire on 20 October 2012 and all approved works shall be removed within 28 days of the date of expiry or other period as agreed by the Chief Executive Officer.*

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In July 2012, the CEO agreed to a request by Chevron to extend the approval period of the facility until 31 March 2013.

By way of information, the purpose of this Planning Approval was for:

- i) A seawater extraction facility at Lot 561 Beadon Creek Road, Onslow; and
- ii) A temporary high-density polyethylene (HDPE) above-ground pipeline extending from the seawater extraction facility at Lot 561 to the existing truck turnaround on Onslow Road. The truck turnaround is located ~900m South East of the intersection of Beadon Creek Road and Onslow Road.
- iii) Holding tanks and loading facilities located at or adjacent to the truck turnaround area facilitating the storage and loading of seawater into water tankers for transport to the Ashburton North Strategic Industrial Area (ANSIA).
- iv) Trucking of seawater from the truck turnaround area to the ANSIA.

These proposed facilities were to provide the initial water source for early construction activities associated with the Wheatstone LNG and Domestic Gas (Domgas) Plant in the Ashburton North Strategic Industrial Area (ANSIA). Water extracted from the proposed Beadon Creek Lot 561 seawater intake facility was intended to be transported by truck to the ANSIA and used for:

- i) Bulk earthworks soil conditioning
- ii) Soil compaction and dust suppression.
- iii) As initial supply to a reverse osmosis (RO) desalination facility capable of treating seawater to a potable standard to supply the accommodation village located within the ANSIA.

The land subject to this Planning Approval comprises three separate lots and a portion of the Onslow Road reserve. These lots comprise:

Lot/Reserve No.	Management	Purpose of Reserve
561/30711	Department of Transport	Harbour
500/19291	Shire of Ashburton	Common
957/220439	N/A	Crown

The Seawater Intake Facility is located on Lot 561. This lot is reserved for 'Harbour Purposes' with a management order held by the Minister for Transport (L473556). The management order grants the Minister the power to lease, sub-lease, or license the land or portion of the land for the designated purpose for any term.

The pipeline traverses land the following landholdings:

- i) Lot 561 on Plan 174170 (LR3152 – 109). This lot comprises Reserve 30711 and is managed by the Department of Transport.
- ii) Lot 973 on Deposited Plan 220439 (LR3115 – 262). This area is denoted as unallocated Crown Land and controlled by the Department for Regional Development and Lands.
- iii) Lot 500 on Plan 53870 (LR3152 – 109). This lot comprises a portion of Reserve 19291 with Management Order to the Shire of Ashburton to be used for 'Common' purposes.
- iv) The truck turnaround within the Onslow Road reserve that is controlled by Main Roads WA.

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Chevron advised that it holds a lease from the Department of Transport (DoT) for a portion of Lot 561 and is in the final stages of re-negotiating the terms of this lease, extending it for another 10 years (until 2021).

At the January 2013 Ordinary meeting of Council, Chevron requested that the facility be approved indefinitely for other projects in and around Onslow. Council approval for the extension was granted until 26 January 2014.

Proposal

Chevron has again requested that the facility be approved but only for a three (3) year period (until 26 January 2017).

ATTACHMENT 14.5

Comment

The Shire of Ashburton Town Planning Scheme No. 7 (LPS7) reserves the land subject to this application for 'Public Purposes – Port Facilities'. The Council does have the opportunity to lessen the impacts of the development however 'Port Facilities' is a wide-ranging purpose whereby port related uses would not normally require the approval of the Council. The proposal however is not directly Port related and therefore planning approval is required from Council.

This request retains the temporary nature of the use and is considered acceptable. On this basis, it is recommended that approval be extended until 26 January 2017.

Consultation

Chief Executive Officer
Executive Manager - Strategic and Economic Development
LandCorp

Statutory Environment

The Shire of Ashburton Town Planning Scheme No. 7 (LPS7) reserves the land subject to this application for 'Public Purposes – Port Facilities'. This proposed development is considered consistent with the purpose of the Scheme reserve. The land is also included in the 'Onslow Coastal hazard Area under the Scheme which has limitations placed on minimum floor heights for certain uses and developments.

The potential for flood and storm surge impact to development is addressed in Clause 6.2 of LPS7 where Council is required to consider whether a proposed development may be incompatible with flood or storm events and refuse or condition any approval accordingly. Given the requirement of this development to be located close to a water source, and its temporary nature, it is submitted that further assessment is not required for this application and that no significant risk is presented in approving the application.

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

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

Policy Implications

There are no policy implications relevant to this matter.

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Voting Requirement

Simple Majority Required

Recommendation

That Council extends Planning Approval 20110494 (P) for 'temporary' seawater extraction facility at Lot 561, Beadon Creek Road, Onslow Shire of Ashburton until 26 January 2017.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.6 SHIRE OBJECTION TO EXPLORATION LICENCE APPLICATION 47/2975 MADE ON BEHALF OF FMG PILBARA PTY LTD WITHIN THE PARABURDOO TOWNSHIP

FILE REFERENCE:	RD.MI.00.00 E47/2975
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	FMG Pilbara Pty Ltd
DATE REPORT WRITTEN:	29 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Administration recently received notification of an application under the Mining Act 1978 for Exploration Licence Application 47/2975 made on behalf of FMG Pilbara Pty Ltd that wholly includes the township of Paraburdoo. Any objections had to be lodged by 7 November 2013.

The Administration lodged an objection to Exploration Licence Application 47/2975 based on the grounds that the existing and future land use planning endeavours within the Paraburdoo locality will be significantly compromised by the issue of Exploration Licence Application 47/2975. The Wardens Court has acknowledged the Objection, which has been set for mention in the Wardens Court on 31 January 2014.

Council is requested to endorse the objection to Exploration Licence Application 47/2975 as lodged by the Administration and to authorise the Council's legal representatives to advise the Warden and Applicant that Council would be prepared to withdraw the objection provided the Paraburdoo townsite is removed or deleted from Exploration Licence Application 47/2975.

Background

The Administration recently received notification of an application under the Mining Act 1978 for Exploration Licence Application 47/2975 made on behalf of FMG Pilbara Pty Ltd that wholly includes the township of Paraburdoo. Any objections had to be lodged by 7 November 2013.

ATTACHMENT 14.6A

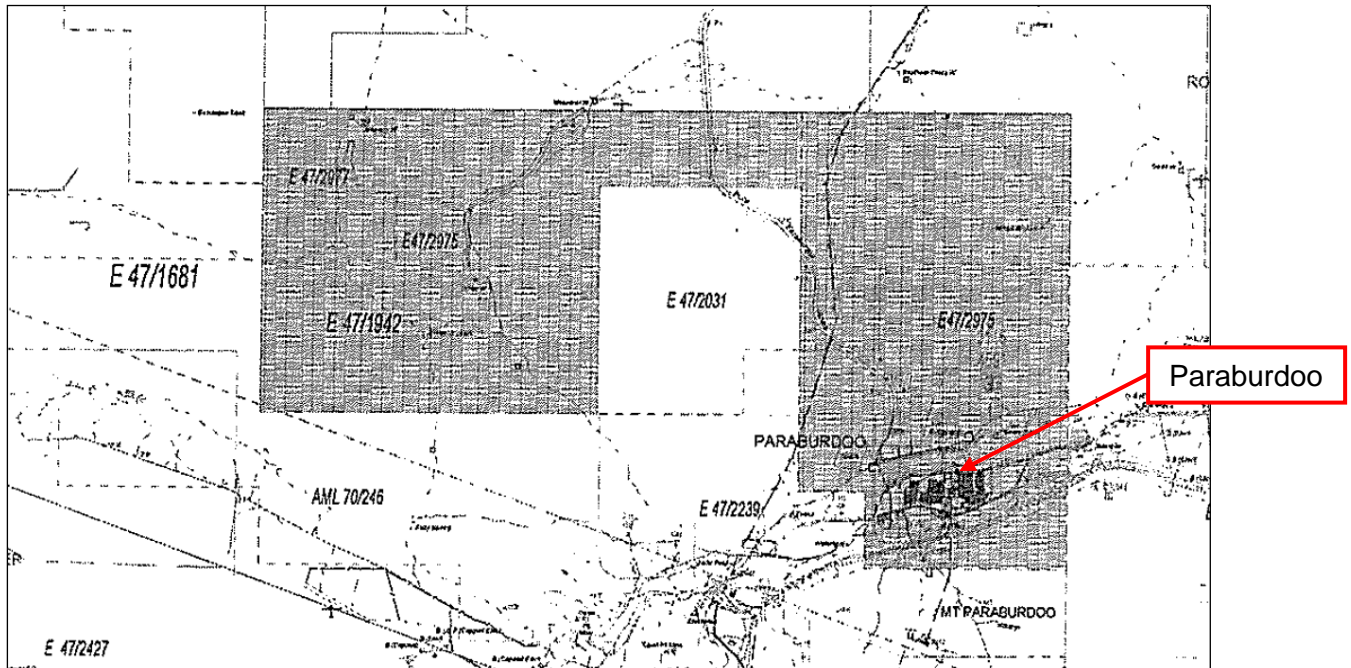
AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

Comment

The Administration lodged an objection to Exploration Licence Application 47/2975 based on the grounds that the existing and future land use planning endeavours within the Paraburadoo locality will be significantly compromised by the issue of Exploration Licence Application 47/2975. The Wardens Court has acknowledged the Objection which has been set for mention in the Wardens Court on 31 January 2014.

ATTACHMENT 14.6B

An extract of the Application as provided to the Shire clearly shows the extent of Exploration Licence Application 47/2975 and its coverage of Paraburadoo:



It is suggested that the objection should be withdrawn should FMG Pilbara amend the Application to delete the Paraburadoo townsite. Although this is not referred to in the objection, it could form part of the advice to the Warden and Applicant at the Mention Hearing on 31 January 2014.

Council is requested to endorse the objection to Exploration Licence Application 47/2975 as lodged by the Administration and to authorise the Council's legal representatives to advise the Warden and Applicant that Council would be prepared to withdraw the objection provided the Paraburadoo townsite is removed or deleted from Exploration Licence Application 47/2975.

Consultation

Chief Executive Officer

Exploration Licence Application 47/2975 would have been advertised under the Mining Act which normally refers to a notice published in the Western Australian Newspaper along with notification to the local government. The Administration understands that there has been no community consultation on the proposal.

Statutory Environment

Planning and Development Act 2005

Mining Act 1978

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Financial Implications

The Shire is currently responsible for the legal of costs of defending the matter before the Wardens court. Fees are currently covered within *Schedule 10 'Town Planning/Regional Development'* of the 2012/13 Budget which is a general line item.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 03 - Unique Heritage and Environment

Objective 01 - Flourishing Natural Environments

Objective 02 - Leading Regional Sustainability

Objective 03 - Celebration of History and Heritage

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

Policy Implications

In a policy sense, along with Exploration Licence Application 47/2975 in its current form is not in keeping with the strategic direction of the Shire as defined in the planning processes associated with the planning and development of Paraburdoo.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Note and endorse the objection to Exploration Licence Application 47/2975 lodged by the Administration (**ATTACHMENT 14.6B**).
2. Instruct the Council's legal representatives (Castledine Gregory Lawyers) to advise the Warden and Applicant that Council would be prepared to withdraw the objection provided the Paraburdoo townsite is removed or deleted from Exploration Licence Application 47/2975.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.7 SHIRE OBJECTION TO MISCELLANEOUS LICENCE APPLICATION 08/129 MADE ON BEHALF OF YARRI MINING PTY LTD WITHIN CLOSE PROXIMITY OF THE ONSLOW TOWNSHIP

FILE REFERENCE:	RD.MI.00.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Yarri Mining Pty Ltd
DATE REPORT WRITTEN:	29 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.8 (Minute: 11465) - Ordinary Meeting of Council 13 March 2013

Summary

The Administration received notification of an application under the Mining Act 1978 for Miscellaneous Licence Application 08/129 on land generally located within the Onslow Common and the Onslow Salt operations. It is understood that the Application is seeking to establish a 'road' within the Licence area.

At the Ordinary meeting on 13 March 2013, Council resolved to object to Yarri Mining Pty Ltd's Miscellaneous Licence Applications 08/109, 08/110, 08/111 & 08/112. Miscellaneous Licence 08/129 appears to relate directly to Miscellaneous Licence 08/112. Any objections had to be lodged by 22 October 2013.

The Administration has lodged an objection to Miscellaneous Licence Application 08/129, on behalf of the Council, based on the grounds that the existing and future land use planning endeavours within the Onslow locality will be significantly compromised by the issue Miscellaneous Licence 08/129.

Council is requested to endorse the actions of the Administration.

Background

At its Ordinary meeting of 13 March 2013, Council resolved to object to Yarri Mining Pty Ltd's Miscellaneous Licence Applications 08/109, 08/110, 08/111 & 08/112, which are generally located immediately south of the Onslow Township and within the waters off Onslow.



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

Miscellaneous Licence Applications 08/109, 08/110, 08/111 & 08/112 lacked any detailed information as to what is specifically proposed. However, through the Wardens Court process of exchange of documents, the Administration can confirm that the Applicant (Yarri Mining Pty Ltd) is seeking to establish a range of mining associated uses including pipeline, powerline, storage or transport facility for minerals, conveyor system, jetty and roads.

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

Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112 are now before the Wardens Court and Onslow Salt is a party to the objection. It is understood that the Mention hearing of the Wardens Court on 1 November, 2013 the Warden made the following orders:

1. *the matter be adjourned to a mention on 2 May 2014 with liberty to apply;*
2. *all existing orders be vacated; and*
3. *application L08/129 which had been listed for first mention on 13 December 2013 be grouped with L08/109-112, and also adjourned until 2 May 2014.*

The Administration received notification of an application under the Mining Act 1978 for Miscellaneous Licence 08/129 on land generally located within the Onslow Common and the Onslow Salt operations. It is understood that the Application is seeking to establish a 'road' within the Licence area.

ATTACHMENT 14.7A

Comment

The Administration has lodged an objection to Miscellaneous Licence Application 08/129, on behalf of the Shire, based on the grounds that the existing and future land use planning endeavours within the Onslow locality will be significantly compromised by the issue Miscellaneous Licence 08/129.

ATTACHMENT 14.7B

Council is requested to endorse the actions of the Administration.

Consultation

Chief Executive Officer

Miscellaneous Licence Application 08/129 would have been advertised under the Mining Act 1978 which normally refers to a notice published in the Western Australian Newspaper along with notification to the local government. The Administration understands that there has been no community consultation on the proposal.

Statutory Environment

Planning and Development Act 2005

Mining Act 1978

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

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

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

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Policy Implications

In a policy sense, along with Miscellaneous Licences 08/109, 08/110, 08/111 & 08/112, Miscellaneous Licence 08/129 is not in keeping with the strategic direction of the Shire as defined in the planning processes associated with the planning and development of Onslow.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Note and endorse the objection to Miscellaneous Licence 08/109 lodged by the Administration (**ATTACHMENT 14.7A**).

Author: Rob Paul	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.8 PLANNING APPLICATION - ADDITIONAL ACCOMMODATION FACILITIES PARABURDOO HOTEL LOT 622 MCRAE AVENUE PARABURDOO

FILE REFERENCE:	PA.MC.0622 13-18 20130262 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	TBB Town Planning Consultants Condor Enterprises WA Pty Ltd
DATE REPORT WRITTEN:	4 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda item 13.10.59 - Ordinary Meeting of Council 20 October 2010 Agenda item 13.08.32 - Ordinary Meeting of Council 19 August 2008 Agenda item 13.12.418 - Ordinary Meeting of Council 6 December 2005

Summary

Application for Planning Approval has been received from TBB Town Planning (for Condor Enterprises WA Pty Ltd) to construct additional accommodation facilities at the Paraburdoo Hotel/Motel on Lot 622 McRae Avenue, Paraburdoo. Currently the Paraburdoo Hotel/Motel comprises a public bar, hotel and 58 accommodation units.

Planning Approval for additions comprising 160 additional single storey accommodation rooms, as well as caravan and camping facilities was approved by Council in August 2008. Subsequent to this original 2008 approval, two extensions of planning approval time limit applications were approved – the first by Council in November 2010 and the second under delegation in August 2012. The August 2012 extension of time limit also slightly modified the Approval by staging the development of 40 single storey accommodation units and removing reference to the prohibition of transient workforce accommodation use from the Approval. The current Approval is valid until 10 August 2014.

The Planning Application before Council comprises the already approved 160 additional accommodation units (transportable buildings) but is different from previous approvals in that the first 48 to be constructed will be double storey transportable accommodation units (instead of single storey). The remaining 112 rooms will be constructed in future stages and shown on the submitted plans as single storey accommodation (but according to the Applicant, could be two storey which will require a separate Planning Approval). In relation to the 48 units, the Applicant is requesting that Council exercise its discretion not to impose a parking requirement for additional car parking spaces as required under the

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Scheme. The Applicant has calculated that 128 spaces exist on site which equates to parking for the existing 58 accommodation units and the 48 proposed units.

However, on this basis the parking calculation does not attribute any parking for the hotel/entertainment venue operations. The Applicant is accepting of a car parking requirement for the remaining stages of the development (the 112 rooms proposed subsequent to the initial 48 rooms).

Whilst no parking study has been made available with the Application, the observation of the Administration is that the Paraburdoo Hotel/Motel has rarely, if ever, resulted in an undersupply of on-site parking. However, it is noted that some areas of the existing parking is in a serious state of disrepair and lacks line marking. It is considered reasonable for Council to exercise its discretion and not require parking directly associated with the 48 units, however it should be a requirement that, prior to occupation of the 48 units, the parking for the Hotel/Motel be repaired and line marked.

Should Planning Approval issue, a condition should be included requiring overflow parking along with parking for the remaining stages of the development (the 112 rooms). Plans/elevations provided with the Application are not dimensioned or to scale and appear to be indicative only and will need to be addressed as a condition. It is recommended that conditional Planning Approval subject to the matters outlined in the Report.

In relation to the overall development of the site and the necessary parking requirements, it is clear that a parking study is required that addresses the overall need for parking on the site for the residential component of the hotel, motel and the licensed areas of the hotel. In this regard, a condition should be included in any Planning Approval that offers the opportunity for the Applicant to prepare a parking study to convince the Council that a lessening of parking space numbers is appropriate to the site and won't inhibit safety.

The Administration considers the two storey component of the development to be of a higher standard and more visibly pleasing than the development which has already been approved (and to which approval still remains valid).

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

Background

Lot 622 McRae Avenue, Paraburdoo has an area of approximately 2.800 m² and is occupied by the Paraburdoo Hotel/Motel. The development on site comprises a public bar, hotel and 58 accommodation units.

Paraburdoo was constructed as a company town for Hamersley Iron in 1970 to support mining operations for Greater Paraburdoo including the Paraburdoo, Channar and Eastern Range iron ore mine sites. Hamersley Iron initially constructed all facilities and infrastructure in the town and the company provided the resources and management necessary to operate the town. It is understood that the Paraburdoo Hotel/Motel was constructed around this time but in a limited form to that which exists on site today.

August 2008

Council approve 160 additional accommodation rooms to be contained in 40 transportable buildings.

It also included five caravan bays and camping areas along the sites McRae Street frontage. Plans submitted proposed to increase the number of on-site car parking spaces from 193 to 256 spaces. The approval was valid for 2 years.

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November 2010

Council grant an extension to the time limit for the previous approval until 22 August 2008 (additional 2 years). There were no changes to the approved plans.



Aerial Photo courtesy of TBB Town Planning

July 2012

The land owner requests that the Approval be extended for an additional two years. Also, the applicant requested that condition 'k' of the Approval be removed:

"k. The use of the site shall be in conformity with the Shire of Ashburton Town Planning Scheme, No 7, in so far as the use of the site, in total or part, shall not include its use for the purposes of transient workforce accommodation" as defined in Appendix 2 of the Scheme".

No objection to the request to extend the time of the Approval was seen. In relation to the request to remove condition 'k', the Shire Administration agreed that it has no relevance to the Approval as the power of the Scheme (and not the condition) would prevent the site being used for 'transient workforce accommodation'. The extension of time and modification to the Application was approved (under delegation) on 10 August 2012.

Proposal

Application for Planning Approval has been received from TBB Town Planning (for Condor Enterprises WA Pty Ltd) to construct additional accommodation facilities at the Paraburdoo Hotel/Motel on Lot 622 McRae Avenue, Paraburdoo. Currently the Paraburdoo Hotel/Motel comprises a public bar, hotel and 58 accommodation units. The Application before Council excludes the caravan bays as sough in an earlier Planning Approval (August 2008).

