

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA
Public Document

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

21 August 2013

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 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 21 August 2013 at Onslow Sports Club, Lot 535 Third Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Frank Ludovico
A/CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr L Shields	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr F Ludovico	A/Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Mrs L Hannagan	A/Executive Manager, Corporate Services
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Officer CEO
Miss K Domingo	Relieving CEO & Councillor Support Officer
Mentors	
Ms J Law	Manager, Advice and Support, Department of Local Government
Cr K Chappel	Shire President of Morawa Shire Council
Mr D Burnett	Chief Executive Officer, City of Kalgoorlie-Boulder

3.2 APOLOGIES

Troy Davis	Executive Manager, Technical Services
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3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 17 July 2013 the following questions were taken on notice and a written response will be provided.

Mr Kevin Manning from Manning Pavement Services, Paraburdoo, tables the following questions.

Q1. "The Ashburton shire recently awarded an asphalt contract at Gregory way in Paraburdoo to a non-local company at a Lump

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sum price which is more expensive than our local rate \$140,000.00 as compared to MPS' \$121,524.00 which included use of local suppliers and accommodation. MPS were informed we have to become recognised by WALGA to win this tender however we were informed by WALGA that MPS is too small to be a member. Why when a non-local company awarded this contract when a local company tendered at a lower price and utilising local resources."

Response

Initially the Shire of Ashburton called for quotes for the sealing of Gregory Way, Paraburdoo. Three written quotes were obtained, these being from Pilbara Asphalt, Manning Pavement Services and Downer.

The quotes received were;

- Downer \$127,591.20 + GST
- Pilbara Asphalt \$187,471.40 + GST
- Manning Pavement Services \$197,099.00 + GST

As all the quotes were in excess of \$100,000, the Shire was required, by the provisions of the Local Government Act (LGA), to either tender the project, or use the Western Australia Local Government Association's (WALGA) Preferred Suppliers Arrangements. The Administration chose the latter procedure due to time constraints.

When tenders closed the Shire had received two tenders, these being;

- Downer \$127,591.20 + GST
- Fulton Hogan \$163,103.78 + GST

After considering both the prices tendered, and other considerations, Downer was awarded the contract.

During the tendering period Manning Pavement Services, which is not a WALGA Preferred Supplier, submitted a second quotation for the works, this being for the total sum of \$115,104.00 + GST. This quotation, however, involved the company breaking the project into two parts and quoting for each part separately (\$85,440.00 + GST and \$29,664.00 + GST, respectively).

The splitting of quotations in order to avoid the tendering process is contrary to the provisions of the LGA and also the Shire's "Purchasing and Tendering Policy (FIN12)", which in relation to anti-avoidance states;

"The Shire of Ashburton shall not enter into two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender."

In summary, the provisions of Council's Purchasing and Tendering Policy were followed when awarding the contract and there was no prejudice against local suppliers.

Q2. "The Ashburton Shire has been tendering and winning contracts or smaller jobs in the Paraburdoo/Tom Price area which is taking away employment opportunities from local contractors, namely

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winning contracts with the local mining company. As a result companies have been out of work and have had to source other locations for work as there is currently minimal work for local civil contractor sin the area.

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

Response

It is correct that the Shire of Ashburton has undertaken a number of private works contracts within the Shire boundaries. These works have been almost entirely on behalf of resource companies or Main Roads Western Australia and have been the result of the Shire being approached to undertake the works because of the skills and equipment available to it.

A recent audit of the Shire's operations by the Department of Local Government has highlighted the need for the Shire to review the processes it has in place when undertaking such works. As a result the Administration is undertaking a thorough review of the Shire's practices in relation to such works and it is expected that a draft policy in relation to private works will be presented to Council for consideration in the near future.

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

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

Response

It is a confirmed that until recently a concrete batching plant and bitumen plant operated from a quarry site, under the Shire's control, on Nameless Valley Road. Both of these businesses had been successful tenderers for ongoing Shire road making and construction projects.

These contracts have now ended and the two businesses concerned have ceased operating from the site and have almost completed demobilisation.

The Shire will be calling new tenders for these services however there will be no provision within the tenders for the successful businesses to operate from the site in question.

Q4. "How do you become part of Shire of Ashburton panel of contractors?"

Response

We are currently going through the process of establishing an e-quote system which will enable local suppliers to submit quotations for Shire works. We will advertise this system when it is introduced.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

Mr Kit Davidson, Project Manager, Marine Tourism WA will be giving a presentation regarding a proposed marina for Beadon Creek, Onslow.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 17 July 2013

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 17 July 2013, as previously circulated on 31 July 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.

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NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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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:	Janyce Smith Executive Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 March 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 not a public document and so to increase transparency, a report on the status of implementing Council decisions has been prepared for Council.

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

ATTACHMENT 10.1

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Consultation

A/Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

Strategic Implications

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

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

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

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

FILE REFERENCE:	OR.DA.00.00
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 August 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 July 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 July 2013 are set out below.

Development Approvals Issued

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

Details of approvals issued by the Executive Manager, Technical Services for the month of July 2013 are set out below.

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Approval to Purchase Goods and Services by the Chief Executive Officer

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

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

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

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

Comment

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

This report is prepared for each Council meeting.

The Use of the Common Seal

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

Seal 511	Proposed access easement to the Paraburdoo landfill site
Seal 514	Bank guarantee SoA and Water Corp, water main relocation Onslow Airport
Seal 515	Deed of Covenant and Indemnity. Water main relocation works
Seal 516	Chief Executive Officer Contract SoA and Neil Phillip Hartley
Seal 517	Tom Price Sports Pavilion – Contract documents for Tender 05/12
Seal 518	Clem Thompson Sports Precinct and associated works 06/13
Seal 519	Multi Purpose Centre hall hire conditions, Emergency response Onslow Supermarket
Seal 520	Deed of renewal, Lot 588 Second Avenue, Onslow Ashburton Investments
Seal 521	Transfer of land – Lot 555 and Lot 556 Deposited plan 181876. Beadon Creek Road, Onslow
Seal 522	Funding Agreement – Tom Price Sporting Precinct Master plan. (Clem Thompson Sports Precinct) June 2013 – July 2014.

Development Approvals Issued

One (1) approval has been issued by the Executive Manager, Technical Services under delegation for the month of July 2013. This was for:

Date	Applicant	Description	Development location
14/07/2013	Mr Hugh McKenzie Meinhardt Pty Ltd	Upgrade of the Existing Motor Vehicle Service Station (Comprising Installation of New Tank and Dispensers)	Lot 866 Mine Road, Tom Price

Approval to Purchase Goods and Services by the Chief Executive Officer

There were no Approvals to Purchase Goods and Services by the CEO under Delegated Authority for the month of July 2013.

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Consultation

The Use of the Common Seal

Acting Chief Executive Officer

Development Approvals Issued

Executive Manager, Technical Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Nil

Statutory Environment

The Use of the Common Seal

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

Development Approvals Issued

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Development Approvals Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

There are no financial implications related to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Development Approvals Issued

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

There are no policy implications related to this matter.

Voting Requirement

Simple Majority Required

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Recommendation

That Council accept the report *"10.2 Actions Performed Under Delegated Authority for the Month of July 2013"*.

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

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10.3 REIMBURSEMENT OF ALTERATION COSTS FOR SHED APPROVAL AT LOT 461, HN 1 HOPE ROAD, ONSLOW

FILE REFERENCE:	ON.HP.0461.00
AUTHOR'S NAME AND POSITION:	Brian Cameron Manager – Building Services
NAME OF APPLICANT/RESPONDENT:	Tina Smith
DATE REPORT WRITTEN:	5 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

It is standard practice within all Local Government Authorities that unauthorised buildings require a Building Approval Certificate (BA13) which is granted via a retrospective approval process that is directed and mandated by the *Building Act 2011*.

As requested by Ms Tina Smith, an extensive search was carried out by the Building Services department for all approvals relating to her property at Lot 461, HN 1 Hope Court Onslow - none of which illustrated the approval of an external shed.

The Manager of the Building Services section recommended that some alterations be made to enable the issue of a Building Approval Certificate (BA13) noting that the costs of his initial inspection and services, which could be anything upward to \$2000 for a private certifier, would be absorbed by the Shire of Ashburton.

Ms Smith has since requested that Shire reimburse her the cost of these alterations (approximately \$1800.00) as she believes that the Shire constructed the shed, and it should have been built in accordance with the Building Code and related Australian Standards that existed at the time.

While the property in question was once owned by the Shire of Ashburton, it has since been on sold at least twice and without the original approval of the shed, the owner responsible for the construction of the shed remains uncertain.

Background

The Building Services section was contacted by Ms Tina Smith in regard to what approvals had been granted by the Shire of Ashburton for her property located at Lot 461, HN 1 Hope Court, Onslow.

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When property is sold, part of the normal settlement process is to determine whether buildings on the site have been issued with a building permit/license. In this case the purchaser has asked for this information.

The Executive Assistant in Building Services forwarded Ms Smith a copy of all records relating to that property, none of which illustrated the approval of an external shed.

Since the introduction of the new Building Act in April 2012, it is standard practice within all Local Government Authorities that unauthorised buildings require a Building Approval Certificate (BA13) which is granted via a retrospective approval process that is directed and mandated by the *Building Act 2011*.

Without the physical evidence of any approval for the shed in question, the Manager of the Building Services \ acted in accordance with the guidelines and mandatory requirements set by the building legislation and associated regulatory framework and inspected the shed in question. This resulted in his recommendation that some alterations be made to enable the issue of a Certificate of Building Compliance (BA18), noting that the costs of these inspections and services, which could be anything upward to \$2000 for a private certifier, were absorbed by the Shire of Ashburton.

The Shire's total fees for the services provided totals \$90.00 for the Building Approval Certificate (BA13) and a State Government Building Services Levy fee of \$40.50.

Comment

Ms Smith has requested that Shire reimburse her the cost of the required works (approximately \$1,800.00) as she believes that the Shire constructed the shed, and it should have been built in accordance with the Building Code and related Australian Standards that existed at the time.

The Administration understands the dwelling was owned by Homeswest prior to being transferred to Shire many years ago. It is also noted the property in question has since the Shire's ownership, been on sold at least twice.

In the previous sales this information was not requested. In reference to who was responsible for the construction of the shed, this is something that a diligent search through the Shires record system, and archives was unable to ascertain.

Due to the uncertainty the Administration is unable to support a reimbursement.

The Manager of the Building Services has acted in accordance with the guidelines and mandatory requirements set by the building legislation and associated regulatory framework currently in force.

Consultation

A/Chief Executive Officer

Statutory Environment

Building Act 2011

Building Regulations 2012

Building Codes of Australia

Financial Implications

Funds have not been provided in the draft 2013/14 Budget for a reimbursement.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and Well Serviced Places

Objective 2 – Accessible and Safe Towns

Policy Implications

There are no policy implications relative to this issue.

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Brian Cameron	Signature:
Manager: Frank Ludovico	Signature:

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10.4 PILBARA REGIONAL COUNCIL JULY 2013 MINUTES

FILE REFERENCE:	OR.IG.03.08
AUTHOR'S NAME AND POSITION:	Frank Ludovico A/Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Pilbara Regional Council
DATE REPORT WRITTEN:	3 August 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 10.4

Comment

Nil

Consultation

Not Applicable

Statutory Environment

There is no Statutory Environment applicable to this matter.

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Financial Implications

There are no Financial Implications applicable to this matter.

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 received the Minutes of the Pilbara Regional Council Meeting from 1 July 2013.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

11. COMMUNITY DEVELOPMENT REPORTS

11.1 RESPONSE TO PETITION PRESENTED 17 JULY 2013

FILE REFERENCE: TP.ST.0969.000

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

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 7 August 2013

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

PREVIOUS MEETING REFERENCE: 6.1 Petitions Ordinary Meeting of Council 17 July 2013

Summary

At the July 2013 Ordinary Meeting of Council Meeting, a petition with 75 signatures was presented, requesting the installation of video cameras in the Tom Price Shopping Mall, within three months.

Background

In the 2012/13 Budget, Council approved an allocation of \$75,000 for CCTV cameras. This allocated amount included \$25,000 for a feasibility study to determine the "hot spots" for the camera locations, as well as the most suitable cameras for usage in those areas, and a further \$50,000 for the purchase and installation of these cameras. This installation was across all public facilities (where required) in the towns of Tom Price and Paraburdoo.

In Public Question time in September 2012, a question was presented by Councillor Fernandez asking when these cameras would be installed in the Tom Price Mall, and at that stage a response was given saying it was unlikely the cameras would be installed before mid 2013.

In March 2013 IP Cameras (who had installed and provided support services for the CCTV cameras in Onslow), were contacted to undertake a feasibility study into the installation of CCTV camera across Tom Price and Paraburdoo, however the initial report was not received until early June 2013. This initial report did not address all the Shire's requirements (including the varying capabilities of different camera types and their suitability's to differing light conditions), so further work was required by IP Cameras to address these areas.