ATTACHMENT 14.8

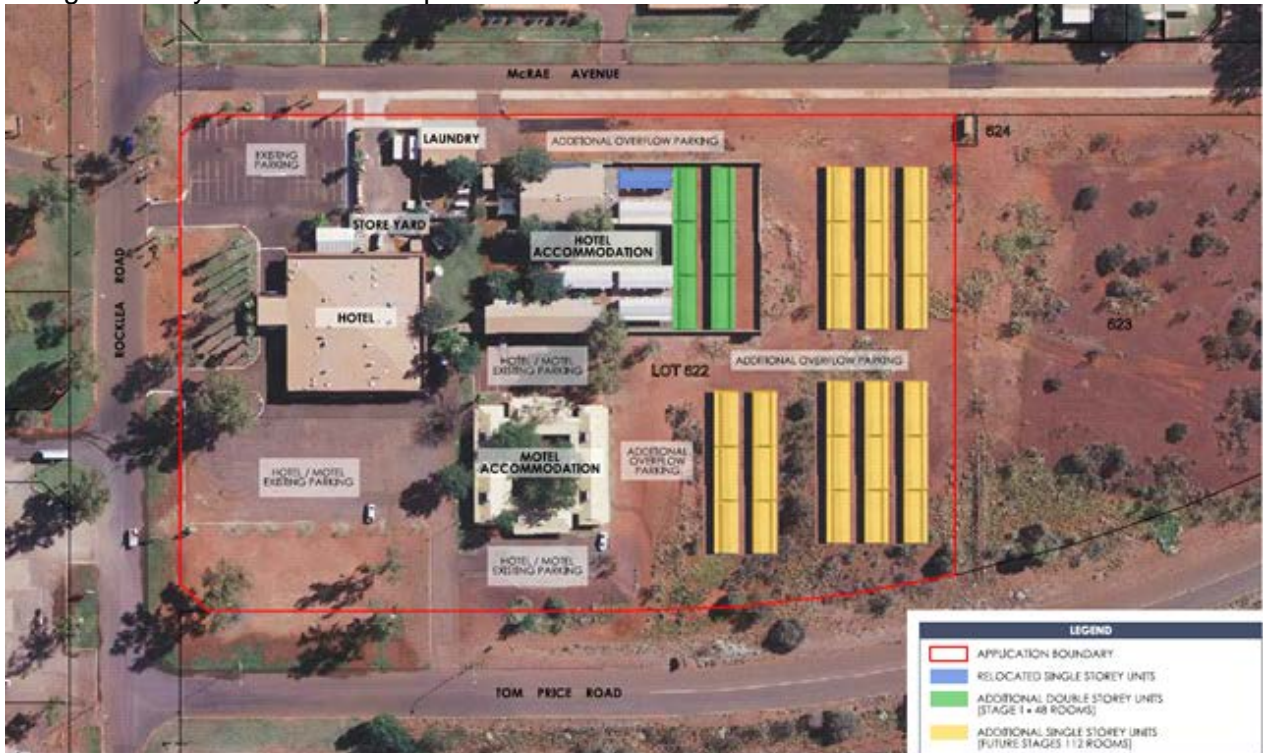
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In relation to the Applicant has advised as follows:

"I confirm that this request is to be treated as a new application for development approval for a total of 160 accommodation rooms, which is the same number of rooms previously approved by Council for the site and for which approval remains valid until 10 August 2014. I also confirm that the development will be constructed in stages, with Stage 1 proposed to comprise 48 rooms in a modular 2 storey configuration (12x 4 bed units). The remaining 112 rooms will be constructed in future stages and likely to also be in a modular 2 storey configuration (but may be single storey). The units will be setback 14m from McRae Ave, which is no closer than existing development on the site. I further confirm that approval to the use Transient Workers' Accommodation is not being sought under this application.

There are currently 128 car parking bays onsite with sufficient space also to accommodate additional overflow parking, if required. No additional car parking bays are required for the additional 48 rooms proposed in stage 1 as the Scheme's parking requirements have already been met. In this regard, Appendix 8 of the Scheme states that 1 bay is required per unit and 1 per 5 units for visitors and staff for the use/development hotel/motel. This equates to 127 bays required for the existing 58 rooms and 48 additional rooms in stage 1. It is noted that there is no separate car parking requirement for any other aspect of the existing development on site – only the hotel/motel use/development is specified in Appendix 8.

The general layout of the development is as follows:



Overall development based on August 2008 Planning Approval for 160 additional units

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It is acknowledged that Council may wish to impose a car parking requirement for the remaining stages of the development (the 112 rooms proposed subsequent to the initial 48 rooms). If such a condition is imposed, the applicant reserves the right to provide additional information, at a later date, to support a reduced parking requirement based on evidence produced through parking surveys to demonstrate that there is a lack of demand and there will be no resultant lowering of safety standards as a result. This may be submitted, in the future, as a request to amend the approval under Clause 5 of the Scheme and approve a variation to the car parking requirement under Clause 6.17.5, prior to constructing the remaining 112 rooms."



For the staged development comprising the 48 two story units (only)

Comment

The application is to be determined in accordance with the provisions of Part 5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). The following clauses provided for in the Scheme are relevant:

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

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The subject site is zoned 'Commercial and Civic' under the Scheme and a hotel and motel are identified as being a 'D' uses, meaning a use that is not permitted unless discretion is exercised by granting planning approval.

'Commercial and Civic' zone:

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

"6.10 Commercial Zones

- 6.10.1 *Development in the Commercial and Civic and Tourism Zones should be generally in accordance with the strategic statements contained in the Scheme Report, or strategic statements contained in the Scheme Report, or policy in the policy manual.*
- 6.10.2 *In the absence of strategic or policy statements for land within the zones referred to in subclause 6.10.1 Local Government, when considering a planning application, shall take into account other matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures."*

With respect to transportable buildings, Clause 6.15 of the Scheme states:

"6.15 Transportable Structures

- 6.15.1 *When considering planning applications which include transportable buildings and structures Local Government shall have regard for:*
- (a) whether the structure is to be permanent or temporary,*
 - (b) the location and design of the structure in relation to surrounding structures and other physical features,*
 - (c) the footings or other methods of stabilising the structure, and*
 - (d) proposed landscaping to be associated with the structure.*
- 6.15.2 *Local Government may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.*
- 6.15.3 *Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures."*

Particular regard should be given to 6.15(b) and 6.15(d). In the case of the first sub clause it is noted that the proposed structures are to be located in the centre of the site and will largely be screened from view by existing structures and a proposed fence. Further, a relevant fact in relation to sub clause 6.15(d) is the proposal to undertake landscaping beyond the fence perimeter

Key Planning Issues

The Planning Application before Council comprises the already approved 160 additional accommodation units but is different from previous approvals in that the first 48 to be constructed will be double storey transportable accommodation units (instead of single storey). The remaining 112 rooms will be constructed in future stages and shown on the submitted plans as single storey accommodation (but according to the Applicant, could be two storey which will require a separate Planning Approval).

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In relation to the 48 units, the Applicant is requesting that Council exercise its discretion not to impose a parking requirement for additional car parking spaces as required under the Scheme.

The Applicant has calculated that 128 spaces exist on site which equates to parking for the existing 58 accommodation units and the 48 proposed units. However, on this basis the parking calculation does not attribute any parking for the hotel/entertainment venue operations. The Applicant is accepting of a car parking requirement for the remaining stages of the development (the 112 rooms proposed subsequent to the initial 48 rooms).

Appendix 8 of the Scheme states that 1 bay is required per unit and 1 per 5 units for visitors and staff for the use/development hotel/motel. Car parking is also required for the licenced hotel use.

Whilst no parking study has been made available with the Application, the observation of the Shire Administration is that the Paraburdoo Hotel/Motel has rarely, if ever, resulted in an undersupply of on-site parking. However, it is noted that some areas of the existing parking is in a serious state of disrepair and lacks line marking.

It is considered reasonable for Council to exercise its discretion and not require parking directly associated with the 48 units, however it should be a requirement that, prior to occupation of the 48 units, the parking for the Hotel/Motel be repaired and line marked.

Should Planning Approval issue, a condition should be included requiring overflow parking along with parking for the remaining stages of the development (the 112 rooms). Plans/elevations provided with the Application are not dimensioned or to scale and appear to be indicative only and will need to be addressed as a condition.

In relation to the overall development of the site and the necessary parking requirements, it is clear that a parking study is required that addresses the overall need for parking on the site for the residential component of the hotel, motel and the licensed areas of the hotel.

In this regard, a condition should be included in any Planning Approval that defines the parking needs for the development of the remaining 112 beds in accordance with the Scheme but which also offers the opportunity for the Applicant to prepare a parking study to convince the Council that a lessening of parking space numbers is appropriate to the site and won't inhibit safety.

Importantly, the Administration considers the proposal including the two storey component of the development to be of a higher standard and more visibly pleasing than the development which has already been approved (and to which approval still remains valid).

It is recommended that conditional Planning Approval subject to the matters outlined in the Report. In relation to the recommended conditions, the draft Planning Approval acknowledges the staging of the development by creating two distinct components:

- Staged development comprising the 48 bed two story units (only); and
- Development for the remaining 112 additional beds.

Consultation

Chief Executive Officer

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')

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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. **APPROVE** Planning Application Shire Ref: 20130262(P) for 160 additional motel accommodation units (transportable buildings) comprising the staged development of 48 two story units and 112 single storey units at Lot 622 McRae Avenue, Paraburdoo generally in accordance with plans as provided in **ATTACHMENT 14.8** to the Administration 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. This Planning Approval lapses if the development is not substantially commenced by 20 November 2015.
2. Prior to commencement of any development plans shall be prepared to the requirements of the responsible authority as follows:
 - i. An overall dimensioned plan showing setbacks from existing buildings and boundaries along with elevations and all drawn to scale depicting the staging of the 160 units along with indicative parking areas.

STAGED DEVELOPMENT COMPRISING THE 48 BED TWO STORY UNITS (ONLY):

3. The development is to be modified to the requirements of the Shire as follows:
 - i. Prior to commencement of the development for the staged development comprising the 48 bed two story units (only);
 - a. An overall dimensioned plan showing setbacks from existing buildings and boundaries along with elevations and all drawn to scale;
 - b. An overflow parking area capable of carrying not less than 20 cars;
 - c. Parking/access designed in accordance with the provisions of the Scheme and reversing areas designed to avoid building structures;

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

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4. Prior to commencement of the 48 bed two story units development (or any part thereof) the following matters shall be submitted to the requirements and approval of the Shire:
 - 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. All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the responsible authority. Plans must be submitted showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.
 - iii. A landscape plan shall be prepared and include:
 - a) Species of all significant trees to be removed, retained and/or relocated;
 - b) Location and type of fencing to be installed;
 - c) A plant schedule nominating the location and type of proposed trees, shrubs and lawns;
 - d) Type of reticulation to be installed; and
 - e) Type of paving to be installed.

The Plan shall identify and include any adjoining road verges.
 - iv. A schedule of colours, textures and materials of the proposed development.
 - v. A Construction Management Plan shall be prepared and address:
 - a) Noise;
 - b) Hours of construction;
 - c) Traffic management;
 - d) Parking management;
 - e) Access management;
 - f) Management of loading and unloading of goods;
 - g) Heavy vehicle access;
 - h) Dust;
 - i) Protection of trees identified for retention; and
 - j) Any other relevant matters.

The requirements of this plan are to be observed at all times during the construction process.
5. Prior to occupation of the 48 bed two story units development (or any part thereof) the following shall be undertaken to the requirements of the Shire where once approved, the arrangements will be endorsed to this Planning Approval:
 - i. Connection to a reticulated water supply and sewerage system.
 - ii. The landscaping and reticulation as identified in Condition 0 is to be established in accordance with the approved plan(s) and thereafter maintained to the satisfaction of the responsible authority.

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- iii. Measures to achieve additional car parking on-site due to changes in management arrangements and should the Shire determine that the actual demand exceeds the expected demand for car parking as provided for on the approved plans.
6. Prior to occupation of the 48 bed two story units development (or any part thereof) the following shall be undertaken to the requirements of the Shire where once approved, the arrangements will be endorsed to this Planning Approval:
 - i. The provision on-site of not less than 128 car bays, driveway(s) and point(s) of ingress and egress [including crossover(s)] to be designed, constructed, re-sealed, drained, re-line marked and thereafter maintained.
7. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy, the Health Act 1911, the Building Code of Australia, the Western Australian Fire Board Regulations and the Shire of Ashburton Local Laws.

DEVELOPMENT FOR THE REMAINING 112 ADDITIONAL BEDS:

8. The development is to be modified to the requirements of the Shire as follows:
 - i. Prior to commencement of the development for the remaining 112 additional beds:
 - a. An overall dimensioned plan showing setbacks from existing buildings and boundaries along with elevations and all drawn to scale;
 - b. Parking/access designed in accordance with the provisions of the Scheme and conditions 11 and/or 12 with reversing areas designed to avoid building structures;

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

9. Prior to commencement of the remaining 112 additional beds development (or any part thereof) the following matters shall be submitted to the requirements and approval of the Shire:
 - 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. All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the responsible authority. Plans must be submitted showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.
 - iii. A landscape plan shall be prepared and include:

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- a) Species of all significant trees to be removed, retained and/or relocated;
- b) Location and type of fencing to be installed;
- c) A plant schedule nominating the location and type of proposed trees, shrubs and lawns;
- d) Type of reticulation to be installed; and
- e) Type of paving to be installed.

The Plan shall identify and include any adjoining road verges.

iv. A schedule of colours, textures and materials of the proposed development.

v. A Construction Management Plan shall be prepared and address:

- a) Noise;
- b) Hours of construction;
- c) Traffic management;
- d) Parking management;
- e) Access management;
- f) Management of loading and unloading of goods;
- g) Heavy vehicle access;
- h) Dust;
- i) Protection of trees identified for retention; and
- j) Any other relevant matters.

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

10. Prior to occupation of the remaining 112 additional beds development (or any part thereof) the following shall be undertaken to the requirements of the Shire where once approved, the arrangements will be endorsed to this Planning Approval:
- i. Connection to a reticulated water supply and sewerage system.
 - ii. The landscaping and reticulation as identified in Condition 0 is to be established in accordance with the approved plan(s) and thereafter maintained to the satisfaction of the responsible authority.
 - iii. Measures to achieve additional car parking on-site due to changes in management arrangements and should the Shire determine that the actual demand exceeds the expected demand for car parking as provided for on the approved plans.
11. Prior to occupation of the remaining 112 additional beds development (or any part thereof) the following shall be undertaken to the requirements of the Shire where once approved, the arrangements will be endorsed to this Planning Approval:
- i. total carparking for accommodation units reflecting 192 spaces; and
 - ii. parking associated with the licenced hotel comprising, in relation to areas designed to serve food and/or beverages on per four persons to be accommodated by the design of these areas.
12. In relation to Condition 11 (i) and (ii), the parking requirements may be reduced where additional information in the form of a parking study is prepared to the satisfaction of the Shire that addresses:

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- i. parking demand based on thorough parking surveys;
 - ii. demonstrates actual and anticipated parking demand;
 - iii. concludes the number of spaces required; and
 - iv. that such a lessening of parking bays will not result in a lowering of safety standards as a result...
13. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy, the Health Act 1911, the Building Code of Australia, the Western Australian Fire Board Regulations and the Shire of Ashburton Local Laws.

Advice Notes

- i. It is noted that some areas of the existing parking is in a serious state of disrepair and lacks line marking. The Council has exercised its discretion and not require parking directly associated with the 48 units, however it should be a requirement that, prior to occupation of the 48 units, the parking for the Hotel/Motel be repaired and line marked.
- 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: Neil Hartley	Signature:

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14.9 PLANNING APPLICATION - GROUP DWELLING (TWO DOUBLE STOREY DWELLINGS) AT LOT 475 PATTERSON PLACE ONSLOW

FILE REFERENCE:	ON.PT.0475.00 13-2
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Brett Wilson John Devereux
DATE REPORT WRITTEN:	7 November 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 475 Patterson Place, Onslow which has an area of 809m². The land is zoned Residential R12.5/30. The application comprises a group dwelling development with two double storey dwellings.

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 can be addressed through highlight bedroom windows and privacy screening.

The subject land is included in the expansion of the Onslow Coastal Hazard Special Control Area as provided for in draft Amendment No. 24 to the Planning Scheme. Draft Amendment No. 24 has been adopted by the Council for the final approval and is with the Minister for Planning for determination.

Accordingly, it considered to be a 'seriously entertained planning instrument' and although no a statutory requirement it is a matter for Council to consider in its deliberations. The Applicant provided the minimum floor height of habitable rooms for the development at 7mAHD (the ground floor level is 3.9mAHD which reflects the requirement of Amendment No 24. This is considered to be a positive outcome and should be supported by Council.

It is recommended that conditional Planning Approval be issued.

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Background

The subject site comprises Lot 475 Patterson Place, Onslow which has an area of 809m² and is vacant. The site is serviced with underground power, sewer and water. The lot is currently developed with workshops and dwelling. The site slopes from the rear to the road. The adjoining is occupied for residential purpose whilst opposite the site is the Onslow Oval.



Aerial photos courtesy of Land Gate: It should be noted that although the aerial photo depicts a dwelling on site, a Demolition Permit was issued for the removal for the dwelling on 9 May 2013. The dwelling has since been removed (note photo on next page)

Proposal

The application comprises a group dwelling development with two double storey dwellings. The dwellings are to be provided with external private recreational areas with no central open space sought. Access for unit 1 is directly from Patterson Place with Unit 2 having access via an internal driveway sited on the eastern side of the lot. Two car parking spaces for the new dwelling are provided in the undercroft area.

The additional dwelling provides a first floor finished floor level of 5.9m AHD with laundry, bathroom and store/workshop at ground level (4m AHD).



Lot 475 Patterson Place, Onslow

Comment

The site is zoned Residential R12.5/30 under the *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')*.

Clause 6.5 of the Scheme stipulates that the Residential Design Codes are applicable. Clause 6.6 'Special Application of the Residential Planning Codes' states:

6.6.1 Split coding of R12.5/R30 applies to existing and future development areas. The higher density is applied when connection to reticulated sewerage is available.

Sewer is available to the land and therefore, the R 30 Coding is applicable.

With respect to Clause 5.9 'Matters to be Considered' of the *Scheme*, the following matters are considered relevant:

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

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,*
- (c) any approved Statement of Planning Policy of the Commission,*

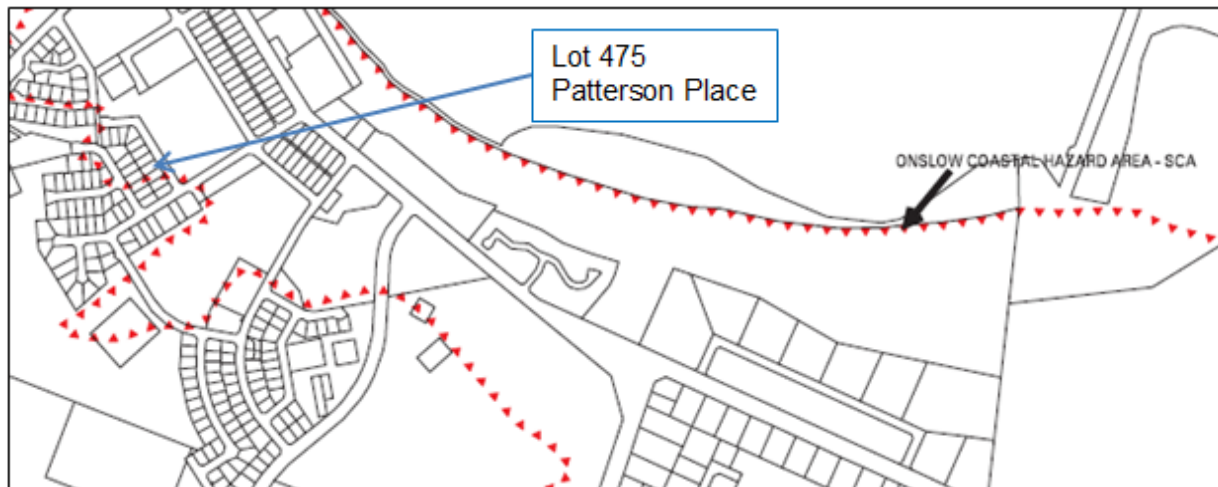
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- (d) *any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,*
- (e) *any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,*
- (g) *the conservation and management of the natural environment including:*
 - (ii) *likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena,*
- (h) *the capacity of the site and surrounding locality to support the development including:*
 - (i) *access, egress, unloading, manoeuvring and parking of vehicles*
 - (ii) *traffic generated from the development*
 - (iii) *need for public transport services*
 - (iv) *public and utility infrastructure and community services*
 - (v) *whether adequate provision has been made for access for pedestrians, cyclists and disabled persons*
 - (vi) *impact of the development on the amenity of the locality*
 - (v) *any relevant submissions or objections received or sought on the application.*
 - (vi) *any other planning consideration that Local Government considers relevant,*
- (i) *any local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 6.14, and any other plan or guideline adopted by the Local Government under the Scheme,*
- (l) *the compatibility of a use or development with its setting,*
- (m) *any social issues that have an effect on the amenity of the locality,*
- (o) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment,*
- (p) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk,*
- (s) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal,*
- (v) *any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6,*
- (w) *any relevant submissions or objections received or sought on the application, and*
- (x) *any other planning consideration that Local Government considers relevant.”*

The subject land is included in the expansion of the Onslow Coastal Hazard Special Control Area as provided for in draft Amendment No. 24 to the Planning Scheme. Draft Amendment

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No. 24 has been adopted by the Council for the final approval and is with the Minister for Planning for determination. Accordingly, it considered to be a 'seriously entertained planning instrument' and although no a statutory requirement it is a matter for Council to consider in its deliberations.



Extract of Amendment No. 24 Map showing Lot 475 and the expanded Onslow Coastal Hazard Special Control Area

After preliminary discussions with Shire staff, the Applicant provided the minimum floor height of habitable rooms for the development at 5.9mAHD which reflects the requirement of Amendment No 24. This is considered to be a positive outcome and should be supported by Council.

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.

Specifically, the development does not comply with the following areas of the RCodes as follows:

5.4.1 Visual privacy

Site	Location	Required (m distance)	Provided (m distance)	Complies
Unit 1	South side of building:	3.2m	2m	No
Unit 1	South side of building: Meals Window (First Floor)	6m	3.3m	No
Unit 1	South side of building: Bedroom Windows (First Floor)	4.5m	2.0 m	No
Unit 2	Unenclosed outdoor active habitable	7.5m	3.0m	No

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	spaces			
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Comment on RCode 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 generally from Unit 1 over unit 2. To reduce the impact of overlooking in to the private recreation area of Unit 2 it is appropriate that highlight windows be installed.

In relation to the ‘*unenclosed outdoor active habitable spaces*’ being 3m instead of 7.5m, the development is considered to be low density with adequate open space available through the balcony area and with the provided building setbacks. The applicant has provided partial permanent screens to limit over looking to the adjoining property. The only modification proposed by the Shire is that the screens be provided from (upper) floor level to ceiling to ensure overlooking cannot be established.

Accordingly, it is recommended that flexibility be provided to the Applicant to accept a lesser setback of 3m instead of 7.5m for ‘*unenclosed outdoor active habitable spaces*’ as the difference will not impact residential occupancy of the development.

Carparking and Access

RCodes require two spaces per dwelling. Two car parking spaces for each dwelling are provided in the under croft area as per the RCodes.

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

Clause 6.7.2 of the Scheme requires 4m² stores for all dwellings. As reflected in the Application, both dwellings have storage in excess of the 4m².

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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

Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 13-2) for group dwellings (two double storey dwellings) at 475 Patterson Place, Onslow generally in accordance with plans as provided in **ATTACHMENT 14.9** to the Administration 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. highlight windows for the bedrooms on the southern side of Unit 1;
 - ii. highlight window for the meals area on the southern side of Unit 1; and
 - iii. permanent screen from (upper) floor level to ceiling of the eastern side of the balcony area of Unit 2;

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

3. This Planning Approval lapses if the development is not substantially commenced by 20 November 2017.
4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
 - i. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.
 - iii. As part of the Stormwater Management Plan the following matters to be addressed:
 - (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
 - (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
 - iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.
 - v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
 - a) the location and type of fencing to be installed;
 - 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.

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

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

- 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. 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.
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Water Corporation.

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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."*

Advice Notes

- iv. Consent from the Shire of Ashburton will be required for construction of crossovers.
- v. 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).
- vi. 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: Neil Hartley	Signature:

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14.10 PLANNING APPLICATION - ADDITIONAL FOR COMMUNITY USE (VSWANS YOUTH ACTIVITY CENTRE), RESERVE 22611, LOT 302 (No. 55) SECOND AVENUE ONSLOW

FILE REFERENCE:	ON.SE.302 13-8
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	State of Western Australia (Lease to Shire of Ashburton) Swan Districts Football Club (VSwans)
DATE REPORT WRITTEN:	4 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.1 (Minute: 11562) - Ordinary Meeting of Council 5 June 2013 Agenda Item 16.2 (Minute No: 11162) - Ordinary Meeting of Council 20 March 2012 Agenda Item 15.3 (Minute: 11129) - Ordinary Meeting of Council 14 February 2012 Agenda Item 12.1 (Minute: 11098) - Ordinary Meeting of Council 13 December 2011

Summary

Application for Planning Approval has been received from Swan Districts Football Club (VSwans) to use the existing building on Reserve 22611, Lot 302 Second Avenue Onslow for community use (VSwans youth activity centre).

The Application was advertised and one (1) objection was received along with four (4) submissions that either support or don't object to the proposal. The submissions are addressed as a Schedule to this Report.

The Application raises matters generally associated with management arrangements and it is considered that these can be adequately addressed as conditions of Planning Approval.

Although it is recommended that Planning Approval issue, it is conditional that the Approval be restricted to VSwans and not transferred without the consent of Council.

Background

The site of the proposed Onslow VSwans Youth Activity Centre is located at 55 (lot 302) Second Avenue, Onslow. The existing site area is 1011m² having a front boundary of 20.11m and a side boundary of 50.29m. The site is located on the main street of the Onslow Town Centre. It is flanked by Lot 100 to the north-west and Lot 102 to the south-east. Both adjoining lots contain residential buildings that are used for commercial purposes.

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The site has existing driveway access to the northern corner and access from the rear of the block on an un-paved right-of-way. There are double gates to both the right-of-way and street.

The site is fully fenced with a mixture of 1.8m high steel mesh and sheet steel fencing with extensions to 2.3m barbed wire strands. The boundary to lot 102 has extensive screening vegetation up to 2.4m. There are two existing large trees, centrally located on the boundary of lot 100. The front boundary has a number of large trees and dense vegetation. The existing building is located at the rear of the site, approximately 1.2m from the rear boundary, 6.5m from the boundary with lot 100 and approximately 4.0 and 7.5m from the boundary of lot 102.

Approximately 600m² of the site is undeveloped land. The site is serviced by sewer, power, water and telephone from the right-of-way.

The existing building was constructed in c1950 as a power generation building and is essentially of an industrial nature. It has an area of approximately 120m² with steel (railway line) frame and roof truss structure and is clad in painted corrugated steel with a concrete floor. It is gable-roofed with a skillion porch/store on the western rear corner.



The site is Reserve No.22611 under Management Order, vested in the Department for Community Development for the purpose of 'recreation and community centre'.

The management order contains conditions to be observed, with power to lease for any term, subject to the consent of the Minister for Lands.

The site has been leased by Department for Community Development to the Shire of Ashburton. The Council has initiated a process by which the Minister for Lands allows Council to lease the site (and building) to Swan Districts Football Club for the purpose of "Youth Drop-in Centre and Administration Office for V Swans". VSwans would only be able to occupy the building once the lease arrangements have the Minister's approval.

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It should be noted that the Administration initially was of the understanding that the building had been listed by the Heritage Council. This has been confirmed that it is not the case although it is included on the State Heritage Office database (Place no. 19007). The State Heritage Office assessed the place in September 2010 under the requirements of the Government Heritage Property Disposal Process.

June 1989

The Administration writes to the Department of Community Services advising of complaints from residents concerning noise and bad language emanating from the use of the building as a Youth Drop-in Centre.

It would appear from Administration records that the Drop-in centre ceased operating in or around 1989.

December 2011

The Hon. Vince Catania MLA approached the Department of Regional Development and Lands (RDL) requesting that RDL lease the building on Lot 302 Second Ave to the Shire of Ashburton to enable Swan Districts Football Club (VSwans) Community Service Provider to operate from the building. VSwans propose to run a Youth and Drop in Centre from the building.

The Administration had discussions with VSwans regarding their intent and the proposed way forward. On reviewing the matter the Shire is proposing that Council further explores the options and enters into more formal negotiations with the local Member Vince Catania MLA and VSwans to ensure the best outcomes for the community

At the 14 December 2011 Ordinary meeting, Council resolved as follows:

(That Council requests the Chief Executive Officer to prepare a report on whether the building at Lot 302 Second Ave Onslow complies with the standards required to operate as a Youth Centre (i.e. Option 1) which from the Administration Report comprised as follows:

“Option 1 –

The Shire sub leases as initially proposed by RDL to VSwans. In entering into an agreement with VSwans it is noted that the Shire is prepared to lease this property until such time as the new Youth Centre is complete and operational, at which time the location of VSwans services can be renegotiated. The building requires significant repairs and upgrades to be operational the Shire is not liable for any of this and planning approvals must be obtained as per usual Shire process.”

February 2012

In response to the 14 December 2011 Council decision, the matter was referred to the Ordinary meeting of 15 February 2012 where Council resolved as follows:

“That Council:

- 1. Request the Chief Executive Officer to advise the Department of Regional Development and Lands (RDL) and VSwans that:*
 - a) The Shire it does not wish to lease Lot 302 Second Avenue, Onslow.*
 - b) That in reaching the decision not to lease, the Shire undertook an inspection of the building and concluded that it is not a suitable standard to enable it to be used a Community Facility (Youth Drop-In Centre). For it*

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potentially be considered appropriate for such use, the following minimum improvements would be necessary to take it to a suitable standard:

- *review and possible replacement of all utilities to the building, especially electricity supplies;*
 - *gantries removed;*
 - *upgrading of existing toilets and installation of a disabled toilet;*
 - *assessment of potential contamination;*
 - *installation of an emergency exit at the rear of the building; and*
 - *installation of parking bays to comply with planning requirements.*
- c) *Matters that would also need to be taken into account to make the building comfortable would include (but not limited to):*
- *energy efficiency improvements of the building;*
 - *lining and insulation of walls;*
 - *adequate lighting; and*
 - *installation of appropriate air-conditioning.*
- d) *In addition to b) and c) above (which are not exhaustive assessments), Planning Approval, Building Licence and possibly Health approval from the Shire would be necessary. Approval from Heritage Council may also be required. By way of information, Planning Approval may not be a straight forward matter due to the concerns raised by neighbours in 1988 when the unauthorized use of the building as 'Youth Drop-In Centre' was undertaken. It is likely that for any approval to issue, a limit of hours of use would need to be considered to ensure that no unreasonable impact on neighbours would occur.*
- e) *Council would not object to VSwans obtaining a direct lease (from RDL), however the improvements referred to b) and c) along with statutory approvals in d) would need to be obtained before the commencement of the use."*

March 2012

In March 2012 the Shire President requested a further agenda item to bring forward new information that addressed the concerns raised in the February report. This new information included VSwans not being able to lease directly from RDL, and information that VSwans had secured funding from Lottery West to cover the costs of upgrades to the building.

Council subsequently resolved to direct the Chief Executive Officer to enter into negotiations with RDL to lease Lot 302 Second Ave and to negotiate a sub-lease of that lot to VSwans for the purpose of a youth drop-in center, with VSwans being responsible for all costs associated with planning approvals and restoring the building to meet Australian Standards.

June 2013

At the Ordinary meeting of 5 June 2013 Council considered the need or a review of the lease arrangements for the site and resolved as follows:

"That Council:

1. *Accepts the Lease agreement, for a maximum of 3 years with a 2 year option, for a fee of \$550.00 per annum (subject to increases by the State Land Services) for*

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VSwans over Reserve 22611 (Lot 302 Second Avenue, Onslow) as per ATTACHMENT 15.1B.

2. Authorise the Commissioner and the A/Chief Executive Officer to affix the common seal of the Shire of Ashburton to the documentation.
3. Direct the A/Chief Executive Officer to forward the lease to the Minister for Regional Development and Lands for final approval.”

Proposal

Application for Planning Approval has been received from Swan Districts Football Club (VSwans) to use the existing building on Reserve 22611, Lot 302 Second Avenue Onslow for community use (VSwans youth activity centre). VSwans advise that the centre would only operate when there is staff supervision. As part of the intended management arrangements, VSwans advise as follows:

“Policies and Procedures

Policies and Procedures are being researched and community stakeholders will be consulted before put in place. They will reflect best practice, be suitable for the area, and establish an environment that best protects the safety and amenity of all involved.

Code of Conduct/Behaviour Expectations

Behavioural expectations will align with Onslow School’s PBS (Positive Behaviour System) to ensure clarity and continuation of behavioural guidelines for the youth. These expectations – Be Safe; Be Respectful, Be Caring; and Be Your Best – will be unpacked and taught at school, and can be carried over to the community, particularly with V Swans affiliation with both in-school and after-school environments.

Hours of Operation

Youth Hours:

- 2:30pm – 6:30 pm on school days
- 12pm – 5 pm on weekends (subject to staff availability)

Other Potential Daytime Uses (prior to youth hours)

- Office space for V Swans
- Meeting/Information space for Community Service Providers
- External Education Area

Proposed Purpose

The primary use of the Youth Centre will be to have a safe and supervised place for the youth to spend time with friends and mentors – a space they can have ownership of in town. It will also be a place they can associate with interactive learning, arts, sports and technology as we are able to provide equipment and programming to develop these areas. The Youth Activity Centre will be a place of value to the community, where Onslow’s young people can develop a sense of identity and pride, learn resilience and leadership, and have a positive outlet to direct their energies.

In addition to this, V Swans look to utilize the centre to deliver further:

- Access to health information and services
- Additional Life Skills programming
- Support of Juvenile Justice initiatives
- External education programming
- Communication channels for community service providers.”

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In addition, VSwans propose an extensive upgrade of the building that includes the following:

- Remove and relocate front boundary fence to form enclosure to both sides of the building
- Re-grade driveway and form parking area (1 x disabled bay, 2 x vehicle bays) inside the front boundary
- Form pathway access from parking area to building
- Upgrade fencing on boundary to Lot 102 adjacent to concrete paved area
- Remove undergrowth from landscape adjoining front boundary to improve visibility and safety
- Form new compliant building entry visible from Second Avenue and extend roof of existing ablution to provide covered porch
- Construct new walls and ceiling in 6-star rated SIPS (Structurally Insulated Panel System) to the interior of the existing structure to form a flexible open-plan space
- Replace the existing fixed windows with new double-glazed fixed and awning windows
- Provide new compliant exit door to existing kitchen area
- Construct new steel framed pergola system over concrete paved area adjacent to Lot 102
- New electrical switchboard, power, lighting (including emergency) and fittings
- Provide data services
- Provide 2 x 14Kw split system air-conditioning systems
- Upgrade existing kitchen
- Upgrade existing toilets

The proposed works will provide:

- A durable and adaptive fit-out that will suit the proposed use as a Youth Activity Centre
- Significant private and community investment in a community facility
- Highly economic fit-out to provide maximum community benefit
- Flexible, multi-purpose internal space suitable for a range of uses
- Adaptive re-use and conservation of a building that may be of local heritage significance
- Substantially improved building and site condition
- Substantially increased thermal performance (above 6-star rating)
- Substantially increased acoustic performance
- Street identity and visible entry
- Increased security provision

ATTACHMENT 14.10A

Comment

The application is to be determined in accordance with the provisions of Part 5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). The following clauses provided for in the Scheme are relevant:

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

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The subject site is zoned 'Commercial and Civic' and is located within a special control area: 'Onslow Coastal Hazard Area Special Control Area'. Under the Scheme and within the Onslow Coastal Hazard Area Special Control Area where community use is defined as a 'D' use, meaning a use that is not permitted unless discretion is exercised by granting planning approval.

However, although advertising of the Application was not required, due to the past concerns from the operation of the building for 'community use', it was considered necessary to advertise the Application for comment.

One (1) objection was received along with four (4) submissions that either support or don't object to the proposal. These are discussed in **ATTACHMENT 14.10B** 'Schedule of Submissions'.

Under the Scheme, community use is defined as follows:

"land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit."

'Commercial and Civic' zone:

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

"6.10 Commercial Zones

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

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

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

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

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

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

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

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

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

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

Key Planning Issues

The Application generates both strategic and site specific matters that need to be addressed which includes:

- *Flood and Storm Surge;*
- *Car Parking and access;*
- *Potential impact on amenity; and*
- *Design review.*

The key planning issues areas are as follows.

Flood and Storm Surge

The use and the building works proposed do not appear to be limited by the requirements of Clause 7.3.8 of the Scheme. However, should Planning Approval issue, the Council would be obliged to include reference to the endorsement required under Clause 7.3.8 (e).

Car Parking and access

Under the Scheme, Appendix 9 defines the car parking requirements for particular uses. With respect to ‘community use’, the Scheme states that parking is at the “... *Local Government’s discretion*”.

The Council does not have a specific policy on parking for ‘Community Use’ (or similar) and therefore the parking would relate to the individual circumstances of the proposed use. In this case, the Applicant has sought to develop six car parking spaces within the front setback. Given that main users of the centre are likely to be persons under the legal driving age, it would seem that three (3) spaces (including a disabled bay) would reasonably cater for likely staff numbers but not for visitors (unless they utilised the dialled bay).

There is scope within the site for an additional bay and it is considered that the oval parking be four (4) bays. It is considered reasonable that the parking in this instance be gravel seal rather than concrete or bitumen seal due to the anticipated light vehicle usage.

Potential impact on amenity

As seen with the past ‘informal’ use of the site for a youth-drop in centre, there is significant scope for a community use as proposed to have a negative impact on neighbours and the neighbourhood. It is suggested that the predominant factor in such uses is management and responsible control of the centre and the users of the centre. VSwans have been provided with

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letters of support from the local police, primary school and the Shire's Onslow Community Services Manager on the basis of VSwans ability to run such centres.

Given the importance of management, it is reasonable for the Council to issue any planning approval to be personal to VSwans and the approval only to be transferable to another manager where the consent of Council is given.

Design review

From the plans submitted with the Application and the commitment from VSwans to undertake the necessary building improvements, it is considered that the proposed upgrades are consistent with the age and features of the building and will ensure that the building is modified to adapt to the purpose of 'community use'.

Conclusions

The Application raises matters generally associated with management arrangements and it is considered that these can be adequately addressed as conditions of Planning Approval. Although it is recommended that Planning Approval issue, it is conditional that the Approval be restricted to VSwans and not transferred without the consent of Council.

Consultation

Chief Executive Officer

Public Consultation

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

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

At the end of the advertising period, one (1) objection was received along with four (4) submissions that either support or don't object to the proposal. These are discussed in **ATTACHMENT 14.10B** 'Schedule of Submissions'.

Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community 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. Acknowledge the submissions lodged in relation to the Application as provided in **ATTACHMENT 14.10B** to this Report.
2. **APPROVE** Planning Application Shire Ref: 13-8 for Reserve 22611, Lot 302 Second Avenue Onslow for community use generally in accordance with plans as provided in **ATTACHMENT 14.10A** 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. This Planning Approval lapses if the development is not substantially commenced by 20 November 2015.
 2. Prior to commencement of any development plans shall be prepared to the requirements of the responsible authority as follows:
 - i. four (4) car parking bays.Plans are to be reconfigured to the satisfaction of the responsible authority taking into the above requirements and when endorsed by the Shire shall become the amended plans.
 3. Prior to occupation of the community use the following shall be undertaken to the requirements of the Shire where once approved, the arrangements will be endorsed to this Planning Approval:
 - i. connection to a reticulated water supply and sewerage system; and
 - ii. car parking as shown on the endorsed plans provided in a compacted gravel form.
 4. The use of the land is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration or otherwise.
 5. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7 ('Scheme'), the Shire's Local Planning Policy, the Health Act 1911, the Building Code of Australia and the Shire of Ashburton Local Laws.
 6. This Planning Approval is issued to Swan Districts Football Club for the purpose of "Youth Drop-in Centre and Administration Office for V Swans" and is not transferable to a third party without the written consent of the Council of the Shire of Ashburton.
 7. In accordance with Clause 7.3.8(e) of the Scheme, 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.

Advice Notes

- i. 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 Paul	Signature:
Manager: Neil Hartley	Signature:

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14.11 PLANNING APPLICATION - DESALINATION PLANT AND INFRASTRUCTURE OVER LOTS 557 BEADON CREEK ROAD AND ASSOCIATED PILE INFRASTRUCTURE OVER RESERVE 30711, BEADON CREEK HARBOR, ONSLOW

FILE REFERENCE:	RE.BD.R.30711 ON.BD.557 13-13
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	MasterPlan, Town Planning Consultants for Beston Parks Pty Ltd State of Western Australia (Department of Transport)
DATE REPORT WRITTEN:	7 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.5 (Minute No. 11630) - Ordinary Meeting of Council 18 September 2013 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

Application has been received for a desalination plant and infrastructure over Lot 557 Beadon Creek Road with associated pile infrastructure over Reserve 30711, Beadon Creek Harbor, Onslow. The Application generates both strategic and site specific matters that need to be addressed and which include:

- Flood and Storm Surge; and
- Compliance with Local Planning Policy LPP28 Beadon Bay Village Concept Plan; and
- Potential impact on amenity and conflict with users of the access road and groin.