In July 2013 the final report was received.

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Comment

On 7 August 2013, Councilor Fernandez arranged a meeting between Shire staff and shop owners from the Tom Price Mall to discuss this issue. The shop owners expressed their concern about vandalism and issue of public safety in the Mall.

At the conclusion of the meeting, acknowledging the delays caused by the delay in the preparation of the feasibility report, the Shire undertook to have CCTV cameras installed and operational before June 2014. These cameras will focus on the public area of the Mall to address the concerns of public safety; however, depending on the location of the camera, shop owners may derive some accidental/peripheral benefit if the scope of coverage includes any shop fronts.

Administration has also undertaken to regularly update the shop owners on the progress of the installation of the cameras

Consultation

Councillor - Fernandez
Executive Manager - Community Development
Facilities Manager
Shop owners - Post Office, Pharmacy, Take away deli
IP Cameras Australia Pty Ltd

Statutory Environment

Nil

Financial Implications

Funds have been allocated in the 2013-2014 Draft Budget for the installation of CCTV cameras in Tom Price and Paraburdoo.

Strategic Implications

Strategic Plan 2012 – 2022
Goal 1 - Distinctive and Well Services Places
Objective 2 - Shire to facilitate increased community safety.
Goal 5 - Inspiring Governance
Objective 2 - Proactively manage community inquiries, concerns and needs

Policy Implications

REC10 Closed Circuit Television System Policy

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the petition presented at the Ordinary Meeting of Council 17 July 2013, requesting the installation of CCTV cameras in the Tom Price Mall.
2. Inform the Petitioners by way of press release the installation of the CCTV will be installed during 2013/2014.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

11.2 INCLUSION OF VIC HAYTON MEMORIAL SWIMMING POOL KIOSK INTO 2013/14 SCHEDULE OF FEES & CHARGES

FILE REFERENCE:	TP.WL.0849.000
AUTHOR'S NAME AND POSITION:	Mabel Gough Facilities Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Tom Price Amateur Swimming Club recently expressed interest in hiring the Vic Hayton Memorial Swimming Pool Kiosk.

To ensure that the club and other associations can utilize the kiosk it is proposed that a discrete hire fee be included in the 2013/14 Schedule of Fees and Charges.

Background

In previous years the kiosk has on occasion been leased out as a commercial kitchen, and at other times operated by the Shire of Ashburton as a shop to supply cool drinks and packaged foods to the patrons of the pool.

The kitchen is an empty room that consists of a stainless steel bench, exhaust fans and a tiled floor.

There is an opportunity to allow both commercial and community organisations to utilise the venue for the purpose of cooking, preparing and serving food.

Comment

Proposed Vic Hayton Memorial Swimming Pool Kiosk Fees and Charges:

FEE TYPE	BASIS	SUGGESTED FEES 2013/14
Commercial/Business Functions	per day	\$80.00
Charitable/Community & Sport Groups	per day	\$60.00
<i>Per Day is from 8:00am to 8:00pm (pool opening hours only)</i>		
Commercial/Business Functions	per hour	\$20.00
Charitable/Community & Sport Groups	per hour	\$10.00
Note: A 50% Discount is applicable on all above kiosk hire for any junior organisation (non for profit) – booking must be specifically for children 17 years and under.		
Note: Hire of the kitchen will be at the discretion of the Shire of Ashburton as bookings may impinge on the general operation of the pool.		

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Consultation

Executive Manager – Community Development
Vic Hayton Memorial Swimming Pool Manager
Tom Price Amateur Swimming Club

Statutory Environment

Local Government Act 1995, Section 6.16, 6.17 and 6.19

Financial Implications

The proposed fees and charges for the kiosk will result in increased revenue for the Vic Hayton Memorial Swimming Pool.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 - Active and Vibrant Communities

Objective 2 - Active People, Clubs and Associations

“Prepare plans, programs and scheduling to optimise use of community facilities that accommodate present and future needs.”

Policy Implications

There are no policy implications on this matter.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Adopts the proposed Vic Hayton Memorial Swimming Pool Kiosk hire fees and charges as below:

FEE TYPE	BASIS	SUGGESTED FEES 2013/14
Commercial/Business Functions	per day	\$80.00
Charitable/Community & Sport Groups	per day	\$60.00
<i>Per Day is from 8:00am to 8:00pm (pool opening hours only)</i>		
Commercial/Business Functions	per hour	\$20.00
Charitable/Community & Sport Groups	per hour	\$10.00
Note: A 50% Discount is applicable on all above kiosk hire for any junior organisation (non for profit) – booking must be specifically for children 17 years and under.		
Note: Hire of the kitchen will be at the discretion of the Shire of Ashburton as bookings may impinge on the general operation of the pool.		

2. Amend the 2013/2014 Fees & Charges to reflect this change.
3. Advertise the amended Fees & Charges for a period of 7 days in accordance with Section 6.19 of the Local Government Act 1995.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

11.3 LICENCE AGREEMENTS FOR CLEM THOMPSON SPORTS PAVILION

FILE REFERENCE:	LE.CO.00.00 RE.EA.R.39857
AUTHOR'S NAME AND POSITION:	Mabel Gough Facilities Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Clem Thompson Sports Pavilion, Tom Price, upon completion will have 4 x club rooms and 4 x equipment store rooms available for sole occupancy by sporting or community groups.

Six Licence Agreements have been drawn up for acceptance to allow Tom Price sporting groups to occupy these rooms. The Licence Agreements are between the Shire of Ashburton and the groups listed:

1. Club Room 1 – Tigers Football, Crushers Cricket & United Softball Clubs
2. Club Room 2 – Towns Football & Towns Cricket Clubs
3. Club Room 4 – Panthers Football & Tom Price Touch Association
4. Equipment Store Room 1 – Jarndunmunha Nameless Festival Committee
5. Equipment Store Room 3 – Scorchers Cricket Club
6. Equipment Store Room 4 – Rebels Cricket Club

Background

The Shire has undertaken expressions of interest for occupancy of these rooms through ongoing consultations, monthly user group meetings and email correspondence.

As a result a number of groups expressed interest in the club and storage rooms. Several groups indicated their preference to share a club room to reduce costs and to better utilise the facility.

A majority of the clubs that expressed interest in the club and storage rooms at the new Clem Thompson Sports Pavilion previously held a Licence Agreement over rooms in the 'old' Sports Pavilion and donga which were located on the eastern side of Clem Thompson Oval. As a result of the demolition of the old Sports Pavilion, Panthers Football, Tigers Football, Crushers Cricket, Rebels Cricket and Touch Football Licence Agreements and agreed usage of storage rooms were terminated. The fee applicable for the old Licence Agreements was \$300.00 per annum however in some instances no fee was charged.

ATTACHMENT 11.3A

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Comment

The number of groups expressing interest for club or storage rooms was higher than the number of rooms available. It has been mentioned by clubs that it is financially viable to share club rooms with other clubs whose season runs at different times of the year. Allocation of club and storage rooms can be viewed in **ATTACHMENT 11.3A**.

It should also be noted that the Council' Policy REC05 Establishment of Sporting Club and Community Group Leases outlines a standard \$300.00 per annum for a User Licence Agreement for user groups that have independent access to room/s utilized within a larger facility.

In reviewing the rooms at the new Sports Pavilion an amount of \$1000.00 per annum for the Club Rooms, \$210.00 per annum for the Storage Rooms and \$680.00 per annum for the Large Equipment Storage Room is reasonable and equitable, given that the facility has all the modern requirements of a Sports Pavilion and has been recently constructed.

These proposed costs have been discussed with the various user groups and all are supportive of these charges. Furthermore these charges have been calculated at \$28.55 per square meter of floor space. It is currently proposed that a review of our lease policy be undertaken in early 2014 and figures similar to these will be suggested for all new or significantly upgraded facilities.

Policy REC05 allows for Licence Agreements to be up to five years, with an option for a further five years. It is proposed that the Shire provide an agreement for 1 year only to allow for the clubs to ascertain required usage of the rooms in future years and to allow the Shire to review the policy and implement any relevant changes to the Licence Agreements. The propped License Agreements are attached.

ATTACHMENT 11.3B

Consultation

Executive Manager – Community Development
A/Economic Land & Development Manager
Project Support Officer
Fortescue National Football League
Tigers Football Club
Panthers Football Club
Towns Football Club
Fortescue Cricket Association
Crushers Cricket Team
Rebels Cricket Team
Scorchers Cricket Team
Towns Cricket Team
United Softball Team
Jarndumunha Nameless Festival Committee
Junior Football
Junior Cricket
Tom Price Tee Ball Association
Tom Price Drive Inn Committee

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Statutory Environment

Local Government Act 1995 Section 3.58 Disposing of Property.

Local Government (Function and Regulations) 1996 Regulation 30 "Dispositions of property to which section 3.58 does not apply".

Under Regulation 30(2)(b) if land is disposed to and organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt.

The Administration believes these organisations are recreational organisations and members do not receive a pecuniary profit.

Lands Act 1996

Financial Implications

The proposed Licence Agreements include:

- Licence payments of \$1000.00 per annum for Club Rooms.
- Licence payments of \$210.00 per annum for Equipment Storage Rooms.
- Licence payment of \$680.00 per annum for Large Equipment Storage Room.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1: Active and Vibrant Communities

Objective 2: Active People, Clubs and Associations

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

Goal 4: Distinctive and Well Serviced Places

Objective 1: Provide and maintain quality public infrastructure that serves the current and future needs of the community, environment, industry and business.

Policy Implications

REC05 Establishment Lease Policy

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Recommendation

That Council:

1. Accepts the attached Licence Agreements for:
 - a) Tigers Football, Crushers Cricket & United Softball for a period of 1 year over Club Room 1 in the Clem Thompson Sports Pavilion for a fee of \$1000.00 per annum.
 - b) Towns Football & Towns Cricket for a period of 1 year over Club Room 2 in the Clem Thompson Sports Pavilion for a fee of \$1000.00 per annum.
 - c) Panthers Football & Tom Price Touch Association for a period of 1 year over Club Room 4 in the Clem Thompson Sports Pavilion for a fee of \$1000.00 per annum.
 - d) Jarndunmunha Nameless Festival Committee for a period of 1 year over Equipment Store Room 1 in the Clem Thompson Sports Pavilion for a fee of \$680.00 per annum.
 - e) Scorchers Cricket for a period of 1 year over Equipment Store Room 3 in the Clem Thompson Sports Pavilion for a fee of \$210.00 per annum.
 - f) Rebels Cricket for a period of 1 year over Equipment Store Room 4 in the Clem Thompson Sports Pavilion for a fee of \$210.00 per annum.
2. Authorise the Shire President and Acting Chief Executive Officer to affix the common seal of the Shire of Ashburton to the licence agreements as per **ATTACHMENT 11.3B**.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

11.4 FEES & CHARGES ALTERNATIVE TO INCLUDE 20% DISCOUNT FOR TOM PRICE AMATEUR SWIMMING CLUB MEMBERS

FILE REFERENCE:	TP.WL.0849.000
AUTHOR'S NAME AND POSITION:	Mabel Gough Facilities Manager
NAME OF APPLICANT/RESPONDENT:	Tom Price Amateur Swimming Club
DATE REPORT WRITTEN:	7 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Tom Price Amateur Swimming Club has requested that the Shire of Ashburton support their sporting association by providing financial assistance. To support the club a proposed 20% discount on adult and child entry fees and monthly and season passes has been suggested.

Background

The Tom Price Amateur Swimming Club is a long standing sporting group in the Shire of Ashburton consisting of 3 junior swimming squads and 1 adult squad. Each squad consists of roughly 20 participants. The committee's goal in 2013/14 is to have each squad competing at a competition level and attending race meets in the Kimberly and throughout the Pilbara. To achieve results at this level of competition, increased training in the Vic Hayton Memorial Swimming Pool is required, increasing lane hire fees and therefore increasing costs to the club.

Club members currently pay roughly \$86.00 per child to be part of the association plus pool entry fees which are roughly \$120.00. This totals \$206.00 per child each swimming season. A 20% discount will assist the club by reducing club member entry fees to the facility thus alleviating costs associated to each club member.

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Comment

Providing a 20% discount will reduce pool entry income however this will be offset by increased lane hire income.