On the face of it, the proposal appears acceptable in principle however it is recommended that the pipeline be underground so not to limit public access to Reserve 30711 and within the overall development of Lot 557 and adjoining Lot 556. The purpose of the application is to provide a supply of sea water to a desalination plant over Lot 557 presumably for potable water for the transient workforce accommodation, approved caravan park and the mess.

The Administration consider that the pipeline should be surveyed and pegged to ensure that where it is to be located on Lot 557 it avoids any substantial trees. Importantly, the pipeline

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should be undergrounded for its entire length. It is recommended that conditional Planning Approval issue that requires the Application to address the undergrounding of the pipeline and relocation of the pump station away from the sea wall.

It is considered appropriate to advise that the Council has no responsibility in relation to the intake or the outfall of the pipeline. It is understood that the Department of Transport is the responsible agency for such matter in Beadon Creek. In this regard Council offers the advice that the area of the intake and the outfall is widely used by the public for fishing and recreation. In this regard, both the Applicant and the Department of Transport are reminded to respect this public area and ensure that the community use is not impaired either functionally or aesthetically by the works proposed.

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 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.

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.

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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 that accompanies the LPP provides 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. At the Ordinary meeting of 18 May 2013, Council adopted the LPP.

Proposal

Application has been received for a desalination plant and infrastructure over Lots 557 Beadon Creek Road with associated pile infrastructure over Reserve R30711, Beadon Creek Harbor, Onslow.

The Applicant has advised as follows:

"The site for the proposed works is located within the Reserve for Conservation, Recreation and Natural Landscape Reserve and associated pipework infrastructure traverses land within the adjacent public purpose reserve for port facilities before entering the land owned by Beston Parks Pty Ltd (Lot 557) to service the approved desalination plant.

Reserve land can be utilised for the purposes of public infrastructure. In this instance, we submit that the proposed pump house and associated pipework represents infrastructure that would otherwise be provided by WaterCorp for the supply of potable water and therefore represents public infrastructure for the purpose of potable water supply to service the approved transient workforce accommodation approved at the Beadon Bay Village caravan park."

ATTACHMENT 14.11

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Comment

The Application is short on detail with respect to the diameter of the piping and whether the pipe, pump house and associated infrastructure is temporary or permanent.

The Applicant has been asked to clarify the proposal however at the time of preparing this Report the information had not been provided.



Extract from Application showing the indicative alignment of the pipeline and location of the pump house.

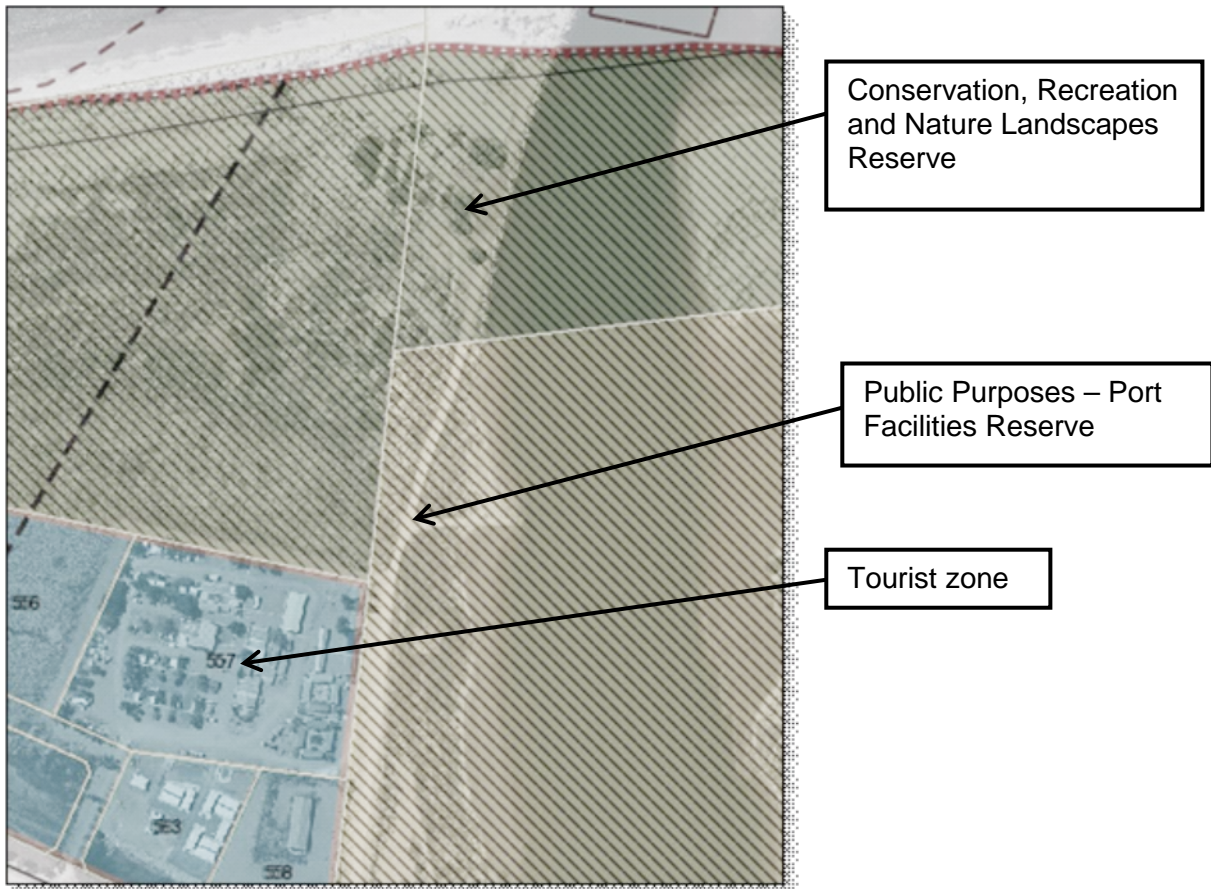
The proposal covers both private land (owned by Beston Parks Pty Ltd) as well as public land under the care and control of the Department of Transport (Reserve 30711 for 'Harbor Purposes'). Accordingly, the proposal falls under the 'Tourist' zone and the Conservation, Recreation and Nature Landscapes Reserve and Public Purposes – Port Facilities Reserve of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').

Lots 557 and 563 Beadon Creek and Reserve 30711 is include in the 'Onslow Coastal Hazard Area' under the Scheme.

Council has no responsibility in relation to the intake or the outfall of the pipeline. It is understood that the Department of Transport is the responsible agency for such matter in Beadon Creek.

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The zone and reservation configuration is as follows:



Planning Scheme Zoning and Reservations of the site/s

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

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

Under the Scheme, the following provisions apply:

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

3.2.5 The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and

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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."

In this regard, the Application has been accepted by the Department of Transport as public land under the care and control of the Department of Transport (Reserve 30711).

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

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

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

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

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

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

Key Planning Issues

The Application generates both strategic and site specific matters that need to be addressed and which include:

- *Flood and Storm Surge;*
- *Compliance with Local Planning Policy LPP28 Beadon Bay Village Concept Plan; and*
- *Potential impact on amenity and conflict with users of the access road and groin*

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The key planning issues areas are as follows.

Flood and Storm Surge

The use and the works proposed do not appear to be limited by the requirements of Clause 7.3.8 of the Scheme. However, should Planning Approval issue, the Council would be obliged to include reference to the endorsement required under Clause 7.3.8 (e).

Compliance with Local Planning Policy LPP28 Beadon Bay Village Concept Plan

There is concern that the Applicant failed to declare the pipeline within *Local Planning Policy LPP28 Beadon Bay Village Concept Plan* which was initially adopted for final Approval by Council in May 2013 and again modified (to provide for 'workers accommodation' in September 2013). The pipeline is significant infrastructure and it is reasonable that *LPP28* should have at least included a description of the works.

However, the Council is not bound by *LPP28* and needs to determine the Application before it. It is reasonable to advise the Applicant that Council is reluctant to consider future applications that are not reflective of *LPP28*.

Potential impact on amenity and conflict with users of the access road and groin

In this regard, the Application has been accepted by the Department of Transport as public land under the care and control of the Department of Transport (Reserve 30711). However, it is clear that an above ground pipeline of an unknown diameter could potentially inhibit public access along Reserve 30711 and potentially with the development areas of Lot 556 and Lot 557.

In addition, the plans that have been provided with the Application (**ATTACHMENT 14.11**) that indicates the detailed siting of the pump station (Plan ref: Q2323-M-104 B) sites the pump station on the sea wall. However the general location plan of the pipeline and pump station show it set back over 40m from the sea wall (note Plan ref: Q2323-M-104 C). The Shire Administration does not support the pump position on the sea wall and it is appropriate that it be located in conformity with the general layout plan.

Conclusion

On the face of it, the proposal appears acceptable in principle however it is recommended that the pipeline be underground so not to limit public access to Reserve 30711 and within the overall development of Lot 577 and adjoining Lot 576.

The purpose of the application is to provide a supply of sea water to a desalination plant over Lot 557 presumably for potable water for the transient workforce accommodation and approved caravan park, transient workforce accommodation and the mess. This Application does not seek to modify any existing Planning Approval to enable use of the desalination plant in lieu of water supply provide by WaterCorp for these developments.

The Shire Administration consider that the pipeline should be surveyed and pegged to ensure that where it is to be located on Lot 557 and to avoid any substantial trees on the boundaries of Lot 557. Importantly, the pipeline should be undergrounded for its entire length.

It is recommended that conditional Planning Approval issue that requires the Application to address the undergrounding of the pipeline and relocation of the pump station away from the

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sea wall. It is considered appropriate to advise that the Council has no responsibility in relation to the intake or the outfall of the pipeline. It is understood that the Department of Transport is the responsible agency for such matter in Beadon Creek.

In this regard Council offers the advice that the area of the intake and the outfall is widely used by the public for fishing and recreation. In this regard, both the Applicant and the Department of Transport are reminded to respect this public area and ensure that the community use is not impaired either functionally or aesthetically by the works proposed.

Consultation

Chief Executive Officer

Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

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

Policy Implications

Local Planning Policy LPP28 Beadon Bay Village Concept Plan affects Lot 557 and has been discussed in this Report.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 13-13 for a desalination plant and infrastructure over Lots 557 Beadon Creek Road with associated pile infrastructure over Reserve 30711, Beadon Creek Harbor, Onslow generally in accordance with plans as provided in **ATTACHMENT 14.11** 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. This Planning Approval lapses if the development is not substantially commenced by 20 November 2015.
 2. Prior to commencement of any development, plans shall be prepared to the requirements of the Shire of Ashburton as follows:
 - ii. Detailed plans drawn to scale showing the location of the pump station generally in accordance with submitted plan ref: Q2323-M-104 C.
 - iii. A survey plan showing the sea water pipeline wholly within Lot 557 and Reserve 30711, ensuring that it

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- a. avoids any existing trees or tress to be established as a part of an endorsed landscaping plan/s associated with the development of Lot 557;
- b. avoids the public access track from Lot 557 to the groin;
- c. notates that the pipeline is to be underground for its entire length.

iv. Details on the means and methods to rehabilitate the pipeline route.

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

3. Prior to commencement of any development, the route of the pipeline as provided in the endorsed surveyed pipeline plan (require in Condition 2 (ii) will be pegged by a qualified surveyor for its entire length and located to the satisfaction of the Shire of Ashburton
4. The pipeline shall be underground and the route rehabilitated to the satisfaction of the Shire of Ashburton.
5. In accordance with Clause 7.3.8(e) of the Scheme, 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.

Advice Notes

- i. The Council expresses its concern that the Applicant failed to declare the pipeline within Local Planning Policy LPP28 Beadon Bay Village Concept Plan which was initially adopted for final Approval by Council in May 2013 and again modified (to provide for 'workers accommodation' in September 2013. The pipeline is significant infrastructure and it is reasonable that LPP28 should have at least included a description of the works. Council wishes to advise that it is unlikely to consider future applications that substantially depart from LPP28.
- 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>.
- iv. This Planning Approval does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department Environment Regulation of the Department of Parks and Wildlife.
- v. This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in

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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>.

- vi. Should the desalination plant be providing water for potable purposes, the operator must ensure that all necessary health and licencing arrangements have been received before commencement of use. In this regard it is recommended that the Applicant contact the Department of Health, the Department of Environment Regulation and Water Corporation.
- vii The applicant is advised that the Council has no responsibility in relation to the intake or the outfall of the pipeline. It is understood that the Department of Transport is the responsible agency for such matter in Beadon Creek. In this regard Council offers the advice that the area of the intake and the outfall is widely used by the public for fishing and recreation. In this regard, both the Applicant and the Department of Transport are reminded to respect this public area and ensure that the community use is not impaired either functionally or aesthetically by the works proposed.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

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14.12 PLANNING APPLICATION - EQUIPMENT SHED ON RESERVE 30686 (ONSLow TENNIS CLUB) SECOND AVENUE, ONSLOW

FILE REFERENCE:	RE.TH.R.30686 13-19
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Onslow Tennis Club
DATE REPORT WRITTEN:	8 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application has been received for a 4m² equipment shed on Reserve 30686 (Onslow Tennis Club) Second Avenue, Onslow. The shed is to be located between the fence of the tennis courts and an existing shed.

The equipment shed is will not negatively impact on the purpose of the Reserve and it is recommended that Planning Approval issue.

Background

Reserve 30686 is reserved for recreation purposes and is occupied by several sporting uses including the Onslow oval, bowling green and tennis courts.

Proposal

Application has been received for a 4m² equipment shed on Reserve 30686 (Onslow Tennis Club) Second Avenue, Onslow. The shed is to be located between the fence of the tennis courts and an existing shed (as shown in red on the following aerial photograph).

ATTACHMENT 14.12

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Comment

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

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 3.2 Use and Development of Reserves
- Clause 5.1 Requirement for Planning Approval
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application

Under the Scheme, the following provisions apply:

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

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

In this regard, Shire of Ashburton is the manager of the Reserve.

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:

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

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

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

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

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

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

The equipment shed will not negatively impact on the purpose of the Reserve and it is recommended that Planning Approval issue.

Consultation

Chief Executive Officer

Under the Scheme advertising the proposed use and development on a Reserve is not mandatory. However it is open to Council/Shire to advertise if it considers it necessary.

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.

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Policy Implications

There are no policy implications relative to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 13-19 for a equipment shed on Reserve 30686 (Onslow Tennis Club) Second Avenue, Onslow in accordance with plans as provided in **ATTACHMENT 14.12** to the Shire Report and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:
 1. This Planning Approval lapses if the development is not substantially commenced by 20 November 2015.
 2. In accordance with Clause 7.3.8(e) of the Scheme, 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.

Advice Notes

- i. 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: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.13 PLANNING APPLICATION - ADDITIONAL STORE ROOM AND ABLUTIONS AT LOT 1000 No 35 (ONSLow GENERAL STORE) SECOND AVENUE ONSLOW

FILE REFERENCE:	ON.SE.1000.00 13-14
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	LEIMAC Building Co./Onslow General Pty Ltd
DATE REPORT WRITTEN:	8 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda item 7.03.466 - Ordinary Meeting of Council 21 March 2000 Agenda item 7.02.445 - Ordinary Meeting of Council 15 February 2000

Summary

Application for Planning Approval has been received from LEIMAC Building Co for an additional 9m² store room and ablutions at Lot 1000 No 35 (Onslow General Store) Second Avenue Onslow.

The proposed additional store room and ablutions is transportable and is to be located behind

It is recommended that Planning Approval issue.

Background

Lot 1000 Second Avenue, Onslow has an area of 2002m² and is occupied by the Onslow General Store. The store has been in occupation for many years and incorporates the Onslow Hardware Store. The General Store was recently subject to a fire which has required the temporary relocation to the Shire's Multi Purpose Centre.

February 2000

At the Ordinary Meeting of 15 February 2000, Council considered the application to extend the existing Onslow Supermarket.

Council resolved to approve the application subject to twenty (20) conditions. The resolution from Council also required staff to initiate negotiations with the applicant, in regard to the cash-in-lieu of carparking for a shortfall of eight (8) carparking bays.

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March 2000

The Ordinary Meeting of March 2000 considered a further report concerning the Council resolution of the February 2000 meeting relating to Council's ability under the (then) Town Planning Scheme No.5 (Onslow) to vary the carparking requirement specified (apparently, the report presented was a draft version of the report and not the version proposed to be presented to Council).

Council resolved to vary the carparking requirement for the development. It is understood that the plan included in **ATTACHMENT 14.13A** reflects the most recent plan showing endorsed parking on Lot 1000.



Proposal

Application for Planning Approval has been received from LEIMAC Building Co for an additional 9m² store room and ablutions at Lot 1000 No 35 (Onslow General Store) Second Avenue Onslow.

ATTACHMENT 14.13B

Comment

The application is to be determined in accordance with the provisions of Part 5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). The following clauses provided for in the Scheme are relevant:

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

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The subject site is zoned 'Commercial and Civic' and is located within a special control area: 'Onslow Coastal Hazard Area Special Control Area'. Under the Scheme and within the Onslow Coastal Hazard Area Special Control Area planning approval is required in relation to buildings and works and for the assessment of car parking.

'Commercial and Civic' zone:

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

"6.10 Commercial Zones

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

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

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

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

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

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

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

The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

caused by natural events.”

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

Key Planning Issues

The Application generates both strategic and site specific matters that need to be addressed and which includes:

- *Flood and Storm Surge:*
- *Car Parking and access; and*
- *Design review.*

The key planning issues areas are as follows.

Flood and Storm Surge

The use and the building works proposed do not appear to be limited by the requirements of Clause 7.3.8 of the Scheme. However, should Planning Approval issue, the Council would be obliged to include reference to the endorsement required under Clause 7.3.8 (e).

Car Parking and access

Under the Scheme, Appendix 9 defines the car parking requirements for particular uses. With respect to shop related uses, the Scheme states that parking is at the “...one per 20 square metres of nett lettable area.”

Although the Scheme doesn't define nett lettable area, the Council's Local Planning Policy 'LPP27 Interim Car Parking Provisions (Onslow)' defines it as follows::

“For the purpose of this Policy, the following definitions shall apply: "Net Lettable Area" (NLA) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas –

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;*
- (b) lobbies between lifts facing other lifts serving the same floor;*
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; and*
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.”*

It would be possible for the Council to seek a separate car parking requirement for the 9m² store room (which is the equivalent to 50% of a parking space and reversing area) however it is suggested that the location of the store room reflects that already taken up for storage within the site. Accordingly, the storage room does not add to the area overall storage capacity on the site. Importantly, the 9m² store room and ablutions does not take up any parking spaces as shown on the March 2000 endorsed plan (**ATTACHMENT 14.13A**).

Design review

From the plans submitted with the Application it would appear that the proposed transportable building will be located behind an existing freezer (that already fronts Third Street. Although the Council has adopted Local Planning Policy LPP26 Onslow Interim Town Centre Design Guidelines for development within the Commercial and Civic zone of Onslow, it is considered that the proposed transportable building would not further detract from the building that currently exists on the land.

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It is recommended that Planning Approval issue without the need for additional car parking (in the form of contributions) and that assessment under *LPP26 Onslow Interim Town Centre Design Guidelines* is in this instance, not applicable.

Consultation

Chief Executive Officer

Under the Scheme advertising the proposed use and development is not mandatory. However it is open to Council/Shire to advertise if it considers it necessary.

Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

Policy Implications

Local Planning Policy 'LPP27 Interim Car Parking Provisions (Onslow)

LPP26 Onslow Interim Town Centre Design Guidelines

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Resolve that in relation to Planning Application Shire Ref: 13-14 for an additional 9m² store room and ablutions at Lot 1000 No 35 (Onslow General Store) Second Avenue Onslow that the need for additional car parking (in the form of contributions) and assessment under *LPP26 Onslow Interim Town Centre Design Guidelines* is in this instance, not applicable.
2. **APPROVE** Planning Application Shire Ref: 13-14 for Planning Application Shire Ref: 13-14 for an additional 9m² store room and ablutions at Lot 1000 No 35 (Onslow General Store) Second Avenue Onslow for community use generally in accordance with plans as provided in **ATTACHMENT 14.13A** to the Administration 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. This Planning Approval lapses if the development is not substantially commenced by 20 November 2015.
 2. The use of the land is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration or otherwise.
 3. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7 ('Scheme'), the Shire's Local Planning Policy, the Health Act 1911, the Building Code of Australia and the Shire of Ashburton Local Laws.

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4. In accordance with Clause 7.3.8(e) of the Scheme, 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.

Advice Notes

- i. 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 Paul	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.14 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/RESPONDENT:	Chevron Australia State of Western Australia
DATE REPORT WRITTEN:	9 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.6 (Minute No. 11678) - Ordinary Meeting of Council 16 October 2013 Confidential Agenda Item 14.6 (Minute No. 11655) - Ordinary Meeting of Council 18 September 2013 Agenda Item 13.07.37 - Ordinary Meeting of Council 13 July 2010 Agenda Item 9.08.01 - Special Meeting of Council 4 August 2010 Note: Whilst not listed here, numerous other reports associated with the ANSIA and Chevron's Wheatstone development have been presented to Council and the Pilbara Joint Development Assessment Panel

Summary

Chevron has lodged an Application for Planning Approval to change the use of BHP Billiton Petroleum's (BHPB) Macedon Transient Workforce Accommodation (TWA) 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 Council and perhaps BHPB ever anticipated. Macedon has completed construction and has moved to 'first gas'.

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BHPB has prepared a Quantitative Risk Assessment (QRA) Report which did not accompany the Application.

At the Ordinary meeting of 18 September 2013, Council considered the Application for Planning Approval and expressed concern that the risk assessment undertaken by BHP Billiton was not adequate and resolved as follows:

“That Council:

1. *That the CEO be requested to have prepared for Council an independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.*
2. *That all costs for the preparation of the independent risk assessment be forwarded to Chevron Australia Pty Ltd (Chevron) as part of the Application.*
3. *Extend the period of stay associated with the temporary approval granted by Acting CEO (Mr Don Burnett) for temporary use of the Camp by Chevron until 16 October 2013 at which time the Council will consider the “change of use” application by Chevron.*
4. *The CEO be requested to advise Chevron, BHPB and the Department of State Development of Council’s decision.”*

Granherne Pty Ltd has undertaken the assessment and has determined the level of risk from a mishap from the Macedon operations on residents and visitors at the Brolga camp are “negligible” and the risk from transporting condensate as being “...quantified as being low but not statistically insignificant..”, this is based on the establishment of “... agreed and appropriate communication protocol” (presumably with BHPB as operator of the Macedon Domestic gas Plant and Chevron).

It is important to recognise that Council has no means to direct or implement or influence such protocols. In this regard, should Planning Approval issue, it would be appropriate to advise both BHPB and Chevron that the Council expects such protocols are established, entered into, maintained and appropriately reviewed.

Whilst it is recommended that Planning Approval issue it is also considered appropriate that a condition be included reflecting the Shire Solicitor’s advice that an indemnity’ condition be included in any Planning Approval that issues. It should be noted that Chevron has advised Council that should a condition of this nature be included, it would appeal the condition to the State Administrative Tribunal.

Should Council resolve that there may be an unacceptable risk then it may wish to refuse the Application.

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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 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.

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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.

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.

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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 Council and endorsed by the Western Australian Planning Commission (WAPC) in October 2011. The ‘vision’ and ‘objectives’ of the ANSIA Structure Plan relevant to this Application before the Pilbara JDAP include as follows:

“6.1 VISION

The strategic vision for the ANSIA is:

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

6.2 OBJECTIVES

6.2.1 DEVELOPMENT OBJECTIVES

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

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

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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).

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 Administration understands that to date, only approximately 1600 beds have been established.

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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 at a future Ordinary Meeting of Council subject to a meeting with BHP Billiton Petroleum Pty."

Temporary use of the Macedon Camp by Chevron

August 2013

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."

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September 2013

At the Ordinary meeting of 18 September 2013, Council considered 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.

Council expressed concern that the risk assessment undertaken by BHP Billiton was not adequate and resolved as follows:

That Council:

- "1. That the CEO be requested to have prepared for Council an independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.*
- 2. That all costs for the preparation of the independent risk assessment be forwarded to Chevron Australia Pty Ltd (Chevron) as part of the Application.*
- 3. Extend the period of stay associated with the temporary approval granted by Acting CEO (Mr Don Burnett) for temporary use of the Camp by Chevron until 16 October 2013 at which time the Council will consider the "change of use" application by Chevron.*
- 4. The CEO be requested to advise Chevron, BHPB and the Department of State Development of Council's decision."*

October 2013

In consultation with the Shire President, the 'scope' for the independent risk assessment was prepared and three (3) potential consultants were contacted for quotations concerning the 'scope'. The preferred consultant was appointed but the assessment would not be available until the November Council meeting.

At the 16 October 2013 Ordinary Meeting, Council resolved:

That Council:

- "1. Notes the 'scope' included as ATTACHMENT 14.6 prepared for the independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.*
- 2. Extend the period of stay associated with the temporary approval for use of the Macedon Camp by Chevron Australia Pty Ltd ('Chevron') until 30 November 2013.*
- 3. Request the Chief Executive Officer to prepare a report for the 20 November 2013 Council meeting in relation to the Application for Planning Approval (20130270 (P)) lodged by Chevron for "change of use" of the 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."*

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Proposal

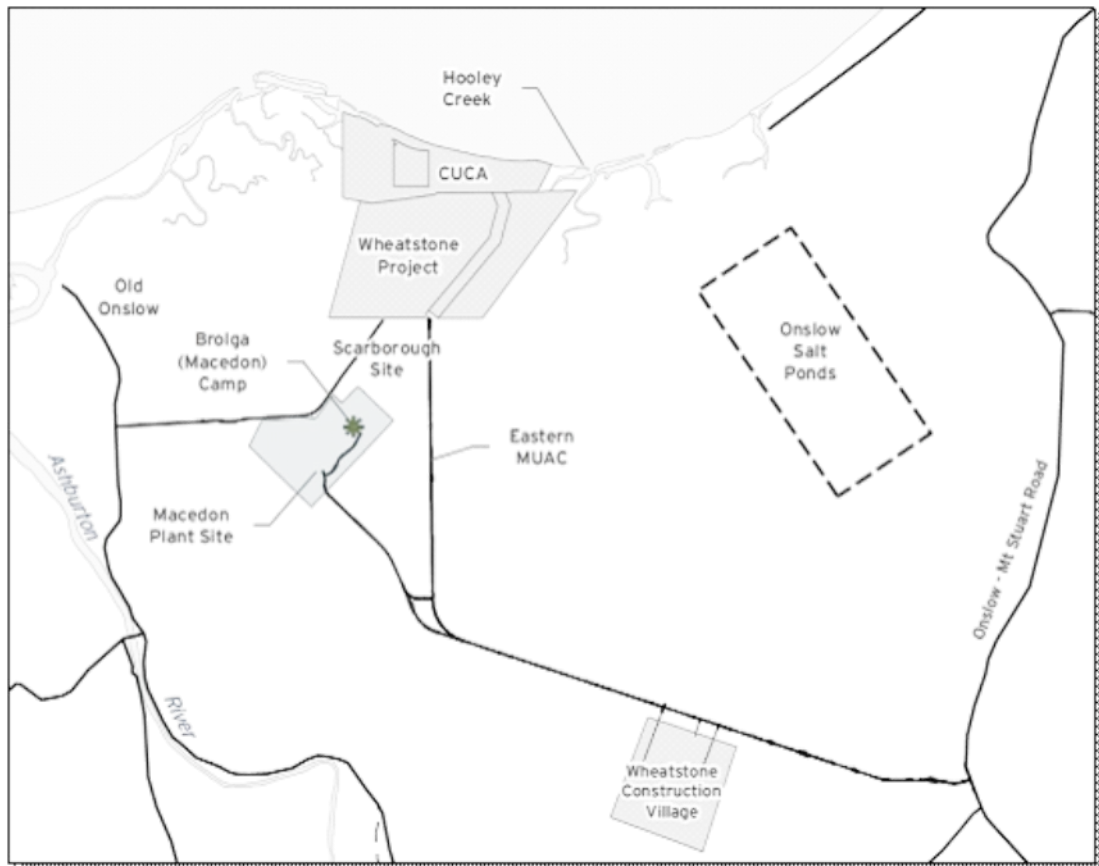
Chevron has lodged an Application for Planning Approval to change the use of Macedon Transient Workforce Accommodation camp (comprising 380 rooms, associated facilities and Services) to enable sole occupation by the Chevron Wheatstone construction and commissioning/maintenance workers. It should be noted 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 14.14A



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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 Broлга (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.”



Aerial Photo dated December 2012 and Courtesy of Chevron

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.

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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."

The QRA is included as **ATTACHMENT 14.14B**.

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 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 Council 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."*

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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)."

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.

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. 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 Administration, 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 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."

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Council 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 Administration 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?*
- 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.

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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:

- “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 above reflects Mr Kyle’s advice provided to Council at the Ordinary meeting on 18 September 2013.

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Independent Risk Review - Brolga Accommodation Camp

Review by Granherne Pty Ltd of risk to occupants from Macedon Domestic Gas Plant

In accordance with Council's resolution of 18 September 2013, the Shire Administration in association with the Shire President prepared the necessary criteria to appoint a consultant to undertake an Independent Risk Review to occupants of the Brolga Accommodation Camp from Macedon Domestic Gas Plant. The criteria comprised as follows:

"Scope of the independent risk assessment

The Shire requires that within 14 days of the appointment of the consultant, the Chief Executive Officer of the Shire of Ashburton is provided with the following independently derived risk management assessment that addresses:

1. *Undertake a peer review of BHPB's 'Quantitative Risk Assessment (QRA) Report' to determine whether the QRA Report has addressed:*
 - *Appropriate Australian, international and known operational standards associated with the safe distance of residential accommodation from a gas plant resembling the Macedon Domestic Gas plant;*
 - *Given the proximity of the Brolga Camp to the Macedon Domestic Gas plant, whether residents and visitors at Brolga Camp can be safely accommodated; and*
 - *Advise whether the operator of the Brolga Camp has any influence as to the operation of the Macedon Domestic Gas plant (and vice versa) and whether this has any impact on the occupation of the Brolga Camp/operations of the Macedon Domestic Gas plant.*
2. *Based on the risk assessment findings of the Peer Review:*
 - *Advise Council as to the risk to residents and visitors in allowing the Brolga Camp to operate in the current location having regard to its proximity to the Macedon Domestic Gas plant; and*
 - *Recommend to Council as to the appropriateness (or otherwise) of allowing the Brolga Camp to operate in the current location having regard to its proximity to the Macedon Domestic Gas plant."*

In accordance with Section 4 of FIN12 Purchasing and Tender Policy (for purchases between \$5,001 - \$50,000 the Shire is to obtain at least three written quotations. Written quotations and included with the purchase order when passed for payment) the Shire Administration sought quotations from three (3) potential consultants to undertake the risk assessment. Importantly, Chevron formally accepted responsibility for the cost.

Granherne Pty Ltd was selected and their assessment has been provided the Shire and is include in **ATTACHMENT 14.14C**.

The Administration considers that the Granherne assessment adequately addresses the criteria and can be used as an independent review of the QRA Report and provides guidance to Council in determining the Application. It should be noted that Chevron has been provided with a copy of the Granherne assessment. The conclusions recommendations of the Granherne assessment states as follows:

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“Granherne concludes that the risk posed to personnel at the Brolga camp from the MGP is negligible, being at least one order of magnitude below that which the EPA considers to be so small as to be acceptable for residential areas. Therefore Granherne does not see any reason on safety grounds why the camp should not continue to accommodate personnel with the proposed transfer of ownership.

The risk assessment has been based on the risk from the MGP and its associated facilities and assumes no risk contribution from the Wheatstone project. Therefore it is recommended that further assessment would be needed if the camp continues to be used post Wheatstone start-up.

It is noted from the QRA (Ref. 2) that the MGP exports by road small amounts of produced condensate (between 250 and 3,200 litres per day). The risk to personnel from transport incidents has been identified as a major accident event (MAE) within the QRA and has been quantified as being low but not statistically insignificant. This needs to be managed by an appropriate transport management plan and might need to be reviewed in light of the planned transfer of ownership of the Brolga TWA camp. Note however that the risk of loss of containment from flammable liquid road tankers is statistically low (in the order of 10⁻⁸ per vehicle km, Ref.8). Therefore any transport risk is mainly due to the volume and scheduling of road traffic in general, rather than the products being transported.

The Brolga accommodation camp needs to be advised of excursions from normal operation at the MGP that could interact or cause disruption to personnel at the Brolga camp.

For example, during periods of campaign maintenance where noise, dust or other welfare related disruption could occur. Therefore an agreed and appropriate communication protocol needs to be in place.”

Whilst the Granherne assessment determines the level of risk from a mishap from the Macedon operations on residents and visitors at the Brolga camp are “*negligible*” and the risk from transporting condensate as being “*...quantified as being low but not statistically insignificant..*”, this is based on the establishment of “*... agreed and appropriate communication protocol*” (presumably with BHPB as operator of the Macedon Domestic gas Plant and Chevron).

It is important to recognise that Council has no means to direct or implement or influence such protocols. In this regard, should Planning Approval issue, it would be appropriate to advise both BHPB and Chevron that the Shire expects such protocols are established, entered into, maintained and appropriately reviewed.

In this regard, it is considered appropriate that a condition be included reflecting the Shire Solicitor’s advice that an *indemnity*’ condition be included in any Planning Approval that issues. It should be noted that Chevron has advised Council that should a condition of this nature be included, it would appeal the condition to the State Administrative Tribunal.

Conclusion

The Application before Council is 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 Council and perhaps BHPB ever anticipated.

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As expressed in the Report to Council in September 2013, the 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.

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 safety precaution. Based on the Granherne assessment, it is recommended that temporary Planning Approval issue based on the following:

- The timing of the camp should be staged from November 2013 to November 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 form part of the proposal.
- Chevron to indemnify the Administration, 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.

As noted 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.

It is accepted that Council may consider that approving the Brolga Camp may result in an unacceptable risk and not reflect the direction of Council and the State Government in relation to the strategic direction of draft Amendment No. 17. Should this be the case, draft grounds of refusal included have been prepared and are included as **ATTACHMENT 14.14D**.

Consultation

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)

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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
- 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 14.14E**) to this Report. It should be noted that the Granherne assessment has not be referred to any party except Chevron.

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 Serviced 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

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Recommendation

That Council:

1. **ACKNOWLEDGE** the submissions received during the consultation process as provided in **ATTACHMENT 14.14E** to this Report.
2. **RESOLVES** that based on the information provided in relation to Planning Application 20130270 (including the 'Independent Risk Review - Brolga Accommodation Camp Review' by Granherne Pty Ltd of risk to occupants from Macedon Domestic Gas Plant) 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.
3. **APPROVES** 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 14.14A**) and subject to the following conditions:
 1. This Planning Approval lapses on 20 November 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. 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. 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

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- 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 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 legal agreement of Condition 2 and 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 legal agreement and the Deed of Indemnity and provide it to the Chevron Australia for acceptance.
- iii. Whilst the Granherne assessment determines the level of risk from a mishap from the Macedon operations on residents and visitors at the Brolga camp are *“negligible”* and the risk from transporting condensate as being *“...quantified as being low but not statistically insignificant..”*, this is based on the establishment of *“... agreed and appropriate communication protocol”* (presumably with BHPB as operator of the Macedon Domestic gas Plant and Chevron). Council has no means to direct or implement or influence such protocols. In this regard, BHPB and Chevron are advised that the Shire expects such protocols are established, entered into, maintained and appropriately reviewed.
- iv. 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).
- v. 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>.
- vi. 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

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the Department of Environment Regulation and the Department of Parks and Wildlife in accordance with the Environment Protection Act 1986.

- 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>.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

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14.15 DRAFT 'LOCAL PLANNING POLICY - LOT 381 SECOND AVENUE/THIRD AVENUE ONSLOW' - FOR ADOPTION

FILE REFERENCE: ON.TH.0381.00

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

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

DATE REPORT WRITTEN: 9 November 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.8, Minute No. 11569 - Ordinary Meeting of Council 17 July 2013
Agenda Item 13.2, Minute No. 11029 - Ordinary Meeting of Council 21 September 2011
Agenda Item 13.02.10 - Ordinary Meeting of Council 16 February 2011
Agenda Item 10.12.29 - Ordinary Meeting of Council 15 December 2010
Agenda Item 10.11.26 - Ordinary Meeting of Council 17 November 2010

Summary

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

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

At the Ordinary meeting of 17 July 2013, Council resolved to adopt draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' for advertising and to specifically bring to the attention of relevant State Agencies that:

- monitoring of erosion patterns of the adjoining foreshore reserve has been recommended by the land owner's consultant;

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- this is an onerous responsibility for the State of Western Australia however no mechanism has been recommended; and
- the draft LPP states that this is not be a responsibility of the Shire as it does not have the technical expertise to assess the data or to undertake any identified protection works.

The draft 'Local Planning Policy was advertised for community comment and referred to appropriate State agencies. Twelve (12) submissions were received (three of which object) and all are addressed in the Schedule of Submissions included in this Report to Council and where changes to the draft Local Planning Policy are recommended.

It would be appropriate for Council to adopt draft 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' as it provides establish a policy position for the Council, Shire Administration, the land owner and the community.

It is emphasised that this is only the first part of a complex planning and development process for the development of the land as the land owner will need to negotiate access to Lot 381 from Second Avenue with the State of Western Australia and ultimately address to the requirements of the WAPC, measures to ensure management of the foreshore reserve adjacent to Lot 381.

Background

Lot 381 Third Avenue, Onslow has an area of 2.37ha and is situated north-west of the town centre and is bounded by Unallocated Crown Land (UCL) to the north and west and a Reserve to the south. The surrounding land is generally undeveloped vacant land except for the presence of residential development to the south east of the site. Legal access to the land is from Third Avenue however informal access is via a track over UCL direct from Second Avenue. This track also provides access to the Water Corporation tank. The existing informal access to Lot 381 was probably established during the Second World War.



The subject site is currently unoccupied vacant land with historical infrastructure been demolished and is stockpiled on the land. Historically, Lot 381 was a portion of a larger bulk

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storage facility that comprised four 2,000 tonne above ground storage tanks and pump houses.

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

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



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

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

Lot 381 has been the subject of previous decisions of Council (as follows):

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September 2011

"That Council:

1. *Resolve that for the purposes of discussion with State agencies, Council resolve to support the concept of road connection between Lot 381 and Second/Third Avenue, Onslow, subject to 2. below.*
2. *Request the Chief Executive Officer to:*
 - i) *Advise the owner of Lot 381 that in relation to 1 above, the owner will be responsible for all costs related to the process which would include (but not necessarily be limited to):*
 - *surveying costs;*
 - *Shire administration costs;*
 - *Native title assessments;*
 - *all costs associated with 'acquisition' from State Land Services;*
 - *all costs associated with a 'subdivision' application to the Western Australian Planning Commission; and ultimately*
 - *all construction costs associated with the road connection between Lot 381 and Second Avenue.*
 - *Seek confirmation in writing from the owner of Lot 381 accept the costs referred to in 2. above.*
 - *Commence the process of a new road reserve as described in 1. above once the land owner has responded as required in 2(ii) above.*
 - *Continue discussions with the owner of Lot 381 in relation to determining the most appropriate access arrangements to Lot 381."*

February 2011

Council resolved as follows:

"That Council:

1. *Advise Onslow Developments that in principle, it supports a Scheme Amendment for Lot 381 Third Avenue, Onslow that achieves the objective of the Onslow Townsite Strategy of "...a mixed zoning that provided for residential use in the context of an overall tourist/residential development", subject to the land owner addressing/providing in detail the following:*
 - *a Structure Plan that adequately guides future subdivision and development of the land;*
 - *access to the land;*
 - *WAPC Tourism Planning Taskforce Report 2006;*
 - *WAPC Planning Bulletin 83/2009 Planning for Tourism*
 - *formal Scheme Amendment documentation consistent with the requirements of the Town Planning Regulations (1975); and*
 - *payment of amendment fee to the Shire.*
2. *Advise Onslow Developments that that in-principle support is informal/conceptual in order to gain some indication as to whether or not a Scheme Amendment is likely to be viewed favourably. It should not be construed that the amendment will be initiated or will be finally adopted."*

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December 2010

Council resolved as follows:

“That Council advises the Water Corporation:

- (a) Supports the realignment of the water main down Third Avenue on the eastern side of the reserve on the approved Water Corporations alignment offset, the along the south side of the road reserve which joins Second Avenue to Third Avenue until re-joining the water main at the laneway easement.*
- (b) Suggests that the Water Corporation may wish to implement an interim access track realignment through arrangements with the owner of lot 381 until formal access to lot 381 is resolved as part of a formal development application at which time the access can be constructed to an approved Shire standard at cost between relevant parties.*
- (c) When the final Road is constructed to an agreed standard and approved alignment the Shire of Ashburton will then gazette the road and become responsible for all ongoing maintenance.”*

July 2013

The land owner requested that Council consider a proposed Development Plan over Lot 381 to facilitate development of a Hotel and Holiday Accommodation facility and long stay /residential use. At the Ordinary meeting of 17 July 2013, Council resolved as follows:

“That Council:

- 1. Adopt draft ‘Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow’ (ATTACHMENT 14.8B) as a Local Planning Policy under the provisions of Cl. 2.3 of the Scheme.*
- 2. Authorise the A/Chief Executive Officer to advertise draft ‘Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow’ in accordance with the provisions of the Scheme and to bring to the attention of relevant State Agencies that:*
 - monitoring of erosion patterns of the adjoining foreshore reserve has been recommended by the land owner’s consultant;*
 - this is an onerous responsibility for the State of Western Australia however no mechanism has been recommended; and*
 - the draft LPP states that this is not be a responsibility of the Shire as it does not have the technical expertise to assess the data or to undertake any identified protection works.*
- 3. Request the A/Chief Executive Officer to prepare a further report to Council once advertising is complete.”*

Proposal

The land owner has requested that Council consider a proposed Development Plan over Lot 381 to facilitate development of a Hotel and Holiday Accommodation facility and long stay /residential use. The Development Plan is reflected in the form of draft ‘Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow’ which is intended to provide a framework for the potential survey-strata subdivision of lots to accommodate complimentary permissible uses, including permanent residential use (grouped dwellings).