GL INCOME CODE	FEE TYPE	BASIS	FEES 2013/14	FEES WITH 20% DISCOUNT
	Entry Fees			
111138	Children (17 years & over)	per person	\$4.00	\$3.20
113703	Adult (6 – 17 years)	per person	\$3.00	\$2.40
	Monthly Pass			
113873	Child	per person	\$35.00	\$28.00
113873	Adults	per person	\$50.00	\$40.00
113873	Family (2 x adults 2 x children)	per group	\$125.00	\$100.00
113873	Extra child to be added to family pass	per person	\$15.00	\$12.00
	Season Pass			
113853	Child	per person	\$120.00	\$96.00
113853	Adults	per person	\$170.00	\$136.00
113853	Family (2 x adults 2 x children)	per group	\$350.00	\$280.00
113853	Extra child to be added to family pass	per person	\$25.00	\$20.00

Consultation

Executive Manager – Community Development
 Vic Hayton Memorial Swimming Pool Manager
 Tom Price Amateur Swimming Club Committee Member

Statutory Environment

Local Government Act 1995, Section 6.16, 6.17 and 6.19

Financial Implications

The proposed 20% discount will reduce pool entry income by roughly \$4200.00 however lane hire income will increase by roughly \$4500.00.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 - Active and Vibrant Communities

Objective 2 - Active People, Clubs and Associations

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

Policy Implications

There are no policy implications on this matter.

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Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Adopts a 20% discount on children and adult entry fees and monthly and season passes for Tom Price Amateur Swimming Club Members.
2. Amend the 2013/2014 Fees & Charges to reflect this change.
3. Advertise the amended Fees & Charges for a period of 7 days in accordance with Section 6.19 of the Local Government Act 1995.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

11.5 NAMING OF PLAYGROUND IN RESERVE 43565, PLAYING FIELDS IN RESERVE 39572 AND PARABURDOO SWIMMING POOL

FILE REFERENCE:	RE.FT.R.39572 PA.MC.0625.00 PA.FT.0627
AUTHOR'S NAME AND POSITION:	Melissa May Acting Community Services Manager
NAME OF APPLICANT/RESPONDENT:	Councillor Douglas Ivan Dias
DATE REPORT WRITTEN:	7 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Councillor Dias has requested an official naming of the playground area in Reserve 43565, commonly known as 'Meeka Park', the playing fields in Reserve 39572, commonly known as 'Top Oval' and the Paraburdoo swimming pool.

Initial research has been undertaken and Landgate and the Geographic Names Committee (GNC) consulted to determine the proposed names have historical and social relevance to the Paraburdoo community and that policies and standards are adhered to. As part of this process, these names also need to be presented to the Paraburdoo community at a community consultation session to determine the preferred names.

On conclusion of this process the proposed names need to be submitted to Landgate and GNC to ensure that the name, origin and position are recorded and available for inclusion on maps. The playground area located within Reserve 43565 is a slightly different process and will need to be formally approved as the entire Reserve does not currently have a name.

Background

In 2012 Councillor Dias proposed to officially name Reserve 43565, Reserve 39572 and the Paraburdoo swimming pool.

Further investigation into the reserves exposed that Reserve 43565 has a total area of 2.2816ha and the playground only takes up a small portion of this.

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The need to regulate and standardise the use, collection and registration of names in Western Australia has been recognized since 1936 when Nomenclature Advisory Committee was first established. This practice continues today with the Geographic Names Committee and Landgate having the delegated authority for all official naming. Therefore, the Shire must adhere to the guidelines below in relation to geographical naming within the Shire:

“6.3 Naming of ovals, pavilions and other community structures

Components of parks and reserves e.g. pavilions, ovals, gardens, etc. may be named in honour of living community members who have contributed towards the establishment of the particular feature or towards the community in general.

The formal approval of such features is not required when the park or reserve has already been named as a whole. However the names should conform to these naming policies and standards to ensure there is no duplication of names elsewhere within Western Australia. This assists in the provision of early responses from emergency service providers if the need should arise.

The GNC should be informed of the name to ensure that the name, origin and position are recorded and available for inclusion on maps.”

Further information is available from the Landgate website.

In addition to adhering to the policies and standards of GNC, the community of Paraburdoo should be provided the chance to comment via community consultation. Research into appropriate names based on historical and social history of Paraburdoo has been undertaken by Councillor Dias and other members of the Paraburdoo community and a shortlist of possibilities devised that meet the policy and guidelines (attachment below). The proposed names are:

- The playground area in Reserve 43565, commonly known as ‘Meeka Park’ to be officially named ‘Train Park’.
- The Playing Fields in Reserve 39572, commonly known as ‘Top Oval’ to be officially named ‘Judy Woodvine Oval’.
- Paraburdoo swimming pool officially named Quentin Broad Swimming Pool.

In addition to adhering to the policies and standards of GNC, the community of Paraburdoo should also be provided the chance to comment via community consultation.

ATTACHMENT 11.5

Comment

Name and place descriptions are one of the oldest forms of geographical information. They act over time as historical markers to locations. They give specific places an identity which can be passed from person to person, group to group and generation to generation.

The selection and recording of names need to be applied in a systematic and timely manner to satisfy diverse requirements of the community. In Paraburdoo, there is a growing interest in historical information about local heritage, local history and the role this plays in the future of the town.

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The benefit of recording and preserving names for the reserves in Paraburdoo can be associated with the past, present and future of the community in Paraburdoo. They form an integral part in community identity by identifying those who have made a significant contribution to the community of Paraburdoo.

Councillor Dias has also requested that the Shire pay for family members of those whose names are selected to be flown from their place of residence to Paraburdoo to participate in the naming ceremonies and as a mark of appreciation from the Shire of Ashburton for their contributions to the Paraburdoo community.

Consultation

A/Chief Executive Officer
Executive Manager – Community Development
Facilities Manager
Councillor Douglas Ivan Dias
Landgate - Geographic Names Committee

Statutory Environment

Land Administration Act 1997, Part 2 General administration, Division 3 – General: 26
AS/NZS 4819:2011 Rural and urban addressing standard
Local Government Act 1995, Shire of Ashburton Local Government Property Local Law 2013

Financial Implications

Cost of community consultation.
Cost of plaque and any other relevant signage to display names.
Cost of ceremony or similar to publically announce names to the community, including airfares and accommodation up to the approximate value of \$1500 per person to fly family members to Paraburdoo for the ceremony.

These above costs are estimates only and have not been included in the 2013-14 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 1 – Vibrant and Active Communities
Objective 1 – Connected, Caring and Engaged Communities
Goal 3 – Unique Heritage and Environment
Objective 3 – Celebration of History and Heritage

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Requirement

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Recommendation

That Council:

1. Conduct community consultation in Paraburdoo to formally seek the opinion of local community on formally naming:
 - 1.1. The playground area in Reserve 43565, commonly referred to as 'Meeka Park' as 'Train Park'
 - 1.2. The playing fields in Reserve 39572, commonly referred to as 'Top Oval' as 'Judy Woodvine Oval'
 - 1.3. The swimming pool the 'Quentin Broad Swimming Pool'.
2. That, following community consultation the matter be referred back to Council for determination prior to making a submission to the Geographic Names Committee.

Author: Melissa May	Signature:
Manager: Deb Wilkes	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

12. CORPORATE SERVICES REPORTS

12.1 FIN12 PURCHASING AND TENDER POLICY

FILE REFERENCE:	FIN12 FI.AC.04.00 AS.TE.01.13
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Project Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.2 (Minute Number 11446) - Ordinary Meeting of Council 13 February 2013 Agenda Item 17.2 (Minute Number 11472) - Ordinary Meeting of Council 13 March 2013 Agenda Item 17.1 (Minute Number 11510) - Ordinary Meeting of Council 10 April 2013 Agenda Item 17.1 (Minute Number 11533) - Ordinary Meeting of Council 8 May 2013 Agenda Item 11.5 (Minute Number 11546) - Ordinary Meeting of Council 5 June 2013

Summary

At the Ordinary Meeting of Council held on 5 June 2013 Council adopted the reviewed FIN12 Purchasing and Tender Policy which reflected recommended changes as outlined in the Probity Compliance Audit 2012.

Feedback from staff since the implementation of this reviewed policy has highlighted the policies inflexibility in the purchasing process area. Changes to the policy are now recommended to provide staff with a better working model for their purchasing process requirements.

Background

Recommendations 25 and 26 of the Probity Compliance Audit 2012 related to the maintenance of the Tender Register and a review of the Purchasing and Tender Policy.

ATTACHMENT 12.1

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Comment

The Shire of Ashburton Policy for Purchasing and Tenders (FIN12) has been reviewed and amendments are recommended.

The reason the policy has been review is that relatively small purchases eg those under \$5,000 were caught in the same processes as much larger purchases, producing administrative inefficiencies. As an example catering for council meetings under the existing policies require two verbal quotes. This often not possible and the effect has been staff not complying with policy.

As part of the review process the proposed changes have also been reviewed by the Executive Management Team. Apart from the Policy, a process Flowchart has been developed to provide staff with additional detail in their management of Tenders.

Consultation

A/Chief Executive Officer
A/Executive Manager – Corporate Services
A/Administration Manager
Policy and Governance Officer
Records Administrator
Peer review of other Local Government Policies

Statutory Environment

Regulation 17 of the Local Government (Functions & General) Regulations 1996.

Financial Implications

Nil.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance
Objective 03 – Exemplary Team and Work Environment

Policy Implications

Policy records to be updated in AIMS and Synergy

Voting Requirement

Simple Majority Required

Recommendation

That Council adopt the reviewed FIN12 Purchasing and Tendering Policy as per **ATTACHMENT 12.1.**

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

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12.2 FIN09 AUTHORISED SIGNATORIES FOR CHEQUE AND ELECTRONIC FUNDS TRANSFER PAYMENTS

FILE REFERENCE:	FI.AC.04.00
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 July 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.02.029 Ordinary Meeting of Council 16 May 2006

Summary

Local Government (Financial Management) Regulations 1996 2(11) "*Payments, procedures for making etc.*" are written to ensure effective security and properly authorised use of cheques whilst ensuring that the Shire provides good customer service through the timely signing of cheques.

In line with best practice adopting the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of cheques.

The reviewed policy is present for adoption.

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.

Comment

FIN09 Authorised Signatories for Cheque and Electronic Funds Transfer Payments Policy was presented to the Executive Managers meeting for review on 18 July 2013 as part of the SoA policy review process. Feedback was incorporated into the policy from this meeting and it is now presented to Council to adopt.

Policy FIN09 was last reviewed in 2006. Updated titles have been included to reflect the current organisational structure within the Shire.

ATTACHMENT 12.2

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Consultation

A/Chief Executive Officer
Executive Management Tea
Manager – Organisational Development

Statutory Environment

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

Financial Implications

Nil

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance
Objective 04 – 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 the reviewed FIN09 Authorised Signatories for Cheque and Electronic Funds Transfer Payments policy as per **ATTACHMENT 12.2**.

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

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12.3 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:	26 July 2013
DISCLOSURE OF FINANCIAL INTEREST:	Insert disclosures here
PREVIOUS MEETING REFERENCE:	Agenda Item 12.05.22 Ordinary Meeting of Council 18 November 1997 Agenda Item 12.07.1045 Ordinary Meeting of Council 11 April 2006

Summary

In anticipation of a successful workshop this agenda item is presented in order to progress the ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff.

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

PURPOSE: To ensure 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.

EFFECT: This governance level policy have been reviewed by key stakeholders and the Executive Managers. The policy has been written to reflect the most up to date statutory environment and formatted to reflect the Shire's newly approved template models.

Background

In anticipation of a successful workshop this agenda item is presented in order to progress the ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff.

The policy was last reviewed in April 2006. 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.

ATTACHMENT 12.3

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Comment

The attached policy was presented at the Executive Managers meeting on 9 May 2013 as part of the SoA policy review process. Feedback was incorporated into the policy from this meeting and they were again presented to the Executive Managers meeting on 20 May 2013.

Comment from the Council Workshop can be incorporated into the policy when it is adopted.

Consultation

A/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 04 – 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 the reviewed ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff as per **ATTACHMENT 12.3**.

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

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12.4 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:	26 July 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute Number 11312) - Ordinary Meeting of Council 17 October 2012

Summary

In anticipation of a successful workshop this agenda item is presented in order to progress the Governance Manual.

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

Corporate Governance is defined as a system of processes through which an organisation makes decisions and how it directs, controls and monitors its operations. 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.

ATTACHMENT 12.4

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.

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The Governance Manual will act as:

- An introduction for new Councilors and staff members to the governance framework and processes for the Council;
- A guide and reference for Councilors 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.

Comment from the Council Workshop can be incorporated into the policy when it is adopted.

Consultation

A/Chief Executive Officer

A/Executive Manager – Corporate Services

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 as part of the outcomes of the Policy and Procedure review and Knowledge Management projects as per **ATTACHMENT 12.4.**

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

12.5 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF JUNE 2013 & JULY 2013

FILE REFERENCE:	FI.RE.00.00
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 August 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:

June 2013

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

ATTACHMENT 12. 5A

July 2013

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

ATTACHMENT 12. 5B

Consultation

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

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Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required.

Recommendation

That Council received the Financial Reports for June 2013 and Schedule of Accounts as per **ATTACHMENT 12.5A** and Credit Cards paid in July 2013 as per **ATTACHMENT 12.5B**.

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

13. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

13.1 EXECUTION OF FINANCIAL ASSISTANCE AGREEMENT ONSLOW AERODROME - CANE RIVER PIPELINE DIVERSION WORKS BETWEEN CHEVRON AUSTRALIA PTY LTD AND THE SHIRE OF ASHBURTON

FILE REFERENCE:	AS.TE.13.12
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 6.2 (Minute No. 5) – Special Meeting of Council 7 February 2013 Agenda Item 14.1 (Minute No. 11561) – Ordinary Meeting of Council 5 June 2013

Summary

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

The water main that services the Onslow town is located under the existing airstrip and also under the southern end of the new airstrip. Agreement was reached between the Shire, Water Corporation and Chevron Australia Pty Ltd (Chevron) to relocate the water main. Chevron had agreed to fund the works, and a number of Agenda Items have previously been presented endorsing the works.

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

Background

The water main that services the Onslow town was located under the existing airstrip and also under the southern end of the new airstrip. Water Corporation had advised that the main will need to be realigned due to the impact of the heavier jet aircraft and increased traffic expected on the new airstrip.

An agreement has been formed between Water Corporation and Shire of Ashburton for the water main relocation. The diversion of the water main was crucial to the delivery of the Aerodrome Runway as commissioning could not occur without the completion of the new main. The timing for the temporary protection work was critical as it had the potential to

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impact the ability of the Shire to complete construction works in the area where the main was located.

ATTACHMENT 13.1

Comment

The works have been carried out and the pipeline is now commissioned.

Consultation

A/Chief Executive Officer
Executive Manager - Operations

Statutory Environment

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

Financial Implications

The diversion of the water main was not included in the original \$30 million budget for the re development of the aerodrome. However, Chevron agreed to contribute \$600,000 (ex GST) to the diversion of the water main. The signing of the Agreement will immediate release \$300,000 and the remained being released after acquittal.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

Policy Implications

ELM13 – Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

Recommendation

That Council authorise the Shire President and Acting Chief Executive Officer to execute the Financial Assistance Agreement Onslow Aerodrome – Cane River Pipeline Diversion Works between Chevron Australia Pty Ltd and the Shire of Ashburton for \$600,000 by signing the Agreement and affixing the Shire's Common Seal.

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

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13.2 PROPOSED STAGING AND DEVELOPMENT OF 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: 7 August 2013

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

PREVIOUS MEETING REFERENCE: 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 concept design for the proposed 'Paraburdoo Community Hub' was endorsed by Council at the Ordinary Meeting held on 21 November 2012. The Hub is estimated to cost around \$21 million in total to construct (excluding headworks/contingencies) however the design allows the buildings to be constructed in a staged approach.

Funding for the Child Care Centre component and initial headworks for the Hub has been identified (\$4.66m) and is in the process of being secured. Approval from Council is sought to proceed with the construction of headworks and the Child Care Centre as the first stage of the Hub upon confirmation of sufficient funding.

A review of the recreation facilities in the Hub concept design has identified duplication of areas such as change rooms, function areas and club rooms which have a significant effect on the cost of the development. Endorsement from Council is sought to undertake a formal review and consolidation of the design, in conjunction with recreation facility consultants and architects, to prepare a consolidated design and cost.

This will be presented to Council for review at the Ordinary Meeting to be held on 20 November 2013.

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Background

The Paraburdoo Community Hub concept plan was developed by the Shire in conjunction with extensive community consultation, stakeholder engagement and consultants (Creating Communities and Roxby Architects). Existing recreation and community facilities in Paraburdoo have either reached the end of their usable life, or are not fit for purpose. The Community Hub aims to address these needs through the provision of new facilities in a centralised location including:

Facility	Features	Estimated Construction Cost (excl GST)
Child Care Centre	72 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 headworks	\$3.39 million
Total		\$20.09 million

ATTACHMENT 13.2A

The total cost of the new facilities has been estimated (by quantity survey) at around \$21 million, however this does not include certain headworks such as power upgrades or contingencies. The Hub has been designed in such a way that the child care, neighbourhood and recreation facilities are independent of each other and can be constructed in stages.

Comment

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

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Royalties for Regions previously allocated \$1.5 million to Rio Tinto to construct a purpose-built child care facility in Paraburdoo, which is now being reassigned to the Shire of Ashburton. Rio Tinto has also endorsed a contribution of around \$2.86 million through the Community Infrastructure and Services Partnership (CISP) to the Child Care Centre, and a contribution of \$300,000 from the Shire will be required toward the headworks which will service the overall development.

The Shire contribution can be accessed from \$684,000 held in reserve for Paraburdoo Revitalisation projects from the sale of Lot 604 Rocklea Road, Paraburdoo. It is expected that the funding from external parties will be finalised in the next month, at which time the detailed design and construction of headworks and the Child Care Centre can proceed.

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.

The draft report presented by ABV indicated that the proposed child care centre meets licensing requirements for 73 places (the identified need and scope for design); the Neighbourhood Centre meets identified needs however some better efficiencies could be attached through sharing of open space areas; the Recreation components feature duplicated function and meeting room facilities, excessive change room facilities, inappropriate storage buildings and co-location of facilities could create better efficiencies with potential construction and operational savings.

ATTACHMENT 13.2B

The draft report was presented to the CISP Partnership Governing Committee meeting held on 29 July 2013 for discussion (Shire representation on the Committee includes the Shire President, Deputy Shire President and Acting CEO as well as appropriate Executive Managers).

The Committee has recommended that the recreation and Shire administration components of the Hub are reviewed in conjunction with ABV Consultants and an appropriate architectural firm specialising in recreation facilities, and a consolidated design is commissioned that takes into consideration the findings of the report. The consolidated design shall be costed for estimated construction and operational costs and presented to Council with a draft business case no later than the Ordinary Meeting to be held on 20 November 2013 for endorsement. The business case shall then be submitted to PDC as a formal funding request for review at their December 2013 meeting.

As the original concept design (prepared by Roxby Architects) has been endorsed by Council, permission is now sought to undertake the review and re-design of the recreation and Shire administration components of the project in accordance with the findings of ABV and the Partnership Governing Committee's recommendation. The proposed consolidated design should provide substantial savings to the construction cost and operation of the development, as well as ensure efficient and effective use of facilities.

In order to expedite the design consolidation process it is proposed to form a Paraburdoo CHUB Working Group comprised of a Councillor, Rio Tinto representative from the Partnership Management Group, a member of the Paraburdoo Community Advisory Group (CAG) and representatives from the Community Development and Strategic & Economic Development departments to direct the architect and review proposed design changes. The Working Group shall refer to ABV's Feasibility Report and the initial facility requirements as outlined in the agenda item presented at the Ordinary Meeting of Council 21 November 2012 for direction during the review process.

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Consultation

A/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
ABV Leisure Consultancy Services

Statutory Environment

None Identified

Financial Implications

1. The construction cost of the Child Care Centre and initial headworks for the overall development is estimated at \$4.66 million (excl GST);
2. It is proposed the Shire contribute \$300,000 toward the project from \$684,000 held in Council's Infrastructure Reserve;
3. \$1.5 million has been assigned by RDL to the Child Care Centre project;
4. Rio Tinto have endorsed a contribution of around \$2.86 million through the Community Infrastructure and Services Partnership; and
5. The Paraburdoo Community Hub has been identified in the Long Term Financial Plan for construction between 2013 – 2015, subject to funding.

Strategic Implications

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

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender Policy

FIN04 – Buy Local – Regional Price Preference Policy

These policies will be taken into consideration throughout the project.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

1. Approves the construction of initial headworks and the Child Care Centre to commence as Stage 1 of the Paraburdoo Community Hub upon finalisation of the required funding
2. Amends the budget to allow a \$300,000 contribution to be made to Stage 1 of the Paraburdoo Community Hub from Council's Infrastructure Reserve;
3. Approves the review of the recreation and Shire administration components of the Paraburdoo Community Hub by a specialised recreation consultant and architect to consolidate identified duplication of facilities and create better efficiencies; the revised design and estimated construction and operation costs and proposed funding business case to be presented at the November meeting;
4. Approves the formation of a Paraburdoo CHUB Working Group comprised of Councillor _____, a Rio Tinto representative from the Partnership Management Group, a member of the Paraburdoo Community Advisory Group (CAG) and representatives from the Community Development and Strategic & Economic Development departments to direct the architect and review proposed design changes.

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

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13.3 EXECUTION OF FUNDING AGREEMENT - COMMUNITY EVENTS AND FESTIVALS PARTNERSHIP

FILE REFERENCE:	CORP4
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	05 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.2 (Minute No. 11167) – Ordinary Meeting 18 April 2012

Summary

As part of the Partnership between Pilbara Iron Company (Services) Pty Ltd (RTIO) and Shire of Ashburton (SOA), RTIO has agreed in principle to contribute \$272,000 to Community Events and Festivals across Pannawonica, Paraburdoo and Tom Price. The funding agreement between RTIO and SOA is presented for execution. It is recommended that Council authorise the Shire President and Acting Chief Executive Officer to execute this agreement through signing and affixing the Common Seal.

Background

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

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

Under the Partnership, RTIO is assisting the SOA by providing support for the delivery of various services and infrastructure projects identified in the CISP annexed to the MOU.

ATTACHMENT 13.3

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Comment

This agreement sets out the support required for SOA to deliver a calendar of community events and festivals identified in the CISP.

Funding has been negotiated for a four year period (in accordance with the MOU), this agreement is year one of the negotiated funding.

Key events to be supported as part of Year One (2013/14) include:

School Holiday Programme (Panna, Para & TP)	\$ 70,000
Welcome Events (Panna, Para & TP)	\$ 30,000
Australia Day Celebrations (Panna, Para & TP)	\$ 15,000
Anzac Day (Panna, Para & TP)	\$ 6,000
Christmas Lights and Carols (Panna, Para & TP)	\$ 6,000
NAIDOC Week (Panna, Para & TP)	\$ 15,000
Nameless Festival (TP)	\$100,000
Misc Community Events (Panna, Para & TP)	<u>\$ 30,000</u>
	\$272,000

The expected outcomes of the Partnership and this funding agreement are to:

- Increase the number, variety and access to initiatives and activities that contribute to the attractions and retention of employees and community members to the SOA;
- Ensure that each town has an agreed annual calendar of events supported through the agreement; and
- Increase community engagement, interaction and participation through the involvement in various consultations, activities and events that fosters wider community ownership and sense of place.

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

Consultation

Shire President
Deputy Shire President
A/Chief Executive Officer
Executive Manager – Community Development
Strategic Revitalization and Relationship Manager
Various RTIO Managers and Officers

Statutory Environment

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

Financial Implications

Funds have been budgeted for in the 2013/14 Budget.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Policy Implications

ELM13 – Affixing of the Shire of Ashburton Common Seal.

Voting Requirement

Simple Majority Required

Recommendation

That Council authorise the Shire President and Acting Chief Executive Officer to execute the Funding Agreement Community Events and Festivals Partnership between Pilbara Iron Company (Services) Pty Ltd (RTIO) and the Shire of Ashburton for \$272,000, by signing the Agreement and affixing the Shire's Common Seal.

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

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13.4 ADOPTION OF THE CORPORATE BUSINESS PLAN

FILE REFERENCE:	OR.CM.10.00
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.2 (Minute No. 11258) – Ordinary Meeting of Council 15 August 2013

Summary

The Local Government (Administration) Regulations 1996 explain that the "Plan for the Future" referred to under Section 5.56 of the Local Government Act 1995 is made up of the 10-year "Strategic Community Plan" (SCP) and a 4-year "Corporate Business Plan", both of which must be adopted by an absolute majority of Council and public notice given. These requirements come from recent amendments to the legislation and compliance must be achieved by 30 June 2013.

The Shire has been working with the Department of Local Government and communities to achieve this legislative requirement.

The purpose of this item is to seek Council's adoption of the Shire of Ashburton's Plan for the Future which consists of the Strategic Community Plan "Living Life" 2012-2022 and the Corporate Business Plan 2013-2017.

Background

On 26 August 2010, the Minister for Local Government introduced regulations which established new requirements for the Plan for the Future under the *Local Government Act 1995*. Under these regulations, all local governments in Western Australia are required to have developed and adopted two key documents by 30 June 2013: a Strategic Community Plan and a Corporate Business Plan.

Council adopted the Shires inaugural Strategic Community Plan "Living Life 2012 – 2022" at the Ordinary Meeting of council on the 15 August 2012. The plan was based on extensive community consultation including Shopping Centre displays and stalls, Community survey, dialogue Cafes, Focus Groups and Community meetings. Over 40 community engagement opportunities were offered.