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The draft Development Plan attached to the draft *Local Planning Policy* notes as follows:

“The proposal also demonstrates the use is appropriate in this location, having regard to coastal management considerations. Council, at its Meeting of 16 February 2011 considered a request seeking “In principle” support for a Scheme Amendment to enable some of the land to be used for residential purposes. Council confirmed its support for the proposal subject to a suitably comprehensive application being submitted.

In considering this preliminary proposal, Council consulted with the Department of Planning, who indicated a mixed zoning could be contemplated, given this would be consistent with the recommendations of the Onslow Townsite Strategy. Having undertaken further concept planning for the site, including a review of the permissibility of land uses within the Tourism zone, it is apparent the Scheme is sufficiently flexible to enable the landowner’s intended use for Lot 381.

Hence, a Scheme Amendment is not required. Instead, a Development Plan is considered the appropriate mechanism to enable Council and the Western Australian Planning Commission to consider the proposed use of the land.”

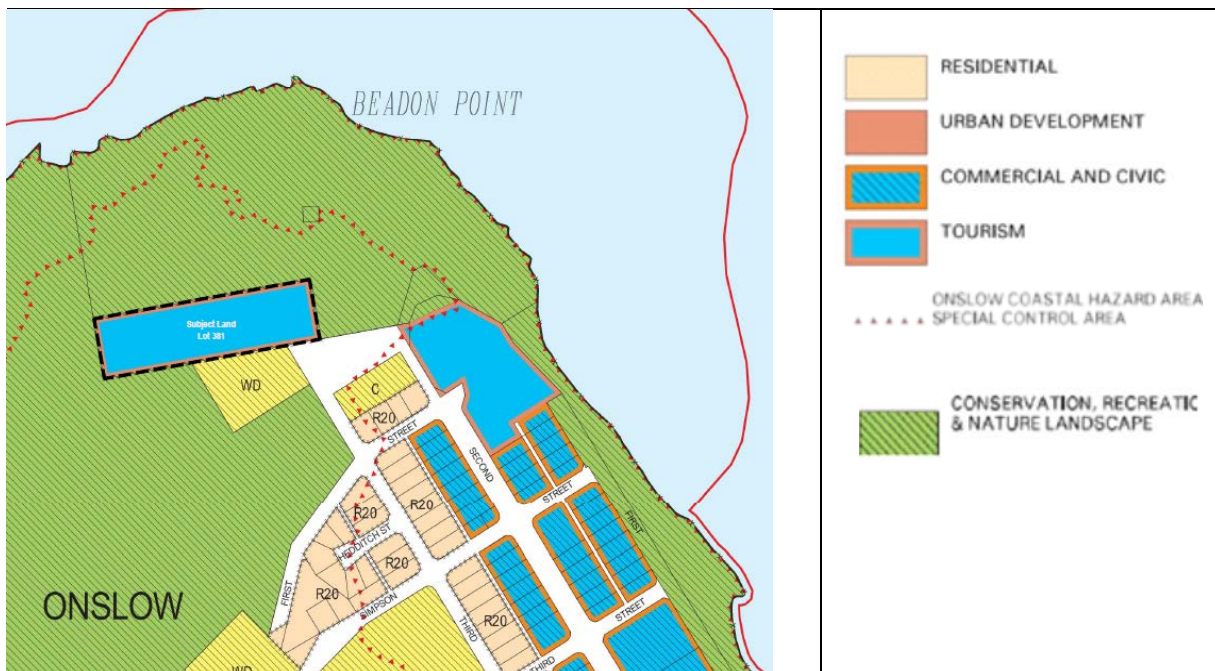
ATTACHMENT 14.15A

Legislation & policy:

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

Shire of Ashburton Local Planning Scheme No. 7

Lot 381 is zoned ‘Tourism’ under the Shire of Ashburton Local Planning Scheme No. 7. Land immediately adjacent to Lot 381 is reserved ‘Parks Recreation and Drainage’ to the north, east and west and ‘Public Purpose – Water and Drainage’. Importantly, the subject site is not located within the ‘Onslow Coastal Hazard Area Special Control Area’.



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Clause 6.10 of TPS No.7 applies:

“6.10 Commercial Zones

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

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

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

The permissibility of land uses within the Tourism zone is set out within the Zoning Table and is summarised below:

LAND USE CLASSIFICATION	TOURISM ZONE
Caretaker's Dwelling	Incidental
Grouped Dwelling	Discretionary
Holiday Accommodation	Prohibited
Hotel	Discretionary
Multiple Dwellings	Discretionary (requires advertising)
Single House	Prohibited
Transient Workforce Accommodation	Discretionary
Restaurant	Permitted
Shop	Discretionary
Take-away Food Outlet	Discretionary
Reception Centre	Discretionary

The requirement for a 'development plan' is specified in Clause 6.4 of the Scheme. As the following indicates, a 'development plan within the Tourist zone is not able to be established:

“6.4 DEVELOPMENT PLANS

6.4.1 Local Government may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:

- (a) Urban Development zones*
- (b) Industrial and Mixed Business Development zones*
- (c) Rural Living zones*
- (d) Rural Settlement developments.”*

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However, to establish a policy position over the development and subdivision of the land, Council could establish a Local Planning Policy (LPP) that generally reflects the purpose and direction of a 'development plan'. This is the same 'strategic' process carried out for RTIO's Rocklea Palms development at Paraburdoo (*'LPP – 'Rocklea Palms Paraburdoo Concept Plan'*) and development at the Beadon Bay Caravan Park, Onslow (*'Local Planning Policy - 'Beadon Bay Village Concept Plan'*). This is discussed further in this Report.

State Government Policies

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

The Western Australian Planning Commission (WAPC) prepared and adopted the 'State Planning Strategy' in 1997. It sets out the key principles relating to environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made. It also provides a range of strategies and actions that support these principles generally and for each of the ten regions of Western Australia. The State Planning Strategy provides the overall vision and will be further articulated and applied by policies and plans dealing with particular planning issues or regions of the State. SPP1 – State Planning Framework Policy unites existing State and regional policies, strategies and guidelines within a central framework that provides a context for decision-making on land use and development in Western Australia.

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

- *State Planning Policy No. 2 - Environment and Natural Resources;*
- *State Planning Policy No. 2.6 - State Coastal Planning; and*
- *State Planning Policy No. 3.4 - Natural Hazards and Disasters.*

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

State Planning Policy 2.6 - State Coastal Planning

In June 2003, the Western Australian State Government released Statement of Planning Policy No. 2.6 - The State Coastal Planning Policy (SCPP). The SCPP provides guidance for new development, including subdivision and strata subdivision, on the Western Australian coastline.

The SCPP outlines the recommended criteria for use in determining the appropriate Physical Processes Setback (PPS). The PPS should provide a low level of risk to the development from coastal erosion over a 100 year planning horizon. The PPS is measured from the horizontal setback datum (HSD).

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

Because Onslow is located within an area that experiences cyclonic activity the SCPP specifies that development should be set back from the coast to afford development protection from the impact of cyclonic storms.

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This requires a further variation to the general case of development on an undeveloped sandy shoreline.

In 2010 a Position Statement (WAPC 2010) was released to update the requirements of the SCPP. This position statement related solely to the required allowances for climate change. For the general case of development on an undeveloped sandy shoreline, the SCPP recommends using the following criteria to calculate the appropriate PPS:

- *Severe Storm Erosion (S1) - Allowance for short-term erosion caused by a design storm event. S1 is calculated using the SBEACH profile change model to simulate the response of the shoreline to the design storm event.*
- *Historic Shoreline Movement Allowance (S2) - Allowance for chronic long-term trends caused by the local coastal dynamics. This needs to provide a buffer for the coming 100 years. This value is calculated from aerial photographs and surveys showing the movement of the vegetation line over at least a 40-year period.*
- *Sea Level Change Allowance (S3) - Allowance for possible recession of the shoreline as a result of anticipated sea level rise in the coming 100 years.*
- *The Position Statement released by the WAPC in 2010 introduced the requirement for a 0.9 m allowance for sea level rise by 2110. This allowance is based upon the Intergovernmental Panel on Climate Change (IPCC) AR4 model scenario and CSIRO (2008).*
- *The AR4 scenario tracks the highest IPCC predictions for sea level rise and is a large increase from the previous requirement of 0.38 m, which allowed for sea level rise predicted by the mean of the median model of the 2007 IPCC working group report.*
- *The WAPC prepared a draft revised SPP 2.6 replacing the above policy gazetted in 2003 and amended in 2006. The draft was released for comment by the 31st May 2012. The Shire concluded that there were serious impacts for Onslow in this revision and which specifically relates to Lot 318 Specifically, A report prepared by MP Rogers and Associates (MRA) on behalf of Landcorp, titled "Onslow Townsite Planning Coastal Setbacks and Development Levels" was prepared in 2011. The document examines the extent of a Physical Processes Setback from the Horizontal Setback Datum (HSD) along the Onslow shore line. The MRA report recommended coastal setbacks which significantly impacted upon Lot 381. This is discussed further in this Report.*

WAPC Planning Bulletin 83 - 2013 - Planning for Tourism

Planning Bulletin 83 guides decision making by the WAPC and local government for subdivision, development and Scheme Amendment proposals for Tourism purposes. Planning Bulletin was adopted to implement the recommendations of the Tourism Planning Task Force which was formed to address the following key issues:

- *Pressure to redevelop tourism sites for residential purposes; and*
- *Potential conflict between short stay tourists and permanent residents.*

The Planning Bulletin sets out the criteria whereby residential development may be considered within tourism sites and where subdivision of Tourist zoned land would be supported.

The relevant criteria set out in the Planning Bulletin have been addressed by this proposal as follows:

Mixed Use / residential development within tourism sites

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Proposals for non-tourist accommodation developments (such as permanent residential, commercial, restaurant etc.) within tourism sites should be considered on a case by case basis. In this situation, the Tourism Zone under TPS No.7 provides for a range of land uses, including commercial type uses (shop/restaurant) and permanent residential uses (grouped dwellings/multiple dwellings).

Further, the adopted Onslow Townsite Strategy specifically acknowledges the prospect of residential uses in the context of an overall tourist /residential development.

The draft Development Plan process enables an integrated approach to considering the appropriate balance between the proportion of short stay holiday accommodation and long stays residential use, having regard to relevant design and site management considerations. In terms of design, long stay accommodation would be located separately to short stay accommodation and sited so as to achieve appropriate separation from the more intensive tourist uses on the site, such as the Restaurant/ Hotel facility.

In this regard, the draft Development Plan for Lot 381 proposes a proportion of the overall accommodation to potentially be used for long stay residential use. The final percentage would be dependent on the design on the hotel component, in particular.

Subdivision of tourist zoned land

Limited survey-strata subdivision is proposed as part of the Development Plan to provide for separate land tenure of the proposed Grouped Dwelling and some long stay accommodation sites. Given these sites will remain as part of the original parent lot, a management statement for the overall site could address common onsite management issues.

Regional Planning Framework

1. Pilbara Framework

The Western Australian Planning Commission (WAPC) has prepared and released for public comment the draft *Pilbara Planning and Infrastructure Framework (Framework)* which seeks to define a strategic direction for the future development of the Pilbara region, over the next 25 years. The *Framework* concludes that:

“...by 2035, the region will have a resident population of more than 140 000, based on a more diverse economy that has capitalised on its competitive advantages. As part of the Pilbara Cities vision, the Pilbara will have two cities: Karratha and Port Hedland, each with a population of 50 000.

These would be supported by the Newman sub-regional centre with a population of 15 000 and the major towns of Tom Price, Onslow and Wickham.”

Under the Framework, Onslow is defined as a ‘major town’. The Framework observes that:

“.....Onslow, will also expand and have new roles. This will involve an investment partnership between government and the private sector.”

- *Onslow Townsite Strategy 2010*

The Onslow Townsite Strategy (‘OTS’) was adopted by Council in July 2010 and endorsed by the WAPC in March 2011. As a consequence of the ANSIA development, Onslow will experience significant population growth and significant reorientation of Onslow’s urban

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structure will be required to accommodate the residential, community and civic needs of the anticipated residential population expansion.

The OTS identifies the following actions applicable to Tourism considered necessary to progress the implementation of the Strategy.

“3.7 Tourism

- *Identify areas for a range of tourist accommodation types and facilities.*
- *Encourage a potential marina development to include tourist accommodation and facilities.*
- *Ensure that transit workforce accommodation is not located within areas zoned for tourism.”*

The proposed use of the site as identified under the draft Development Plan is predominantly for a Hotel/Holiday Accommodation facility is consistent with the Strategy action referenced above.

Further, the Onslow Townsite Strategy Map includes the following notation:

“In preparing the Structure Plan, alternate access to Lot 381 and the Water Corporation site be considered. In relation to Lot 381, Council would be prepared to consider a mixed zoning that provided for residential use in the context of an overall tourist/residential development.”

The draft Development Plan for Lot 381 has regard for the intent for the site identified in the Strategy, including the need to resolve access issues. Land to the south of the site is identified as part of a “Proposed Development Investigation Area (subject to detailed Structure Planning).” Further planning work has been progressed over the investigation area in the form of the Onslow Townsite Expansion Stage 1 Development Plan (adopted January 2013).

Local Planning Policies

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

Local Planning Policy - Social Impact Assessment

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

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

The Policy states that the primary purpose of the SIS is to bring about better planning decisions and a more sustainable and equitable ecological and human environment.

This is achieved by describing the potential impacts of a proposed project, demonstrating how issues and concerns raised during the community consultation will be addressed.

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Local Planning Policy - Percent for Public Art Local Planning Policy All development proposals for mixed use, commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars), linked to WA Construction Index, shall be regarded as eligible proposals under this Policy. It is possible the commercial component of the development may trigger this LPP should it eventually result in an Application for Planning Approval.

Local Planning Policy - Consultation for Planning Proposals

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

Comment

The development identified in the submitted draft *Local Planning Policy* has merit as it reflects the intent and purpose of the Tourist zone. However, the Scheme does not provide an appropriate 'head of power' for the consideration of a development plan. In this regard, Council could either support an amendment to the Scheme (as reflected in the resolution of Agenda Item 13.02.10, Ordinary Meeting of Council 16 February 2011) or as a local planning policy as undertaken for Beadon Bay Caravan Park and RTIO's Rocklea Palms development at Paraburdoo.

Although the Scheme amendment process provides a 'statutory' definition for the land, the issues that relate to development of Lot 318, coastal setbacks, impacts on adjoining foreshore reserve and access will provide the necessary guidance for the strategic direction of the land and area.

The following discusses the above matters to be addressed:

Development of Lot 318

The purpose of the draft Development Plan is to facilitate the development of a Hotel /Holiday Accommodation facility as well as a proportion of long stay /permanent residential accommodation, including two grouped dwellings, on Lot 381.

- *The draft Development Plan design incorporates the following components:*
- *Two 942 m² sites each containing a grouped dwelling;*
- *Two 894 m² sites each containing potentially four (4) long stay accommodation units;*
- *A Hotel/Holiday Accommodation site, accommodating a Hotel, Restaurant,*
- *Reception, Pool, short stay and long stay accommodation, car parking, visitor amenities etc;*
- *Internal driveway system; and*
- *Landscaping*

The draft Development Plan attached to the *Local Planning Policy* depicts the location and scale of development on the site, as well as the relationship to surrounding land and development. Accordingly, the development identified in the submitted draft Development Plan has merit as it reflects the intent and purpose of the Tourist zone.

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Coastal setbacks

The impacts of coastal setbacks on the development potential of Lot 381 are probably the most significant issue to be addressed for the land owner and ultimately, the Shire. The land owner sought professional advice from Damara WA Pty Ltd – Coastal Engineers who undertake a site-specific assessment of potential coastal hazards (including inundation and erosion) affecting the site and evaluate their potential mitigation (forming part of the draft Development Plan) .

The Report advises:

“Lot 381 Second Avenue Onslow is located in the high dunes landward of Beadon Point, at the northern end of Onslow townsite. The site has a 150m wide erosion buffer, which includes primary dunes with sufficient width and height to resist erosion from an extreme storm sequence. It is considered that this buffer is adequate for the protection of the site against coastal change for the next 100 years if consideration is given to the stabilising influence of the intertidal rock platform and ongoing sand supply from the Ashburton River.

However, due to the uncertainty associated with projecting coastal change, particularly at a site which may be affected by tropical cyclones, it is appropriate the erosion hazard to Lot 381 to be managed through an adaptive framework.

The recommended approach for management is a focus upon dune resilience through growth and post-event recovery, as the fore-dune field and primary dunes provide an effective dynamic buffer against storm events. Triggers for active management are broadly based upon monitoring of the coastal dune width relative to the Lot 381 boundary:

- For a dune width of >70m, no direct adaptation is considered necessary. The setback buffer should continue to be maintained (i.e. no development seaward) and general management works to encourage dune recovery should be considered following informal (non-technical) monitoring on an annual basis;*
- For dune field width of 35-70m, increased attention should be given to maintenance of the setback buffer and encouraging dune resilience. Dune monitoring should be formal (surveyed), with inspection twice per year. The potential for significant management actions should be assessed in more detail if the dune field is <70m width;*
- For a dune width of <35m, direct action to mitigate the risk associated with erosion hazard is recommended. Detailed evaluation and implementation of management options should be undertaken. In the event that available management options are not economic or effective, then managed retreat should be planned. Dune monitoring should be formal (surveyed and interpreted by a coastal engineer), occurring after every storm event.*

It is re-iterated that the existing buffer is considered likely to be adequate for the next 100 years, with the majority of management being limited to assessment (monitoring) rather than on-ground actions. However, the adaptive management framework provides a basis with which to securely manage the erosion hazard to Lot 381.”

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The Damara recommendation provides a detailed assessment of the coastal hazard risks and provides a qualified conclusion that “.....existing buffer is considered likely to be adequate for the next 100 years”. The Shire is not in a position to query either Damara’s professional coastal hazard assessment conclusions. These are best addressed by the Department of Planning who will eventually need to address coastal hazard matters as part of a subdivision application.

Foreshore reserve adjacent to lot 381

A draft Foreshore Management Framework (FMF) has been prepared to establish guidelines for management of the foreshore reserve adjacent to lot 381 which anticipates implementation of an endorsed FMF would be required as a condition of development and subdivision approval.

The FMF proposes a Legal Deed to be prepared and proposed mechanism for funding adaptation and management works that may be necessary to develop Lot 381. However the unresolved issue that remains is the means by which contributions should (or shouldn’t) be required over the reserve for “.... adaptive management...” that if necessary, may not be required for 50 or so years!

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

Access to Lot 381

As noted, Gazetted road frontage to Lot 381 is derived from the Third Avenue road reserve. However, Lot 381 is currently provided with vehicular access via a track over Unallocated Crown Land extending from the Second Avenue Road reserve.

The landowner of Lot 381 has previously requested the Shire consider supporting an extension of Second Avenue up to the eastern boundary of Lot 381. In addition, the landowner has previously consulted the Department of Regional Development and Lands who advised a formal resolution of Council would be required in order to facilitate the dedication of (an extension to) a public road.

At its 21 September 2011 Meeting, the Council resolved to support, in principle, the concept of establishing a new road reserve connection between Second Avenue, to the eastern boundary of Lot 381. As part of its Resolution, Council advised the owner he would be responsible for various administrative, consultancy and construction costs associated with the proposed road extension.

The land owner’s planning consultant notes as follows:

“Whilst the landowner has progressed survey work to assist the design of the new road, it was considered prudent to progress planning work via the Development Plan process, particularly given potential constraints to development of the site associated with coastal erosion risk. Once the Development Plan approval process has substantially progressed, detailed road design could be finalised and the dedication of the land progressed through the Department of Regional Development and Lands.”

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Construction of the road extension would be to Council's specifications and could be required as a condition of Development Approval. Internally to the site, a sealed driveway arrangement would be constructed to provide access to Holiday Accommodation Units, the Hotel/Restaurant building, car parking and service areas."