Since the adoption of "Living Life 2012 - 2022", Administration and Council have been developing the Shire's Corporate Business Plan. Various aspects of the draft Plan have been work shopped with Council.

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During Council's suspension period the administration continue developing the Plan and two workshops were held with Councilors on 16 and 30 July 2013 to further develop and refine the Plan.

ATTACHMENT 13.4 UNDER SEPARATE COVER

Comment

The Strategic Community Plan outlines the community's long term vision and aspirations for the Shire, while the Corporate Business Plan details how that vision will be achieved.

While local governments are required to meet a minimum standard of planning by 30 June 2013, the underlying objective of the Department of Local Government's approach to Integrated Planning and Reporting is to create a process of continuous improvement.

It is anticipated that over time, local governments will progress to an advanced level in their planning and integration. To aid the process of continuous improvement and alignment with community aspirations, the Strategic Community Plan and Corporate Business Plan must be periodically reviewed and the Shire's performance regularly monitored and reported.

The Shire's consultants for the Corporate Business Plan, Localise, have forwarded the draft Corporate Business Plan to the Department of Local Government ("the Department") for feedback prior to it being presented to Council. The Department confirmed that "Living Life 2012 - 2022" meets all requirements for the Integrated Planning & Reporting Framework.

Key Points of the Plan

The Corporate Business Plan shows the first four years of implementing *Living Life*, the Strategic Community Plan. The theme of the next four years is "community building – now and for the future". This reflects the challenges and opportunities facing the Shire over the medium term. In the context of both temporary and permanent growth associated particularly with the resources sector, it is critical to build a legacy for the future, while addressing today's pressing needs.

The Corporate Business Plan has developed priorities in six theme areas as shown below.

The Corporate Business Plan shows how these priorities will be progressed in the context of a comprehensive approach to service delivery and asset management.

1. Community inclusion and participation
 - Developing the "whole of Shire" community in all its diversity – geographic, age, culture, employment arrangements etc – in a challenging context of rapid and fluctuating growth, uncertainty and risk
 - Community capacity building (eg strengthening community groups and clubs)
 - Improved ways of engaging the community around meaningful options
 - Supporting volunteerism
2. Provision of infrastructure that enables economic and social vitality
 - Community assets (direct provision and/or facilitating provision by others) in priority areas including sport and recreation, aged care and medical services; and childcare
 - Complete Town Centre Revitalisations
 - Drainage investigations and upgrading drainage in Paraburdoo and Tom Price
 - Implementing of Bike Plan

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3. Economic strength and development
 - Land development - industrial and residential
 - Accommodation/housing (visitor, service worker, and residential expansion)
 - Tourism development
 - Improved support for local business community
4. Staying ahead of the game
 - Quality of communication from Elected Members to community
 - Setting clear direction through integrated planning and reporting
 - Reflecting on regional issues and collaborating with our neighbouring Shires for the benefit of the regional community
5. Governance
 - Productive relationship between elected Council and Administration
 - Stakeholder relationships (government and business) and advocacy
 - Customer service
6. Organisation stability
 - Staff housing
 - Policies and procedures and records management

The Plan is open about the uncertainties in the capital program over the coming years. In order to deal with this, while all high priority projects are included in the Plan, the four year budget (and Long Term Financial Plan) only includes capital projects where the funding is secure, whether committed from Shire funds, funding agencies, the resources sector or any combination of those sources.

The Plan is supported by an integrated Asset Management Strategy, Asset Management Plans, a Workforce Plan and a Long Term Financial Plan. These supporting documents will be presented to Council at Councillor Briefings in the coming months.

The priorities, strategies and actions outlined in the Plan for the Future are being integrated into Team Business Plans and are the basis of the Annual Budget for the next financial year and subsequent years.

Consultation

Extensive consultation was undertaken during the development of "Living Life 2012 – 2022" the Shire's Strategic Community Plan. There is no requirement under the Department's Integrated Planning Framework to consult with the community for the development of the subsequent Corporate Business Plan.

Executive Management Team.
Department of Local Government
Localise

Statutory Environment

The Local Government (Administration) Regulations 1996 provide for the means by which Council is to consider, adopt, and advertise its Plan for the Future to be created in accordance with Section 5.56 of the Local Government Act 1995.

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Under the recent amendments to the Local Government (Administration) Regulations 1996, Local Governments, from 01 July 2013, are required to have in place two key documents in order to comply with the requirement for a “Plan for the Future” referred to under Section 5.56 of the Local Government Act 1995.

The first is the Strategic Community Plan (SCP). Regulation 19C provides that:

“Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*
- (6) Subject to subregulation (9), a local government may modify its strategic community plan; including extending the period the plan is made in respect of.*
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.*
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.”*

As its name implies, the SCP is strategic in nature and does not go into operational detail. Therefore the second document that must be adopted in order to comply with the requirement for a “Plan for the Future” is the “Corporate Business Plan”.

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“Regulation 19DA provides that:

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. *Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.”*

The Department of Local Government’s *“Integrated Planning and reporting Advisory Standard”* further explains how the Strategic Community Plan, Corporate Business Plan, Annual Budget, and other strategies and plans are to integrate. Adopting the Plan for the Future will address Council’s obligations to comply with the Act and Regulations.

Financial Implications

Within current approved budget.

Strategic Implications

The Council is committed to legislative compliance and high level of corporate governance. The adoption of the Community Strategic Plan and the Corporate Business Plan will ensure the council is proactive in both these areas, which will facilitate a solid foundation for business planning and service delivery into the future.

Policy Implications

Nil

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Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. In accordance with Regulation 19DA of the Local Government (Administration) Regulations 1996, adopt the Shire of Ashburton Strategic Community Plan "Living Life" 2012-2022 and the Corporate Business Plan 2013-2017.
2. Give public notice of this plan in accordance with Regulation 19D of the Local Government (Administration) Regulations 1996.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

14. TECHNICAL SERVICES REPORTS

14.1 REVISED RESIDENTIAL DESIGN CODES (2013)

FILE REFERENCE: PS.DV.04.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 August 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.7 (Minute No. 11585) – Ordinary Meeting of Council 20 July 2013

Summary

Council at the July Ordinary meeting considered a report on the new Residential Design Codes (RCodes 2013) and resolved as follows:

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

The new RCodes 2013 were gazetted and introduced on 2 August 2013 and are the result of a review that has considered a range of submissions and seeks to respond to changes taking place in society concerning housing preferences and sustainable development. Many of the changes reflect the concerns of the development industry that controls have been too restrictive and accordingly the changes can be characterised as generally enabling development to occur on smaller and more constrained sites.

Since the July 2013 Council resolution, the Department of Planning has advised that the new RCodes 2013 override the Local Planning Policy previously adopted by the Shire and endorsed by the Western Australian Planning Commission (WAPC) to address specific residential development needs of the Shire. Prior to addressing whether Council should again request the WAPC to re-adopt the Local Planning Policy it is considered appropriate to consult with local builders/developers to seek their views on the matter. Once undertaken, the Shire Administration will prepare a further report to Council on the issue.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Background

The Residential Design Codes (RCodes) are an important determinant of residential design in Western Australia. They have been established since 1991 at the State Government level and thereafter automatically introduced by reference into local government planning schemes to guide development approval for all dwelling types.

Periodic reviews have been undertaken of the Codes, most notably resulting in an overhaul in 2002 and the introduction of a separate Multi-unit Code in 2010. The Department of Planning commenced a review of the RCodes in 2010. In July 2011 various changes were advertised for public comment.

Council at the July Ordinary meeting considered a report on the new Residential Design Codes (RCodes 2013) and resolved as follows:

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

Proposal

The RCodes have been reviewed in the light of the 108 submissions received by the WA Planning Commission (WAPC) and a new Code has been approved for gazettal on 2 August 2013.

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

- New objectives – these broadly reflect the original objectives ones rather than those advertised.
- A new flow diagram for the approval process to assist in understanding approval processes.
- A reduction to the minimum lot size below which proposals require planning approval from 350m² lots to 260m².
- The provision of a new comprehensive table (under Accompanying information – Part 3) listing the information requirements for each type of application.
- The change in a number of the Table 1 standards to reduce:
 - Lot size minimums in the R20 to R80 codes by 25%-60%;
 - Lot size averages in R20 (from 500m² to 450m²), R60 and R80:
 - Required areas for rear battle-axe lots for R20 to R80 lots;
 - Required open space and front setback requirements for higher density codes for R50-R80 (as per the Table in **ATTACHMENT 14.1A** which was included in the Department of Planning’s supporting information on the new Code).
 - Onsite parking requirements are reduced generally within 800m of a railway station and 250m of a high frequency bus route (not applicable the Shire of Ashburton).

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- Height of boundary walls to increase permitted heights to 3.5m max and 3.0m average for one third boundary length behind front setback in R20 and R25 – compared with 3m, 2.7m and 9m.
- An additional clause has been introduced to deal with the situation where a development overshadows a lot but that overshadowed lot also abuts another lot to allow for the “sharing” of the permitted overshadowing.
- An additional provision limits the ability to overshadow more than 50% of a solar collector and north facing major openings to habitable rooms within 15 degrees of north on an adjacent lot.
- Outbuildings in low density are able to be setback from the rear boundary as defined in Table 2 to the RCodes 2012), and thereby not apply the 6m rear setback requirement.
- Ancillary dwellings to relax provisions to no longer require occupants to have a family relationship with the house owner, to increase the floor area from 60 to 70m² and relax the need to meet outdoor living area or street surveillance requirements.
- Single bedroom dwellings to increase the permitted floor area from 60 to 70m² and reduced outdoor living area.
- A number of Definitions have been modified or introduced for the first time – including: “decision-maker” to replace “Council”, new defined term of “deemed to comply” which replaces “Acceptable Development”, and “design principles” to replace “performance criteria”.
- New figures are included to illustrate how truncations and laneways are taken into account in lot size calculations and to illustrate measuring setbacks from communal streets. Generally more figures are provided within the Code to graphically illustrate how to calculate boundary setbacks and the like. Some of the figures are brought into the main Code from the Explanatory Guidelines.

ATTACHMENT 14.1B

Comment

More permissive standards

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

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

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- Single bedroom dwellings less restricted by increasing permitted floor area from 60m² to 70m².

Only a few standards have been increased:

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

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

"Generally, the local government and community sought increased certainty, whilst the development industry sought increased flexibility. Often these fundamental differences in opposing views and positions resulted in conflicting objectives, issues and comments, which required careful consideration and analysis. Wherever possible, a considered and balanced outcome was found."

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

Small lot development approval

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

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

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

R20 lot development

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

Minimum lot sizes for normal lots and rear battleaxe lots

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

Ancillary Accommodation

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

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

Code Presentation

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

Conclusion

The new RCodes 2013 were gazetted and introduced on 2 August 2013 and are the result of a review that has considered a range of submissions and seeks to respond to changes taking place in society concerning housing preferences and sustainable development. Many of the changes reflect the concerns of the development industry that controls have been too restrictive and accordingly the changes can be characterised as generally enabling development to occur on smaller and more constrained sites.

Since the July 2013 Council resolution, the Department of Planning has advised that the new RCodes 2013 override the Local Planning Policy previously adopted by the Shire and endorsed by the Western Australian Planning Commission (WAPC) to address specific residential development needs of the Shire.

Prior to addressing whether Council should again request the WAPC to re-adopt the Local Planning Policy it is considered appropriate to consult with local builders/developers to seek their views on the matter. Once undertaken, the Shire Administration will prepare a further report to Council on the issue.

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

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

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

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No 7

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Policy Implications

Adopted *Local Planning Policy - Regional Residential Design Code Variations* was prepared as part of the previous RCode requirements and sought to reflect the specific needs of the Shire and override the new RCodes 2013. The Department of Planning has advised that the new RCodes 2013 override the previously endorsed Local Planning Policy.

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Raise Agenda Item 14.7 (Minute No. 11585) – Ordinary Meeting of Council 20 July 2013 'from the table'
2. Note the changes introduced to the new Residential Design Codes on 2 August 2013 as outlined in the Report **ATTACHMENT 14.1B**.
3. Request the A/Chief Executive Officer to consult with local builders/developers (as he sees appropriate) and on their views on retaining Shire's Local Planning Policy - Regional Residential Design Code Variations and on completion, prepare a further report to Council on the issue.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

14.2 DRAFT AMENDMENT NO. 20 TO THE SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO. 7 - REZONING OF LOT 50 NAMELESS VALLEY DRIVE, TOM PRICE TO 'SPECIAL USE NO. 3 - STORAGE FACILITY/DEPOT/LAYDOWN AREA' - FOR FINAL APPROVAL

FILE REFERENCE:	PS.TP.7.20
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute: 11436) - Ordinary Meeting of Council 13 February 2013 Agenda Item 13.4 (Minute: 11132) - Ordinary Meeting of Council 17 October 2012 Agenda Item 13.2 (Minute: 11091) - Ordinary Meeting of Council 14 December 2011

Summary

At the 17 October 2012 Ordinary meeting, Council initiated Scheme Amendment No. 20 to the Shire of Ashburton Local Planning Scheme No. 7 resulting in a proposal to rezone Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' to "Special Use No. 3 - Storage Facility/Depot/Laydown Area'. The land is owned by the State. Acceptance of the proposal from State Lands Services was provided.

To ensure clarity of the Scheme initiation process, Council at the 13 February 2013 Ordinary meeting resolved to rescind the Council resolution of 17 October 2012 (Minute: 11132) and adopted a modified Amendment No. 20.

The Amendment was referred to the EPA which advised that the proposed scheme amendment should not be assessed. The Amendment was advertised for 42 days and no submissions were received (excluding the EPA advice).

It is recommended that Council adopt Amendment No. 20 without modification for final approval.

Background

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') was Gazetted on 24 December 2004 and has not been reviewed.

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Lot 50 Nameless Valley Drive, Tom Price has an area of 2.3941 ha and is zoned 'Rural Living' under the Scheme. In the past the site has been used for purpose of an egg farm however it is now largely abandoned. It would appear that the site has been used for truck parking which is prohibited under the 'Rural Living' zone.



The site is located approximately 2.5 km from the Tom Price townsite and within approximately 100 metres from the town's sewerage/effluent ponds.

At the December 2011 Ordinary meeting, Council considered a request from DB Hitchcock Transport lessee of Lot 50 Nameless Valley Drive, Tom Price to amend the Scheme by rezoning the land from 'Rural Living' to 'Industry' to facilitate a transport depot. The request for the land to be zoned 'Industry' was not supported as the site is relatively small and uses such as abattoir, noxious, resource processing and general industries are either permitted or discretionary.

At the 17 October 2012 Ordinary meeting, Council initiated Scheme Amendment No. 20 to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') resulting in a proposal to rezone Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' to "Special Use No. 3 - Storage Facility/Depot/Laydown Area'. The land is owned by the State. Acceptance of the proposal from State Lands Services was provided.

The consultant for the proponent provided the necessary information reflecting Council's resolution and requested a minor change to the Scheme Amendment. The changes related to the wording of the draft Detailed Area Plan attached to the Amendment and was considered by the Shire to be acceptable.

To ensure clarity of the Scheme initiation process, Council at the 13 February 2013 Ordinary meeting resolved to rescind the Council resolution of 17 October 2012 (Minute: 11132) and adopted a modified Amendment No. 20 as follows:

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“1. DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 20

In Pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 20 ("draft Amendment") to the Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") which proposes:

1. *Rezone Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' zone to 'Special Use – Storage facility/depot/laydown area' zone.*
2. *Insert into Schedule 3 of the Scheme the following:*

No.	Description of Land	Special Use	Conditions
3	Lot 50 Nameless Valley Drive, Tom Price	Storage facility/depot/laydown area	<p>1. Land use and development shall generally be in accordance with a Detailed Area Plan approved by the local government and which addresses the layout, staging, access, landscaping, management and environmental issues associated with the development and the use of the land.</p> <p>2. Storage facility/depot/laydown area shall be considered a 'D' use under the Scheme.</p> <p>3. All development will be in accordance with the definition of 'storage facility/depot/laydown area' as in Appendix 2 of the Scheme.</p>

3. *That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.*
4. *Following advertising of draft Amendment No. 20 or a response from the EPA requiring formal environmental assessment, the matter be referred back to Council for consideration.*
5. *Request the Chief Executive Officer to advise the proponent that once Amendment documentation is prepared to the Shire's satisfaction and fees in accordance with the Schedule 1 Part 2 of the Town Planning (Local Government Planning Fees) Regulations 2000 and Council's adopted Fees and Charges have been paid, the Amendment will be referred to the EPA as provided for in part 3. above."*

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

The Amendment was referred to the EPA which advised that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act).

The Amendment was advertised for 42 days and no submissions were received (excluding the EPA advice).

ATTACHMENT 14.2

Comment

Draft Scheme Amendment No. 20 proposes to rezone Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' to "Special Use No. 3 - Storage Facility/Depot/Laydown Area'. Accompanying the Amendment is a draft Detailed Area Plan that includes the following elements:

1. Access arrangements and direction of vehicle movements, including proposed new crossover and existing modified crossover via the un-named Local Road and Nameless Valley Drive (subject to widening and upgrading of crossovers at these points).
2. Two (2) defined areas being the 'No Development Area' providing front, side and rear boundary setbacks, and the 'Potential Development Area'; within the defined 'Potential Development Area', prospective future uses and development are proposed (subject to development approval).
3. Proposed Landscaping within front street setback, and retention of existing vegetation at the rear.

Given that no submissions were received and the view of the Shire that the proposal will benefit the development of Tom Price, it is recommended that Council adopt Amendment No. 20 without modification for final approval.

Consultation

A/Chief Executive Officer

A/Executive Manager - Technical Services

Referral of draft Amendment No. 20 was undertaken to the following:

- Department of Health
- Hamersley Iron Infrastructure
- RTIO

The Amendment was advertised by sign on site for 42 days and notice on 2 occasions in the Pilbara News.

Statutory Environment

Planning and Development Act 2005

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

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

Shire of Ashburton Town Planning Scheme No. 7

Environmental Protection Act 1986

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

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

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

None anticipated

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Recommendation

That Council:

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt without modification for final approval, draft Amendment No. 20 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by rezoning of land and inserting into Schedule 3 of the Scheme as follows:

1. *Rezone Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' zone to 'Special Use – Storage facility/depot/laydown area' zone.*
2. *Insert into Schedule 3 of the Scheme the following:*

No.	Description of Land	Special Use	Conditions
3	Lot 50 Nameless Valley Drive, Tom Price	Storage facility/depot/laydown area	<ol style="list-style-type: none"> 1. <i>Land use and development shall generally be in accordance with a Detailed Area Plan approved by the local government and which addresses the layout, staging, access, landscaping, management and environmental issues associated with the development and the use of the land.</i> 2. <i>Storage facility/depot/laydown area' shall be considered a 'D' use under the Scheme.</i> 3. <i>All development will be in accordance with the definition of 'storage facility/depot/laydown area' as in Appendix 2 of the Scheme.</i>

2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.
3. That the Council refer Amendment No. 20 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

14.3 DECISION OF THE HON. MINISTER FOR PLANNING TO APPROVE DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 18

FILE REFERENCE: PS.TP.7.18

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

**NAME OF APPLICANT/
RESPONDENT:** LandCorp

DATE REPORT WRITTEN: 4 August 2013

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.6 (Minute: 11409) - Ordinary Meeting of Council 20 January 2013
Agenda Item 13.6 (Minute: 11275) - Ordinary Meeting of Council 15 August 2012
Agenda Item 13.5 (Minute: 11163) - Ordinary Meeting of Council 18 April 2012

In addition to Agenda Item 13.5 above, the following Items were associated with the ANSIA Strategic Industrial Area:

Agenda Item 13.01(Minute: 11090) - Ordinary Meeting of Council 14 December 2011
Agenda Item 16.03.04 - Ordinary Meeting of Council 16 March 2011
Agenda Item 13.02.02 - Ordinary Meeting of Council 16 February 2011
Agenda Item 13.12.74 - Ordinary Meeting of Council 15 December 2010
Agenda Item 14.12.20 - Ordinary Meeting of Council 16 December 2008
Agenda Item 13.03.03 - Ordinary Meeting of Council 17 March 2009
Agenda Item 13.10.63 - Ordinary Meeting of Council 27 October 2009
Agenda Item 13.12.89 - Ordinary Meeting of Council 15 December 2009
Agenda Item 13.07.38 - Ordinary Meeting of Council 21 July 2010
Agenda Item 13.10.61 - Ordinary Meeting of Council 20 October 2010

AGENDA - ORDINARY MEETING OF COUNCIL 21 AUGUST 2013

Summary

Council at the Ordinary Meeting of 15 August 2012 resolved to adopt Amendment No. 18 for final approval and adopt the draft LandCorp ANSIA Industrial Development Plan insofar as it addresses land subject of draft Amendment No. 18.

At the January 2013 Council meeting, draft Amendment No. 18 was referred back to Council to rescind Minute No. 11275 and to re-adopt the Amendment but on this occasion, with reference to the relevant provisions of the Local Government Act in order to enable the use of the Common Seal of Council.

Scheme Amendment documents were referred to the Hon. Minister for Planning and he determined some modifications that inherently change the purpose or intent of the Amendment. Importantly, the Department of Planning advised that there was no requirement for the Council to re-adopt the Amendment. Accordingly, the Amendment documents were corrected to reflect the Minister's changes and provided back to the Department for Gazettal.

The purpose of this Report is to advise Council of the Hon. Minister's decision.

Background

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

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

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 the site for Chevron's Wheatstone Liquid Natural Gas (LNG) project and is being considered by the Exxon-Mobil/BHP-Billiton consortium for its Scarborough LNG project.

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

Council has granted development approval for the first development within the ANSIA, being BHP-Billiton's Macedon Domestic Gas Plant, which is presently under construction. This project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow.

It was however able to be assessed within the framework of the planning scheme, as it presently exists. Council placed conditions on BHP-Billiton's planning approvals to address the potential negative outcomes from the development. A requirement for Macedon as part of the Planning Approval was that the proponent would seek to have the land zoned appropriately.

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

Stage 1 is further divided into sub-stages with Stage 1A comprising the Wheatstone project, a common port facility, a Multi User Access and Infrastructure Corridor (MUAIC) for the purpose of shared transport and infrastructure and Chevron's TWA camp.

Stage 1B comprises the potential development site of the Scarborough LNG and the Macedon Domestic Gas Projects, portions of land associated with the FIA and TWA and is reflected in draft Amendment No. 17 to the Shire's Planning Scheme No 7.

Stage 1C comprises the balance of Stage 1 identified for 'Industry' development and is reflected in draft Amendment No. 18.

Council at the Ordinary Meeting of 15 August 2012 resolved to adopt Amendment No. 18 for final approval and adopt the draft LandCorp ANSIA Industrial Development Plan insofar as it addresses land subject of draft Amendment No. 18.

At the January 2013 Council meeting, draft Amendment No. 18 was referred back to Council to rescind Minute No. 11275 and to re-adopt the Amendment but on this occasion, with reference to the relevant provisions of the Local Government Act in order to enable the use of the Common Seal of Council.

ATTACHMENT 14.3

The purpose of this Report is to advise Council of the Minister's decision.

Comment

The development of land reflected by Amendment No. 18 has already been identified in the approved ANSIA Structure Plan. The role of the '*LandCorp ANSIA Industrial Development Plan*' (*Development Plan*) is to provide detailed information associated with the development of the land associated with the Amendment.

Scheme Amendment documents were referred to the Hon. Minister for Planning and he determined some modifications that inherently change the purpose or intent of the Amendment.

Importantly, the Department of Planning advised that there was no requirement for the Council to re-adopt the Amendment as follows:

"With respect to your enquiry, there is no requirement for the Council to re-adopt the amendment. The requirement for modifications is the Minister's decision, not the Council's. Regulation 21.(2) of the Town Planning Regulations provides that within 42 days of being notified of the Minister's decision, the local government is to comply with any modifications required by the Minister. Advice from the State Solicitor's Office in April 2002 when Alannah MacTiernan queried the process is that:

".....Notwithstanding the Minister's concerns, there is no requirement under the Regulations for the earlier resolutions of the responsibility authority.....to be rescinded or modified; the earlier resolutions stand in their own terms, and the modifications are carried out as a requirement imposed by the Minister under Regulation 21(2). The execution of the modified documents for final approval are

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accordingly an administrative act in compliance with a requirement of the Minister and there is no requirement of Council to rescind or amend its earlier decisions. While it would be desirable for the subsequent execution of the modified scheme amendment to indicate that the document has been modified in accordance with a direction of the Minister pursuant to Regulation 21(2), the documents will nevertheless have full force and effect where no such indication or reference is made provided the modifications are duly carried out and the documents properly executed in accordance with Regulations 21(2) and 22.”

Accordingly, the Amendment documents were corrected to reflect the Minister's changes and provided back to the Department for Gazettal.