The desire to achieve support for the development approach for Lot 381 as outlined by the land owner's planning consultant is considered appropriate. The draft Development Plan associated with the draft Local Planning Policy includes the following conditions:

- "1. Development and Subdivision shall generally be in accordance with the endorsed Development Plan.*
- 2. Preparation and implementation of a Foreshore Management Framework shall be required as a condition of Development and Subdivision approval.*
- 3. A Notification pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificate(s) of Title of the lot / proposed lots as a condition of development and/or subdivision approval advising the lot is subject to potential coastal erosion risk and is subject to a Foreshore Management Framework.*
- 4. Vehicular access to the site shall be via an extension of Second Avenue.*
- 5. Design Guidelines for the site shall be prepared by the proponent and endorsed by Council prior to determining an application for development approval. Development on the site shall generally be limited to three storeys, however an increased height limit for the hotel/restaurant may be considered.*
- 6. An Acoustic Assessment of potential noise impacts from the Onslow Salt Conveyor which considers any required noise mitigation measures for the site may be required as a condition of Development Approval.*
- 7. Car parking on site shall be provided in accordance with Scheme requirements.*
- 8. Boundary setbacks shall be in accordance with the Residential Design Codes for R50 density coded land, or as otherwise required by an approved Fire Management Plan.*
- 9. A Stormwater Management Plan shall be required as a Condition of Development Approval.*
- 10. A comprehensive Landscaping Plan shall be required as Condition of Development Approval.*
- 11. A Fire Management Plan may be required prior to Council determining an application for Development Approval."*

Advertising was carried out and twelve (12) submissions were received (three of which object) and which is addressed in the Schedule of Submissions (**ATTACHMENT 14.15B**). It is noted that as a result of the advertising and receipt of agency comments, additional conditions are recommended.

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Conclusion

It would be appropriate for Council to adopt draft '*Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow*' as it provides establish a policy position for the Council, Shire Administration, the land owner and the community.

It is emphasised that this is only the first part of a complex planning and development process for the development of the land as the land owner will need to negotiate access to Lot 381 from Second Avenue with the State of Western Australia and ultimately address to the requirements of the WAPC, measures to ensure management of the foreshore reserve adjacent to Lot 381.

Consultation

Chief Executive Officer

The Application was referred to the following State Agencies/Corporations:

- Water Corporation
- Horizon Power
- Department of Indigenous Affairs
- Department of Health
- Department of State Development
- Department of Regional Development and Lands
- Main Roads WA
- Department of Environment & Conservation

The *draft 'Local Planning Policy* was advertised for 21 days in accordance with Clause 5.7 'Advertising of Applications' of the Scheme comprising:

- Notice in the Pilbara News (the first day of advertising)
- Notice in the Onslow Times
- Notification on the Shire's Website and Shire offices in Onslow and Tom Price
- Notification to all land owners in Second Avenue (42 in total)
- Sign on the Second Avenue frontage

Twelve (12) submissions were received (three of which object) and all are addressed in the Schedule of Submissions included in **ATTACHMENT 14.15B**.

To enable the Council to fully consider the submissions, the Shire Administration provided a copy of submissions to the proponent and invited comment. The proponent's response to the submissions is included as **ATTACHMENT 14.15C**.

Statutory Environment

Planning and Development Act 2005
Shire of Ashburton Local Planning Scheme No 7
State Planning Policy 2.6 - The State Coastal Planning Policy
State Planning Policy 3.4 - Natural Hazards and Disasters

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

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

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Policy Implications

'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' will establish a policy position for the Council, Shire Administration, the land owner and the community.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Notes the Schedule of Submissions as **ATTACHMENT 14.15B** and the proponent's response to the submissions as **ATTACHMENT 14.15C** to this Report.
2. Adopt 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' modified as required in Schedule of Submissions as **ATTACHMENT 14.15B** to this Report as a Local Planning Policy under the provisions of Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
3. Authorise the Chief Executive Officer to finalise the documentation as required in 2. Above in order to finalise 'Local Planning Policy - Lot 381 Second Avenue/Third Avenue Onslow' and once undertaken, advertise in accordance with the provisions of the Scheme.

Author: Rob Paul	Signature:
Manager: Neil Hartley	Signature:

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14.16 PLANNING AND AFFORDABLE HOUSING DISCUSSION PAPER

FILE REFERENCE:	PS.PS.00.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Western Australian Planning Commission
DATE REPORT WRITTEN:	10 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Western Australian Planning Commission has released a document called 'Planning Provisions for Affordable Housing discussion paper', outlining a range of options for the planning system to support the development of affordable housing in Western Australia.

The Commission advise as follows:

"Local Government is one of the most important stakeholders in the planning and development approval process, and the options presented have strategic and administrative implications for local authorities. As a result, the Department is keen to receive your feedback on the options presented, to help inform the eventual development of a policy position by the State Government."

In response, the Administration has prepared a draft response which seeks to summarise concerns expressed by Council over a number of years in relation to affordable housing and the resource industry.

Background

The Western Australian Planning Commission has released a document called 'Planning Provisions for Affordable Housing discussion paper', outlining a range of options for the planning system to support the development of affordable housing in Western Australia.

The Commission advise as follows:

"Local Government is one of the most important stakeholders in the planning and development approval process, and the options presented have strategic and administrative implications for local authorities. As a result, the Department is keen to receive your feedback on the options presented, to help inform the eventual development of a policy position by the State Government."

ATTACHMENT 14.16A

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Comment

In response, the Administration has prepared a draft submission which seeks to summarise concerns expressed by Council over a number of years in relation to affordable housing and the resource industry.

ATTACHMENT 14.16B

Consultation

Chief Executive Officer
All Councillors (informally)

Statutory Environment

There is no Statutory Environment relative to this matter.

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

Recommendation

That Council:

1. In regard to correspondence received from the Western Australian Planning Commission advising of its 'discussion paper' called '*Planning Provisions for Affordable Housing discussion paper*', (**ATTACHMENT 14.16A**) that Council authorise its response as provided for in **ATTACHMENT 14.16B**.
2. Provide a copy of Council's response to the Western Australian Local Government Association.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.17 PLANNING APPLICATION - THREE DWELLINGS (GROUP DWELLINGS AT THREE LEVELS) AT LOT 305 (NO. 3) FIRST AVENUE, ONSLOW, WITH ACCESS FOR ONE DWELLING FROM REAR RIGHT OF WAY

FILE REFERENCE:	ON.FI.0305.00 13-10
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Hodge Collard Architects Dampier Port Authority (DPA)
DATE REPORT WRITTEN:	11 November 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 305 (No. 3) First Avenue, Onslow which has an area of 931m². The land is zoned Commercial and Civic Code limit of R30) and located with the Onslow Coastal Hazard Area Special Control Area. Because the lot is included in the Special Control Area, the density of residential development is limited to Residential Design Code (RCode) density of R30. The application comprises three dwellings (two storeys) with two dwellings having access from First Avenue and the rear dwelling having direct access from the Right of Way (ROW) at the rear of the lot.

The Applicant has provided a review of the development against the RCodes where it indicates that requirements are met. However, the assessment provided is not considered detailed to the point of being able to determine that the development clearly complies with the RCodes. In this regard, further information should be provided by the Applicant.

The issue for Council relates to proposal to having a dwelling with direct and sole access to the rear ROW. It is recommended that that the Application in its current form not be supported due to the desire to access the laneway.

However, rather than refusing the Application outright, it is recommended that Council resolve to advise the Dampier port Authority (DPA) that it is not prepared to support the development as proposed and allow DPA to submit a new design that has no vehicular access to the laneway. Should the DPA advise that it wishes to pursue the Application as presented, the Chief Executive Officer would be authorised to issue a notice of refusal.

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Background

The subject site comprises Lot 305 (No. 3) First Avenue, Onslow which has an area of 931m² and is vacant. 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 unconstructed Right of Way (ROW), that has a width of approximately 5m. In addition, an electric supply pole is located within the ROW limiting access width in this section to 4m.

The adjoining lot to the east is occupied for residential purpose whilst the adjoining land to the west is the Onslow caravan park. Land to the south (over the laneway) forms a portion of the Onslow Caravan Park (Lot 312) and Lot 311 which is currently being developed for 'multiple dwelling' (office and residential) as approved by the Pilbara Joint Development Assessment Panel in July 2012.



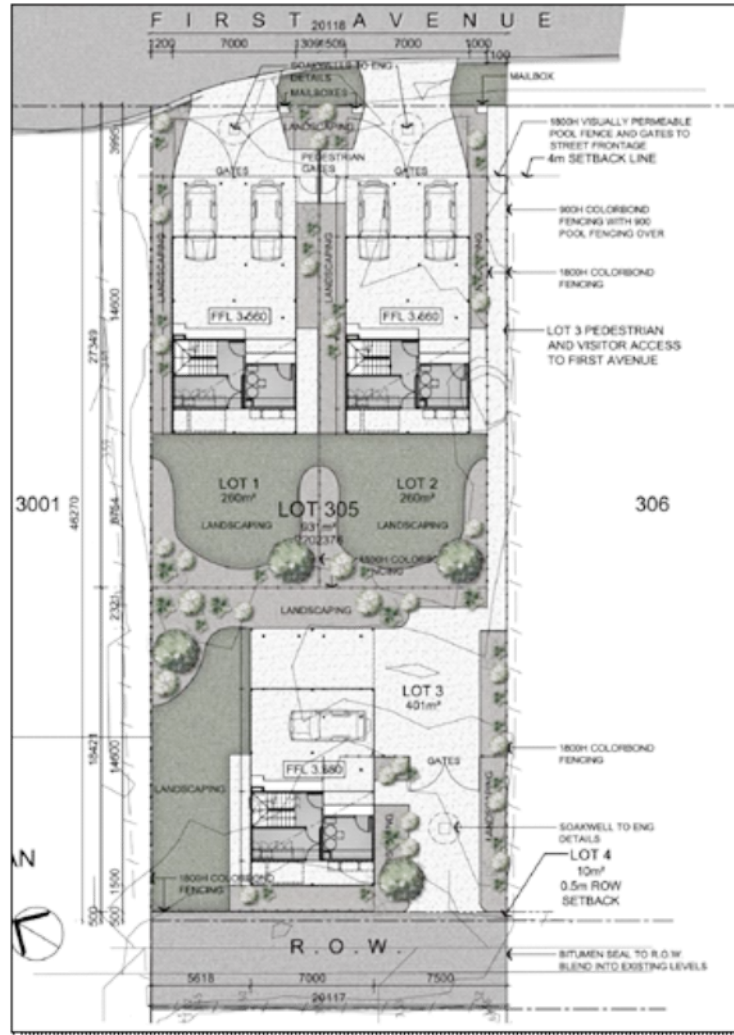
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Proposal

The application comprises three dwellings (three levels) with two dwellings having access from First Avenue and the rear dwelling having direct access from the ROW at the rear of the lot.

The dwellings are to be provided with external private recreational areas and no central open space is sought. Access to two units is via an internal driveway site on the eastern boundary directly from First Avenue, with access to the third unit from the RoW. A pathway from the third dwelling is to connect to Third Avenue. Two car parking spaces for the each dwelling are to be provided in the undercroft areas of the dwellings. The dwellings are to be provided a first floor finished floor level of 5.9m AHD.

ATTACHMENT 14.17



Extract of submitted plan

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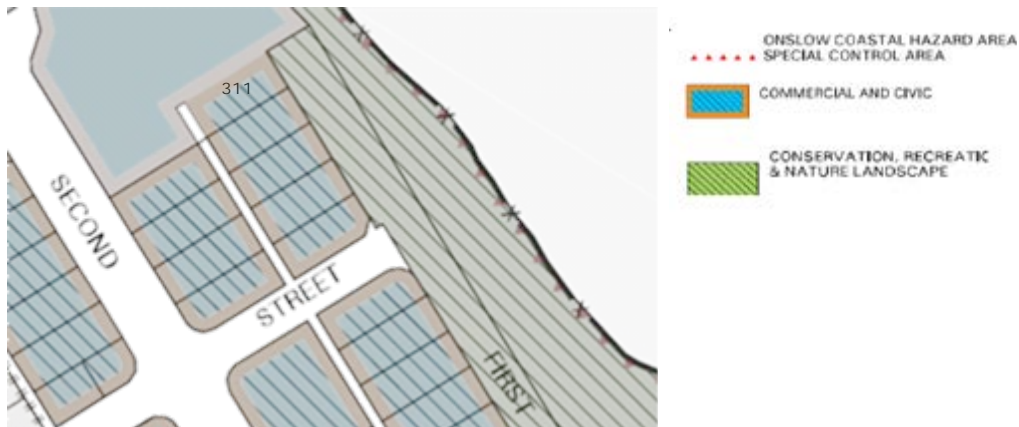
Comment

Shire of Ashburton Local Planning Scheme No.7

The application is to be determined in accordance with the provisions of Part 5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). The following clauses provided for in the Scheme are relevant:

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 4.2 Zoning Table
- Clause 5.1 Requirement for Planning Approval
- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application
- Clause 6.10 Commercial zones
- Clause 6.17 Vehicle Parking and Access
- Clause 6.20 Flood and Storm Surge Prone Land
- Clause 7.1 Operation of Special Control Areas
- Clause 7.3 Coastal Hazard Area

The subject site is zoned '*Commercial and Civic*' under the Scheme and is located within a special control area: '*Onslow Coastal Hazard Area Special Control Area*'.



'Commercial and Civic' zone:

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

"6.10 Commercial Zones

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

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

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

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

Onslow Coastal Hazard Area Special Control Area'

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

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

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

"7.3 Onslow Coastal Hazard Area

- 7.3.1 The Special Control Area applies to all land up to 4m AHD in the coastal zone and 5m AHD in the frontal dune areas of the townsite, between Four Mile Creek in the south-west and Beadon Creek in the north-east.*
- 7.3.2 Applications for planning approval for land within the Special Control Area shall be assessed in the context of coastal plans, where these have been prepared and endorsed by the WAPC, for each sector of the Special Control Area and development shall conform with the requirements of the endorsed plan.*
- 7.3.3 Applications for planning approval not in conformity with the plan shall be referred to the Ministry for Planning and the Registrar of Aboriginal Sites for advice.*
- 7.3.4 In areas not subject to clause 7.3, and Local Government considers the form of development the subject of a planning application to be potentially incompatible with and prone to flood and storm surge events, it may have regard for information about these events and may approve, with or without conditions, or refuse proposals at its discretion.*
- 7.3.5 Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.*
- 7.3.6 Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.*
- 7.3.7 After receipt of advice or recommendations from the agencies referred to in subclause 7.3.3, the Local Government may, notwithstanding any other provision of the Scheme:*

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- (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 Clause 7.3.3 is considered to be typographical error in the Scheme).

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 requirements are met. However, the assessment provided is not considered detailed to the point of being able to determine that the development clearly complies with the RCodes. In this regard, further information should be provided by the Applicant.

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.

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;”

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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 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. 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.

Parking Strategy & Laneways Study for Onslow

The issue of access to the RoW's has led to the Administration identifying 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 Administration 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 ROW information gathering and strategy is developed prior to commencing the development of the Onslow car parking study to enable consideration of different ROW use options. Accordingly, the Administration has appointed a consultant (Whelans) to undertake the study in accordance with the above Scope.

Whelans has provided a first draft of the Report which although is still to be addressed by the Administration or referred to Council for consideration. The first draft received does not make any recommendations associated with the RoW relative to this site.

The proposal identifies that access for the 'rear' unit is directly to the laneway. In addition, the proposal is to drain into the laneways which as noted, is unsealed, unlit and not carrying drainage infrastructure. Accordingly, the applicant is seeking two-way access for a RoW that is 5m wide and which is unsealed and impacted by the sting of a power pole. The plan does show that a 0.5m portion of Lot 305 is to be provided as a 'laneway' setback and which is presumably meant to be given up free of cost. However this arrangement is not stated.

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The Administration in recommending to the Pilbara JDAP has been at pains to identify that access to the laneways for new developments should be denied. When considering access to Lot 311 for the Multiple Dwelling (commercial and residential development), the Pilbara JDAP agreed that access should be one-way into the site (from the ROW and existing on Second Avenue.

The Applicant has supplied with the Application a traffic study which from the report provided, has the following purpose:

“A review of the sightlines has been undertaken as a desktop exercise and it is considered that should opposing vehicles try to enter the narrow section of ROW at the same time, there are adequate sightlines in place for vehicles to sight each other in sufficient time to safely travel through the two way one lane section of the ROW.”

The traffic study concludes as follows:

“The proposed car parking layout and associated site access arrangements to the rear residence proposed on Lot 305 First Avenue is considered appropriate with all expected vehicle movements expected to be safely accommodated into and out of the car parking areas off the existing width ROW.

The expected volumes associated with accessing the development via the ROW are expected to be very low particularly during the roadway peak periods and the likelihood of conflict between opposing traffic within the ROW is commensurably very low.

Should opposing vehicles enter the narrow ROW at the same time, adequate sightlines are in place with the vehicles traversing the ROW at very low speeds for opposing vehicles to sight each other well in advance of potential conflict and take appropriate action to allow one way opposing flow to occur.

In conclusion, based upon the results of the traffic and sightline assessment, there are no anticipated safety or operational concerns associated with the proposal and is therefore supported from a traffic perspective. However it is recognised that Whelans are undertaking a ROW review on behalf of the Shire of Ashburton and the outcome of Whelans’ review might determine the ROW usage.”

The Administration does not agree with the conclusions reached above as the traffic study does not anticipate the outcome of the Administration allowing two-way traffic on an unconstructed RoW and establishing the opportunity for access for the remaining lots to have the same opportunity for future developments. In addition, it would be open for the developer of Lot 311 to seek a review of his proposal to allow two-way traffic.

Importantly, the traffic study makes no mention of the Scheme requirement that the minimum access width for two-way access shown is 6m (Appendix 9).

It should be emphasised that prior to lodging the application, discussions were carried out with the Principal Town Planner, DPA representative and their architect. The issues associated with the access to the RoW were highlighted and advised that it would potentially lead to Council not supporting the Application.

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It is recommended that that the Application in its current form not be supported due to the desire to access the laneway. However, rather than refusing the Application outright, it is recommended that Council resolve to advise the Dampier Port Authority (DPA) that it is not prepared to support the development as proposed and allow DPA to submit a new design that has no vehicular access to the laneway. Should the DPA advise that it wishes to pursue the Application as presented, the Chief Executive Officer would be authorized to issue a notice of refusal.

Consultation

Chief Executive Officer
Manager Building Services

Public Consultation

The Application was advertised by sign on site, notice to adjoining land owners and those who access the laneway. No submissions were received.

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. With respect to Planning Application Shire Ref: 13-10 for three group dwellings at Lot 305 (No.3) First Avenue, Onslow that Council does not support the configuration of the development whereby it seeks to have vehicular access and drain to the rear Right of Way (ROW) on the basis that the:
 - i. ROW is undersized for two way access;
 - ii. ROW is unsealed, has no drainage infrastructure and has a power pole within that inhibits two-way access;
 - iii. Support for access as sought will establish a precedent that the Shire supports access for new developments to the laneways in Onslow;
 - iv. Any approval for access to the RoW is premature until Council and the community of Onslow has addressed the outcomes and recommendations of the *Onslow Rights of Way Strategy* being undertaken by Whelans.
2. Invites the Applicant and the Dampier Port Authority (as land owner) to resubmit plans whereby all vehicular access and drainage is to First Avenue. Should this be undertaken, the Chief Executive Officer is authorised to use delegation DA035 to determine the Application.
3. Should the Applicant and the Dampier Port Authority advise that it is not prepared to review the Application as provided in 2. above, the Chief Executive Officer is authorised to use delegation DA035 to refuse the Application.

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

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14.18 PLANNING APPLICATION - LAYDOWN & UTILITY YARD TO SUPPORT MARINE SERVICES OPERATIONS AT 'LOT 8' RESERVE R30711, BEADON CREEK HARBOR, ONSLOW

FILE REFERENCE:	RE.BD.R.30711 20130264 (P)
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:	11 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.10 (Minute: 11630) - Ordinary Meeting of Council 18 September 2013

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.

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

Council resolved to (again) seek 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. As an initial response, the Department of Transport ('DoT') has met with Shire Administration and sought to commence a process of 'structure planning' which although in its earliest stages, is considered sufficient to consider Application for laydown & utility yard to support marine services operations at 'Lot 8' Reserve R30711, Beadon Creek Harbor, Onslow.

The application was widely advertised and referred to State agencies with no objection received.

It is recommended that conditional Planning Approval issue for the laydown & utility yard to support marine services operations at 'Lot 8'. With respect to DoT's conceptual 'structure planning' approach, it is intended that a Administration report on the matter will be made available for the December meeting of Council.

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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 Administration has been made aware of 'confidential' concept plan prepared by the DoT that shows industrial use and development within 20 metres of existing accommodation at the 'Beadon Bay Caravan Park'. DoT has prepared at least seven 'concepts' that have had no statutory, environmental or community input into their design. As far as the Shire is aware, the 'concepts' merely represent a commercial estate venture to develop the harbour area for leasehold purposes.