Consultation

A/Chief Executive Officer
A/Executive Manager – Technical Services
Department of Planning

Statutory Environment

*Planning and Development Act 2005
Shire of Ashburton Local Planning Scheme No. 7.*

Statutory Environment

Planning and Development Act 2005

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

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.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Note the decision of the Hon. Minister for Planning with respect to Amendment No. 18 to the Shire of Ashburton Local Planning Scheme No. 7 as provide for in **ATTACHMENT 14.3.**
2. In accordance with the Hon. Minister's decision as referred to in 1. above, note the response of the Shire Administration to amend the Scheme documents pursuant to the advice provide by the Department of Planning and the direction of the Hon. Minister for Planning.

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

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

FILE REFERENCE:	RE.ON.R.19291: PS.TP.26
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Water Corporation
DATE REPORT WRITTEN:	4 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

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

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

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

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

The Shire Administration considers the request to reserve the WTPP under the Scheme for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)" is premature until the detailed location of the new road is defined. Once this is achieved, the road can be shown over Reserve 47957 and the reserve modified accordingly.

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Whilst the requested odour buffer provision is not opposed, the Amendment report should provide direction as to what assessment and subsequent conditions would be appropriate on any planning approval to attenuate odour and noise impacts.

In addition, it is considered that the provision should be a generic provision that would allow its establishment in Tom Price and/or Paraburdoo (noting that it is Hamersley Iron Infrastructure responsible for the water treatment plants and water supply for these towns).

It is recommended that the Amendment request not be supported in the form submitted by Water Corp.

Background

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



Aerial Photo Courtesy of Water Corp

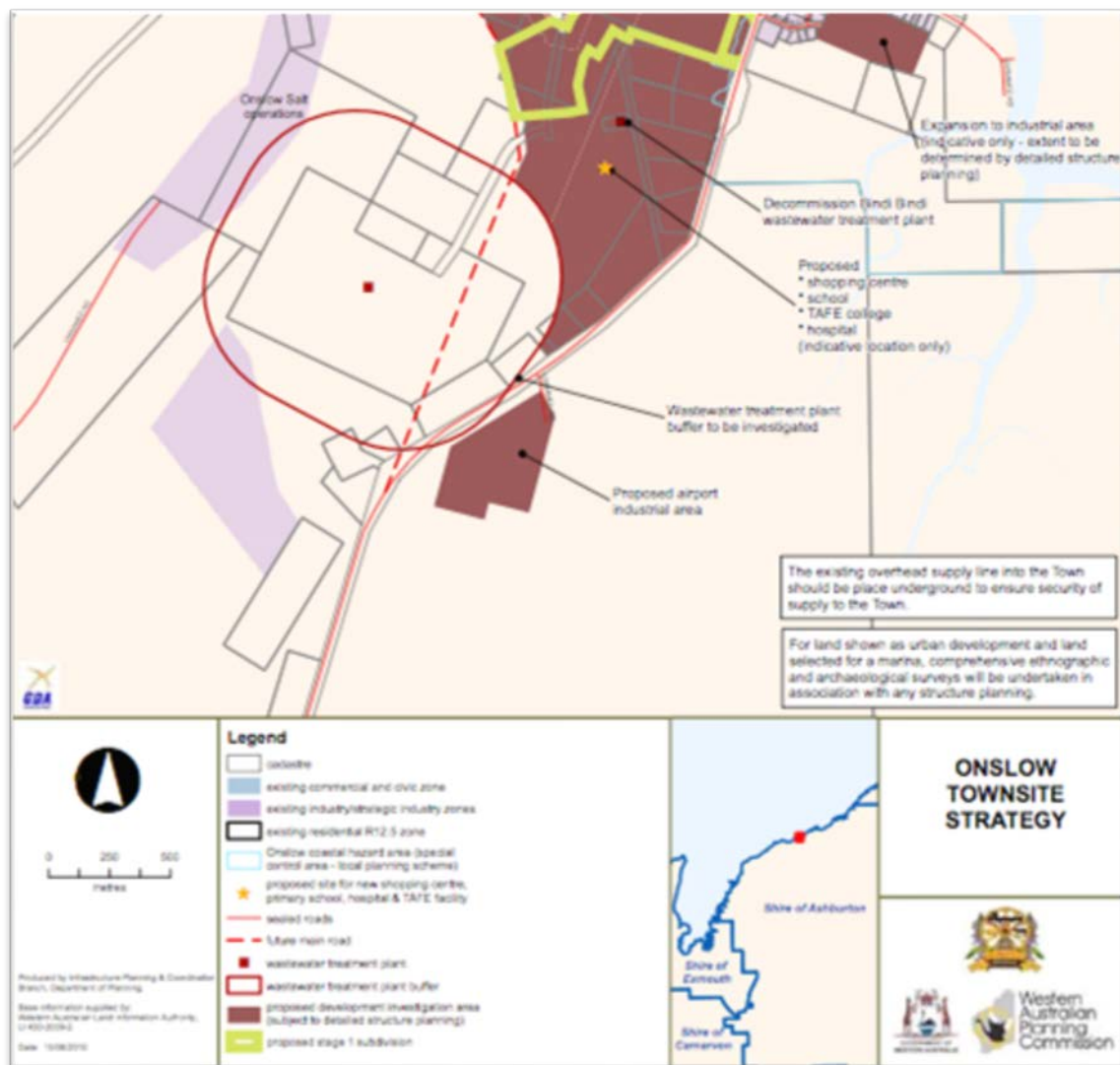
The WWTP treats wastewater flows generated within the Onslow Townsite and is situated about 2 km south of the centre of town and 1.3 km south-west of the nearest (current) residence. The plant is surrounded by salt production works, an airport, rural and industrial land uses.

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

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

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



Extract from the Onslow Townsite Strategy

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

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

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

The objectives of the development plan are to:

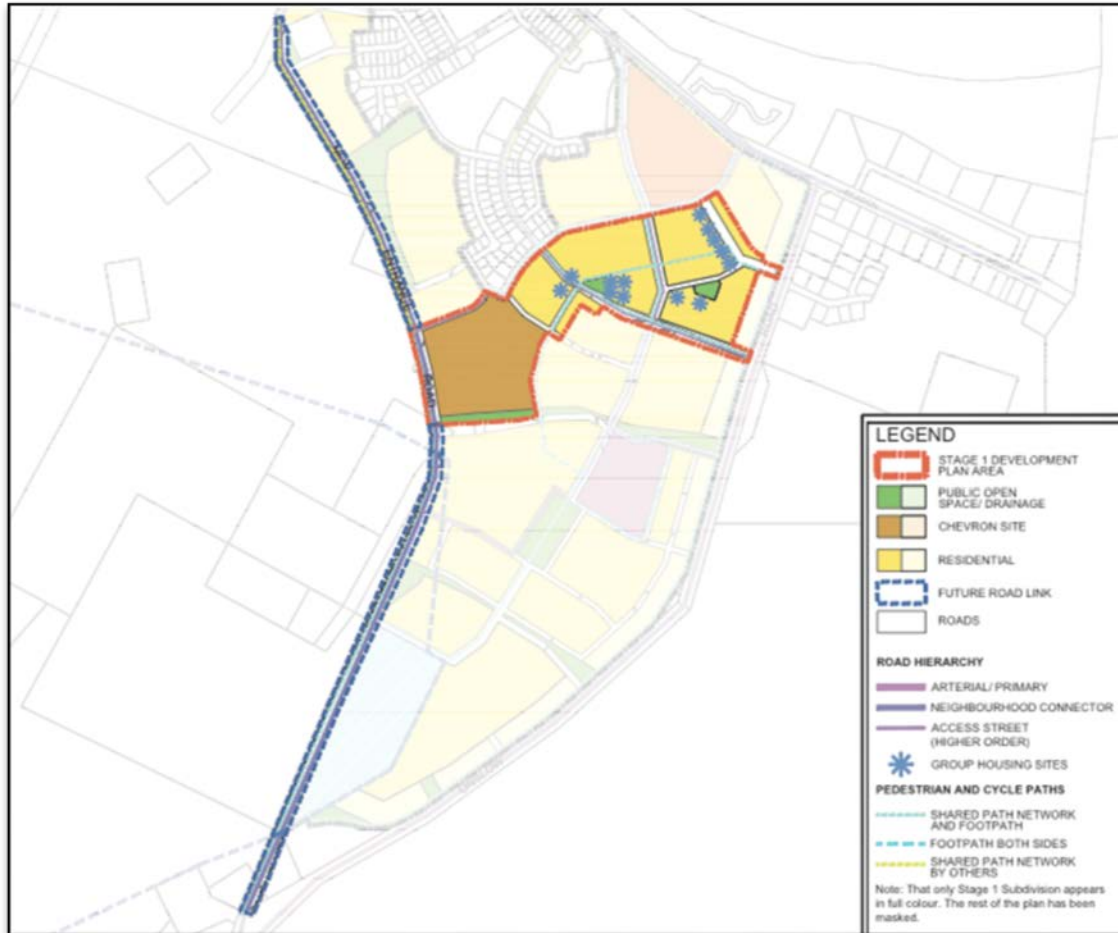
"Provide a comprehensive planning tool to facilitate the orderly and proper subdivision and development of the land to meet the anticipated growth demand in Onslow;

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

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

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

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



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

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

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

ATTACHMENT 14.4

Proposal

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

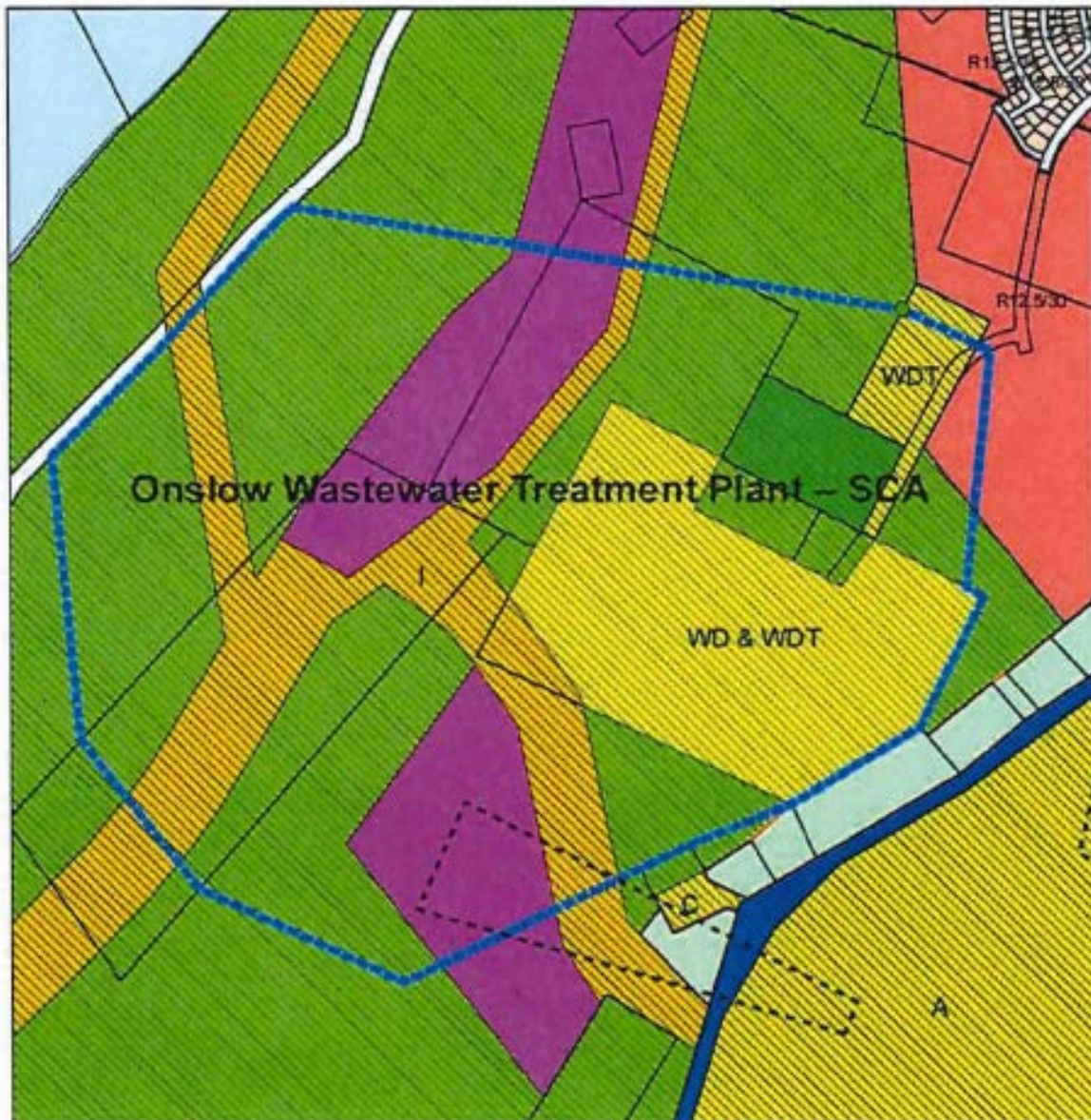
1. Reflect the site of the WWTP on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)."