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

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

"That Council:

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

The Administration undertook to carryout Council's instructions and as a result and as an initial response, the Department of Transport ('DoT') has met with the Administration and sought to commence a process of 'structure planning' for the Beadon Creek Harbor.

ATTACHMENT 14.18B

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 comprises clearing (which doesn't require the consent of Council), a fenced laydown yard, transportable buildings, workshop and the installation of desalination plant.

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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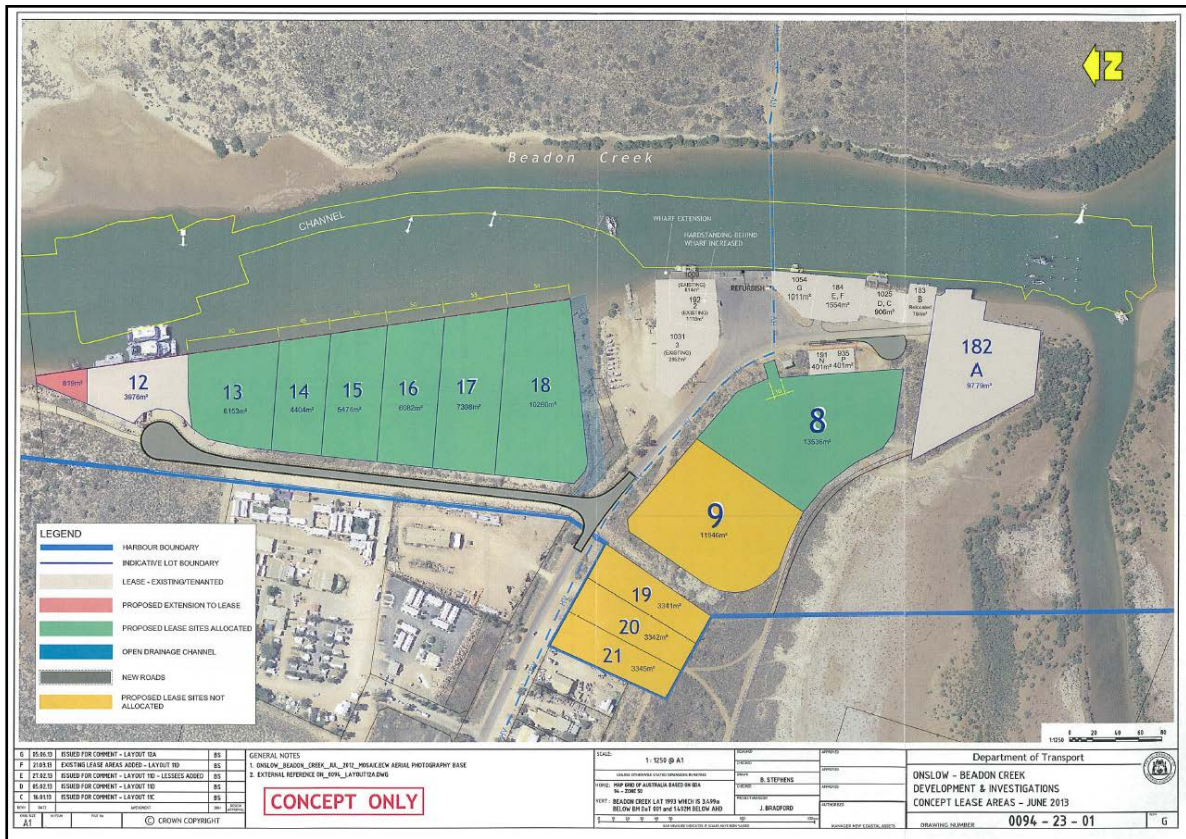
“JAG is the Lessee of Lot G and Lot 8 at the Beadon Creek Maritime Facility and is an existing ratepayer to the Shire of Ashburton.

The 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.

The proponent is confident that this proposal is consistent with the Shire of Ashburton published plans for development which include an expanded light industrial area, including within the boundaries of the DOT Onslow Maritime Facility.

The proponent is also confident that the extent of this proposal is within the terms of the Unimproved Land Lease for Lot 8 and is entirely consistent with DOT plans for development of the Beadon Creek Maritime Facility.”

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



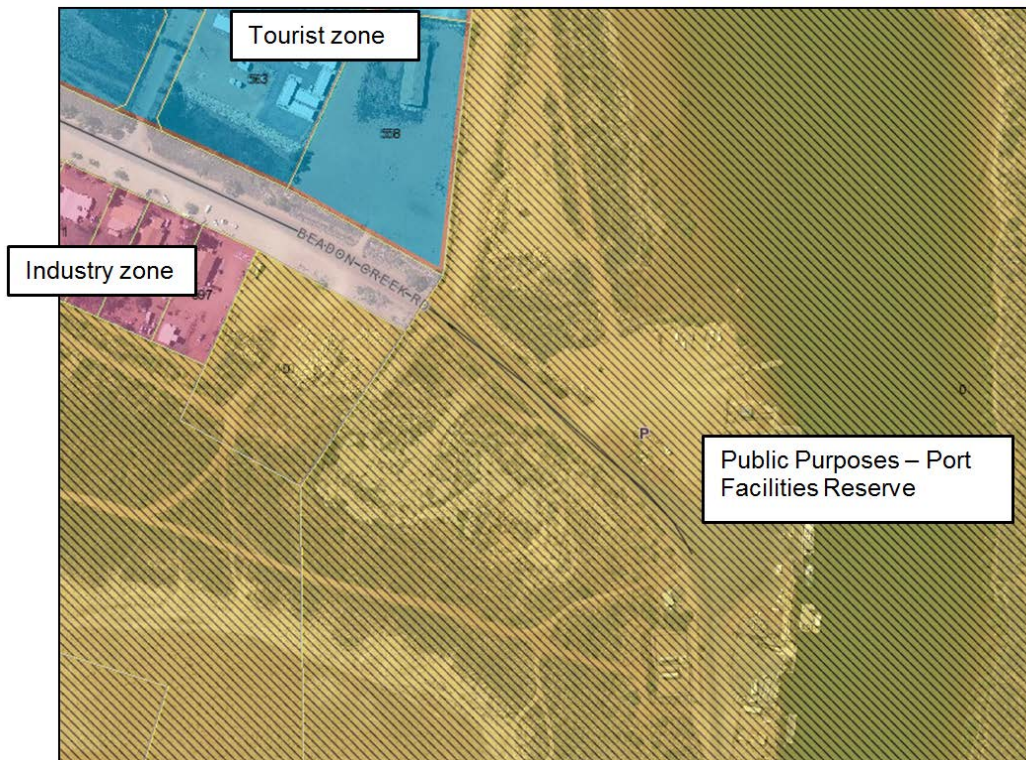
It should be noted that the above ‘concept plan’ is again different to that referred to Council Agenda Item 14.10 (Minute: 11630), Ordinary Meeting of Council 18 September 2013.

ATTACHMENT 14.18B

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Comment

'Lot 8' along with all of the DoT Beadon Creek Harbour areas is reserved under the Scheme for 'Public Purposes- Port Facilities.'



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

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

Under the Scheme, the following provisions apply:

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

3.2.5 The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such

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development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.”

In this regard, the Application has been accepted by the Department of Transport as public land under the care and control of the Department of Transport (Reserve 30711).

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

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

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

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

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

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

Key Planning Issues

The Application generates both strategic and site specific matters that need to be addressed and which include:

- *Flood and Storm Surge;*
- *Potential impact on amenity and conflict with nearby Tourist zoned land (developed and non-developed); and*
- *DoT’s process of ‘structure planning’.*

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The key planning issues areas are as follows.

Flood and Storm Surge

The use and the works proposed do not appear to be limited by the requirements of Clause 7.3.8 of the Scheme. However, should Planning Approval issue, the Council would be obliged to include reference to the endorsement required under Clause 7.3.8 (e).

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

'Lot 8' is approximately 120m from the sensitive 'Tourist' zoned land that abuts the DoT's Harbour area. The Council has expressed in the strongest of terms the need to ensure that the DoT only allows use in the Harbour area that are compatible with uses available in the Tourist zone land.

The application was referred to the Department of Environment Regulation (DER) for a broad comment and the following response has been provided:

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

The proposal as sought is also available to other lots opposite the Tourist zoned land and which is zoned Industry. It is noted that these lots are within 40m of the Tourist zone and in many cases, 'permitted' uses.

DoT's process of 'structure planning'

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

Although the 'structure planning' is in its early stages, it is considered sufficient to consider Application for laydown & utility yard to support marine services operations at 'Lot 8' Reserve R30711, Beadon Creek Harbor. However, it is important to note that any decision of Council does not relate to any other aspect or decision associated with the process of 'structure planning' being undertaken by the DoT.

Conclusion

It is recommended that conditional Planning Approval issue for the laydown & utility yard to support marine services operations at 'Lot 8'. With respect to DoT's conceptual 'structure planning' approach, it is intended that a Shire Administration report on the matter will be made available for the December meeting of Council.

Consultation

Chief Executive Officer

The application was widely advertised and referred to State agencies with no objection received.

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Statutory Environment

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

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

Policy Implications

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

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20130264 for laydown yard, transportable buildings, workshop and the installation of desalination plant at Department of Planning 'Lot 8' Reserve 30711, Beadon Creek Harbor, Onslow generally in accordance with plans as provided in **ATTACHMENT 14.18A** to the Shire Report (and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:
 1. This Planning Approval lapses if the development is not substantially commenced by 20 November 2015.
 2. Prior to commencement of any development, the route of the pipeline as provided in the endorsed surveyed pipeline plan (require in Condition 2 (ii)) will be pegged by a qualified surveyor for its entire length and located to the satisfaction of the Shire of Ashburton
 3. The pipeline shall be underground and the route rehabilitated to the satisfaction of the Shire of Ashburton.
 4. In accordance with Clause 7.3.8(e) of the Scheme, 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.

Advice Notes

- i. 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).

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- iii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.
 - iv. This Planning Approval does not remove any responsibility the Applicant may have in 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 Environment Regulation of the Department of Parks and Wildlife.
 - v. 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>.
2. Advise the Department of Transport that Council acknowledges the Department's attempts to commence a process of 'structure planning' for the Beadon Creek Harbour and that this is at its very early stages. Council wishes to advise that the decision concerning 'Lot 8' should not be regarded as acceptance by Council of any further development at the Harbour prior to the outcome of structure planning.'

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2013

14.19 OBJECTION TO MISCELLANEOUS MINING LICENCE APPLICATION L08/77 BY QUARRY PARK P/L, LOCATED AT MOUTH OF ASHBURTON RIVER

FILE REFERENCE:	RD.MI.00.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner Keith Pearson Special Projects Advisor
NAME OF APPLICANT/RESPONDENT:	Quarry Park Pty Ltd
DATE REPORT WRITTEN:	11 November 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3, Ordinary Meeting of Council, 16 October, 2012 (Minute 11320) Agenda Item 13.4. Ordinary Meeting of Council, 10 April 2013 (Minute 11491))

Summary

Council, at its October 2012 meeting, considered a report in relation to an objection the Shire Administration had lodged with the Mining Warden's Court, in relation to a Miscellaneous Mining Licence Application L08/77, made by Quarry Park Pty Ltd, to use land at the mouth of the Ashburton River for the purposes of stockpiling quarry material and barging it from a proposed jetty.

The land, which is the subject of the licence application, has been identified as the alternative to Hooley Creek, as the public access point to the coast within the vicinity of the Ashburton North Strategic Industrial Area. The need for the alternative access point has arisen as a result of the proposed Wheatstone LNG project blocking access to Hooley Creek.

The Administration has now been advised that the Minister for Mines and Petroleum has used the provisions of The Mines Act 1978 to instruct the Mining Warden to terminate the licence application.

This is a positive outcome for the Council and Community as it means that Quarry Park's licence application L08/77 has been refused, without the need for the matter to proceed to a court hearing. More significantly, it means that informal recreation area at Secret Creek and its Public Access Route are protected from inappropriate mining related activity taking place on the land they occupy

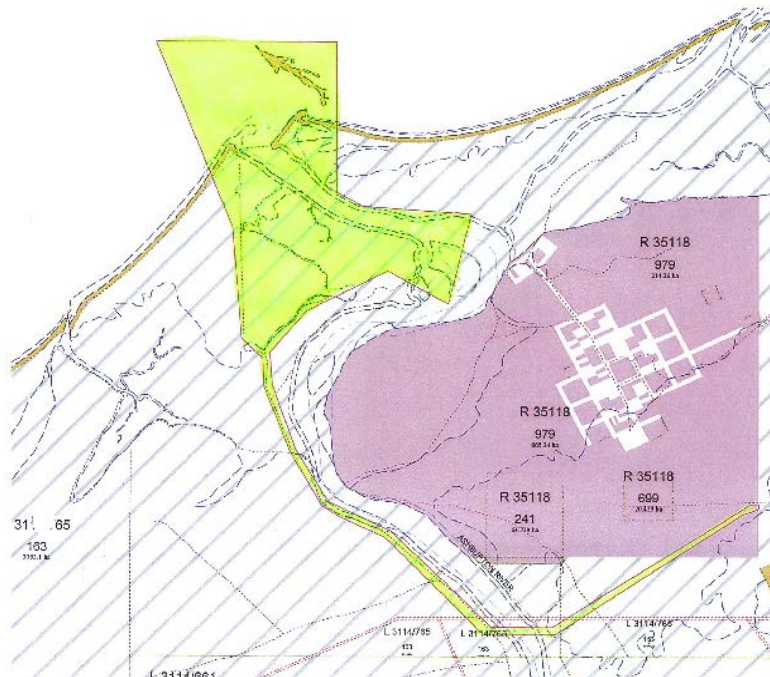
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Background

Council, at its October 2012 meeting, considered a report in relation to an objection the Shire Administration had lodged with the Mining Warden's Court, in relation to a Miscellaneous Mining Licence Application L08/77, made by Quarry Park Pty Ltd, to use land at the mouth of the Ashburton River for mining related purposes.

The report to Council stated

"the Shire understands that the Applicant (Quarry Park Pty Ltd) is seeking to establish a new port facility with direct access and use of the Ashburton River. Quarry Park Pty Ltd would store and ultimately ship aggregate and stone material from its various mining and quarry activities in the region from the port facility".



"The Shire has lodged an objection to the Application with Wardens Court and the matter has initially been heard in order to establish the details of the objection and Applicant's response. Shire representatives have also informally met with the Applicant to express the concerns of the Shire the Application. A date of a formal hearing is yet to be determined.

In addition to the above, State Land Services has sought the views of the Shire with respect to the proposal.....

The State Lands referral is an important step as up until now, the Shire has been solely responsible in addressing the implications of approving the Miscellaneous Licence 08/77. This has resulted in significant time and financial costs to the Shire. From discussions with officers from State agencies, it is anticipated that the Department of State Development, DMP and DOT will also not support the Application.

The Shire's objection is largely based on the inappropriate use of the Ashburton River and environs for a port, the environmental implications of such a proposal and the alienation of the community to the locality."

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Following its deliberations in relation to the matter, Council resolved

“That Council

1. *Endorse the Shire’s objection to Miscellaneous Licence L08/77, as outlined in this report*
2. *Request the Chief Executive Officer to*
 - (a) *Notify State Land Services of Council’s opposition to Miscellaneous Licence L08/77*
 - (b) *Continue monitor the position of the State agencies to the application”.*

Quarry Park’s proposal for the land, which is the subject of Licence L08/77, does, in fact, have the potential to have a significantly adverse impact on the orderly planning of the Ashburton North Strategic Industrial Area (ANSIA), in general, and the Wheatstone LNG project, in particular.

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

In practice, it had become apparent that it would not be possible to maintain public access to Hooleys Creek once the Wheatstone LNG plant is operational. For this reason Secret Creek, at the mouth of the Ashburton River, has been identified as the coastal location most suitable for public access.

The Secret Creek location, and the Public Access Route (PAR) to it, mirror very closely the land which is the subject of Quarry Park’s licence application L08/77.

It is clear that the issuing of licence application L08/77 would totally compromise the issue of public access to the coast within the vicinity of the ANSIA.

Comment

Since this matter was considered by Council the Wardens Court has given instructions (“Directions”) to the applicant and the Administration in relation to a number of procedural matters, prior to there being a full hearing of the case. These Directions are designed to ensure that all parties have the fullest and most detailed understanding of what is proposed. and what the basis of the objection to the proposal is.

Information provided by the Applicant during the Directions process confirmed that Quarry Park proposed to use the site for the stockpiling and barging of quarry material. It also became apparent that infrastructure associated with the facility would be significant.

Since the lodging of the Council’s objection the Administration has had an ongoing dialogue with the Department of State Development (DSD). During these discussions the Administration has emphasized the fact that Licence L08/77, if granted, would totally compromise the use of Secret Creek as an alternative to Hooley Creek, as a recreational area for Onslow community. This, in turn, would severely compromise Chevron Australia’s ability to satisfy the conditions contained in its planning approvals for the Wheatstone LNG project.

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DSD recognized the adverse effects of Licence L08/77 being granted and as a result the Department's Minister, the Minister for State Development requested the Minister for Mines and Petroleum intervene in the court proceedings and instruct the Mining Warden to refuse the licence application, on the grounds of "public interest", in accordance with the provisions of Section 111A of the Mining Act 1978, which states.

"111A. Minister may terminate or summarily refuse certain applications

(1) The Minister may —

- (a) by notice served on the mining registrar or the warden, as the case requires, terminate an application for a mining tenement before the mining registrar or the warden has determined, or made a recommendation in respect of, the application; or*
- (b) refuse an application for a mining tenement, if in respect of the whole or any part of the land to which the application relates —*
- (c) the Minister is satisfied on reasonable grounds in the public interest that —*
 - (i) the land should not be disturbed; or*
 - (ii) the application should not be granted;"*

On the 5th of November 2013 the Minister for Mines and Petroleum's Department advised DSD .

"After careful consideration of all submissions lodged, the Minister for Mines and Petroleum served notice on the Warden advising that he had determined to terminate the application due to the direct conflict the licence would have on the Public Access Route declared by the (then) Department of Regional Development and Lands"

This is an extremely positive outcome for the Council and the Community as it means that Quarry Park's licence application L08/77 has been refused, without the need for the matter to proceed to a court hearing. More significantly, it means that informal recreation area at Secret Creek and its Public Access Route is protected from inappropriate mining related activity taking place on the land they occupy.

Consultation

Acting Chief Executive Officer
Shire Solicitor
Department State Development

Statutory Environment

Mining Act 1978
Planning and Development Act
Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')
Land Administration Act

Financial Implications

The Shire has been responsible for the legal of costs of defending the matter before the Warden's Court. Costs are currently covered within *Schedule 10 'Town Planning/Regional Development'* of the 2011/12 Budget which is a general line item

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

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

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

Policy Implications

There are no policy implications relative to this matter

Voting Requirement

Simple Majority Required

Recommendation

That Council receives the Officers' report "*Agenda Item 14.19 – Objection to Miscellaneous Mining Licence Application L08/77 By Quarry Park P/L, Located at Mouth of Ashburton River*".

Author: Rob Paull	Signature:
Manager: Neil Hartley	Signature:

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15. OPERATIONS REPORTS

There are no Operations Reports for this Agenda.

16. COUNCILLOR AGENDA ITEMS

There are no Councillor Agenda Items for this Agenda.

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

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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18.2 CONFIDENTIAL ITEM - OBJECTION TO MISCELLANEOUS MINING LICENCES L08/109 - 112 - REQUEST FOR MINISTER FOR MINES TO EXERCISE HIS POWER PURSUANT S111A OF THE MINING ACT

FILE REFERENCE: RD.MI.00.00

AUTHOR'S NAME AND POSITION: Keith Pearson
Special Projects Advisor

NAME OF APPLICANT/RESPONDENT: Yarri Mining Pty Ltd.

DATE REPORT WRITTEN: 7 November 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.8. Ordinary Meeting of Council, 13 March 2013 (Minute 11465)

Please refer to Confidential Item Attachment under separate cover.

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**18.3 CONFIDENTIAL ITEM - ONSLOW SPORTING PRECINCT - RESERVE
42090**

FILE REFERENCE:	OR.MT.2 RE.MG.R.42090
AUTHOR'S NAME AND POSITION:	Zoe McGowan Project Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	23 October 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Please refer to Confidential Item Attachment under separate cover.

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18.4 CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF RELEASE. WITTENOOM LITIGATION

FILE REFERENCE: AS.WI.002.00

AUTHOR'S NAME AND POSITION: Keith Pearson
Special Projects Advisor

Leanne Lind
Governance and Policy Officer

NAME OF APPLICANT/RESPONDENT: Mrs Michelle Baxter

DATE REPORT WRITTEN: 7 November 2013

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

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 18.1 (Minute No.11684)
Ordinary Meeting of Council 16 October 2013

Please refer to Confidential Item Attachment under separate cover.

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 11 December 2013, at the Lot 535 Third Avenue Onslow, commencing at 1.00 pm.

20. CLOSURE OF MEETING