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

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

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



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Proposed Waste Water treatment boundary (blue dotted line)

ATTACHMENT 14.4 provides the request from Water Corp in its entirety.

Comment

The request from Water Corp has some merit in relation to the proposed odour buffer. However, the Amendment as draft fails to acknowledge the strategic direction for the development of the Onslow Townsite and in particular, the establishment of a new all weather road from Onslow Road to the western end of the Onslow Townsite.

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

The establishment of this new road is vital to the overall development of Onslow and the request from Water Corp could place in jeopardy this valuable infrastructure.

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

It is noted that Water Corp seeks new Scheme provisions associated with the odour buffer by inserting a new sub-section 7.10, to read as follows:

"7.10 Onslow Waste Water Treatment Plant Odour Buffer Special Control Area

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

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- *Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and*
- *Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.”*

Whilst the provision is not opposed, the Amendment report should provide direction as to what assessment and subsequent conditions would be appropriate on any planning approval to attenuate odour and noise impacts.

In addition, it is considered that the provision should be a generic provision that would allow its establishment in Tom Price and/or Paraburdoo (noting that it is Hamersley Iron Infrastructure responsible for the water treatment plants and water supply for these towns).

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Conclusion

Accordingly, for the reasons expressed in this Report, the Amendment request from Water Corp is not supported in the form provided as **ATTACHMENT14.4**. However there would be merit in pursuing with Water Corp an Amendment that establishes a generic odour buffer.

The request to reserve under the Scheme the WWTP for "*Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)*" is considered premature until the detailed location of the new road is defined. Once this is achieved, the road can be shown over Reserve 47957 and the reserve modified accordingly.

Consultation

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

Statutory Environment

Planning and Development Act 2005

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

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

Shire of Ashburton Town Planning Scheme No. 7

Environmental Protection Act 1986

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

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

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- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

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

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Not initiate an Amendment to the Shire of Ashburton Local Planning Scheme ('Scheme') as requested by the Water Corporation as provided for in **ATTACHMENT 14.4** on the basis that:
 - a. The request to reserve under the Scheme the WWTP for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)" is considered premature until the detailed location of the new road is defined. Once this is achieved, the road can be shown over Reserve 47957 and the reserve modified accordingly.
 - b. Whilst the odour buffer provision is not opposed, the Amendment report should provide direction as to what assessment and subsequent conditions would be appropriate on any planning approval to attenuate odour and noise impacts. In addition, it is considered that the provision should be a generic provision that would allow its establishment in Tom Price and/or Paraburdoo (noting that it is Hamersley Iron Infrastructure responsible for the water treatment plants and water supply for these towns).

Advise the Water Corporation that it would be prepared to accept a revised request to amend the Scheme where it reflected modifications reflected in 1, above.

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

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14.5 PUBLIC ENVIRONMENTAL REVIEW - 'KOODAIDERI IRON ORE MINE AND INFRASTRUCTURE PROJECT'

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

Summary

Hamersley Iron Pty Limited ('HI') has undertaken a Public Environmental Review (PER) of the 'Koodaideri Iron Ore Mine and Infrastructure Project' (the Proposal), which involves the construction and operation of a large-scale mining and ore processing operation, with product transported to ports through connection with Rio Tinto's heavy freight railway network.

The assessment of the PER by Shire Administration is limited by the fact that the Shire has no staff or consultants specifically qualified to provide environmental comment on the PER. For this, the Shire relies upon the professionalism and expertise of the EPA. However, it is concluded that there are two (2) areas of the PER that need to be addressed:

- Wittenoom Asbestos Management Area
- Social Impact Assessment

It is recommended that a submission to the Chairman, Environmental Protection Authority in relation to the above two (2) areas be prepared by the A/CEO.

Background

Hamersley Iron Pty Limited ('HI') a wholly owned subsidiary of the international mining group Rio Tinto has undertaken an environmental review of the 'Koodaideri Iron Ore Mine and Infrastructure Project' (the Proposal), which involves the construction and operation of a large-scale mining and ore processing operation, with product transported to ports through connection with Rio Tinto's heavy freight railway network. Known as a Public Environmental Review (PER) under the Environmental Protection Act 1986, the mine will initially operate with a production throughput of around 35 million tonnes per annum (Mtpa), but may ultimately increase to around 70 Mtpa and is expected to have an operational mine life of over 30 years.

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Proposal

The Proposal area is defined by a specific geographical outer boundary or a 'Development Envelope', and is centred approximately 110 km west-north-west of Newman and 130 km north-east of Tom Price or approximately 205 km by road from the Development Envelope. The PER can be viewed at the following link: Koodaideri Project Environmental Review.

<http://www.riotintoironore.com/ENG/media/337.asp?START=30&searchKeyword1=&searchKeyword2=&searchKeyword3=&searchKeyword4=>

An executive summary prepared by the proponent is attached.

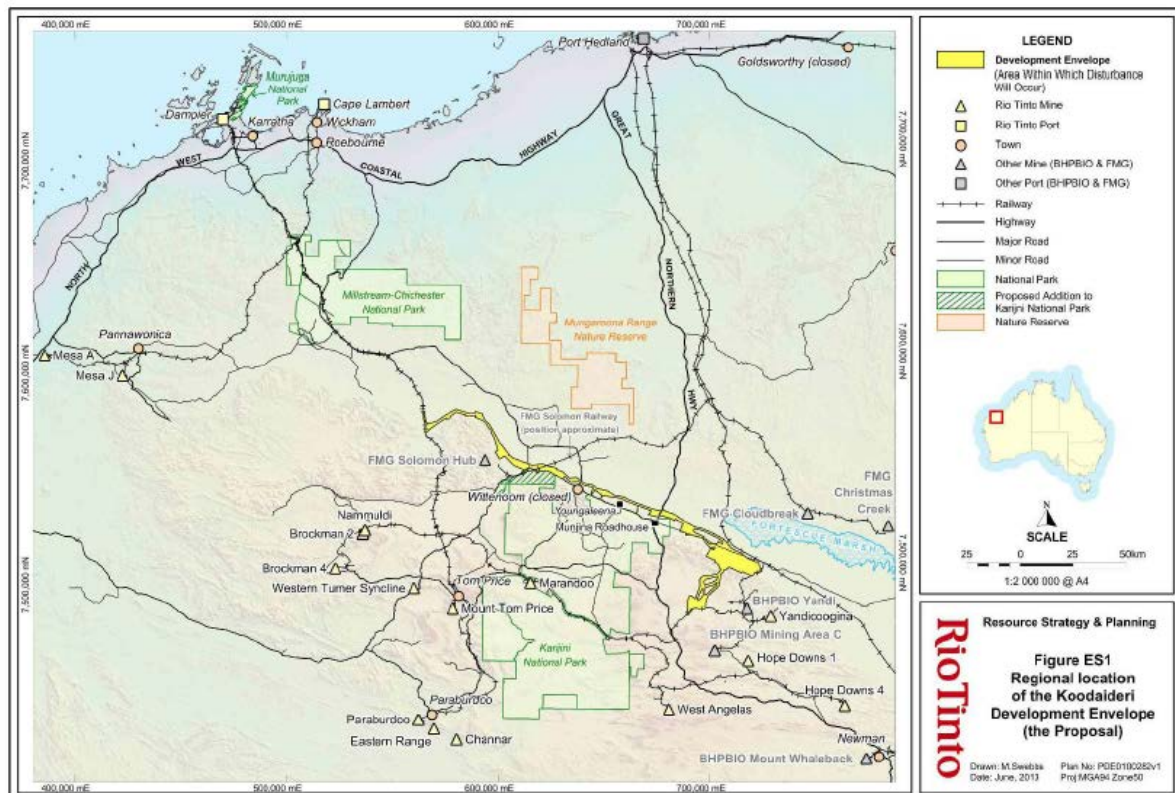
ATTACHMENT 14.5

The Development Envelope covers 65,888 ha and is comprised of three main elements or components; the mine and plant area and two infrastructure corridors (Figure ES2) that connect with existing Rio Tinto infrastructure networks.

These three elements are referred to as:

- Mine/Plant Area (herein 'the MPA') – containing the mining areas and the associated ore processing facilities (e.g. ore crushing, stockyards, administration, workshops) – the MPA covers 19,188 ha (representing approximately 29% of the Development Envelope).
- Western Railway Corridor (herein 'the WRC') – for ore transport by railway and for associated infrastructure (e.g. service road, communications) – the WRC covers 34,697 ha (representing approximately 53% of the Development Envelope).
- Southern Infrastructure Corridor (herein 'the SIC') with multiple potential alignments – for power, water and road infrastructure to the MPA – the SIC covers 12,003 ha (representing approximately 18% of the Development Envelope).

The Development Envelope crosses the Shire of East Pilbara and the Shire of Ashburton.



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The nearest major conservation reserve to the Development Envelope is Karijini National Park, which lies approximately 25 km west of the MPA and adjacent to portions of the WRC. Mungaroon Range Nature Reserve and Millstream-Chichester National Park also lie in proximity to the Development Envelope, approximately 72 km and 156 km to the north-west of the MPA, respectively.

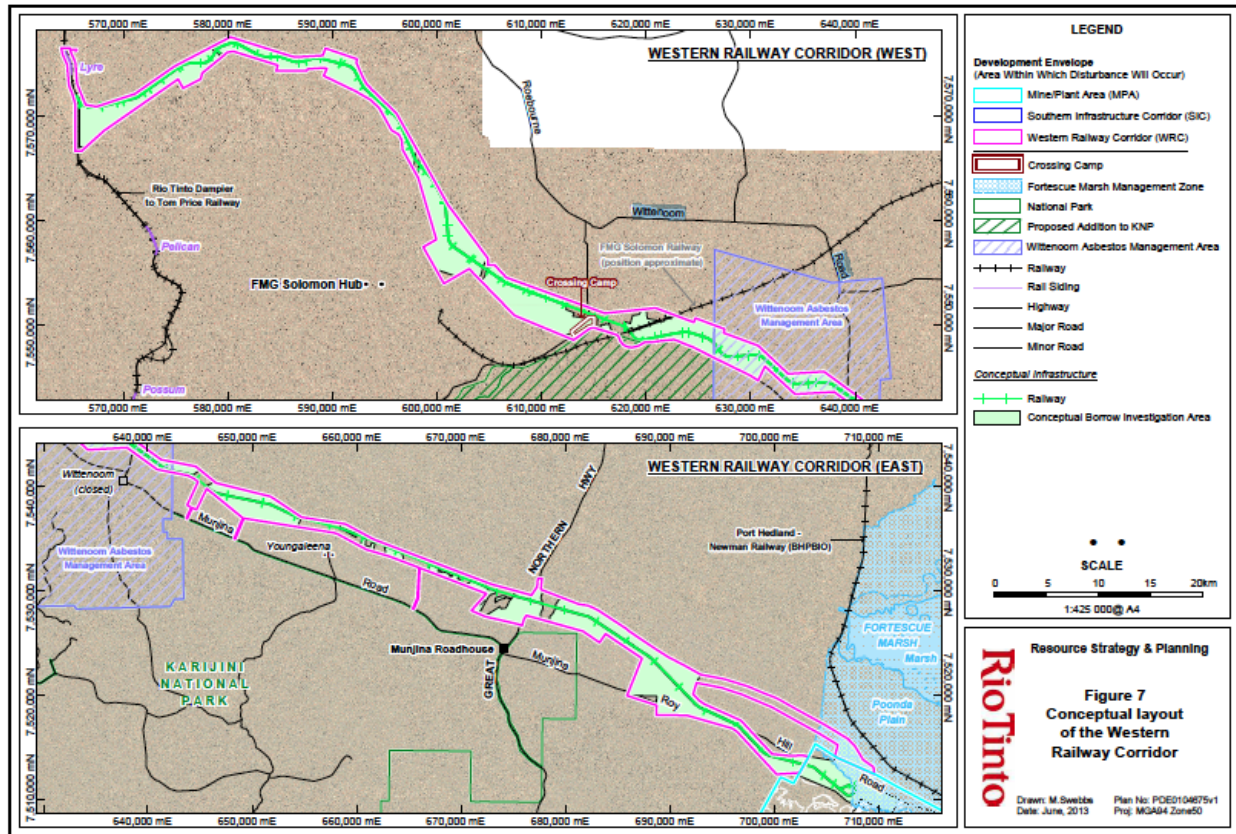
Construction is anticipated to commence in Q3 2014, once all Rio Tinto and regulatory approvals are secured. Some early works (e.g. construction camps) will be undertaken prior to the main development construction.

The Proponent advises:

"Around 1,500 to 2,000 personnel will be required for the construction phase. The railway construction workforce will be accommodated at Crossing Camp (a new rail construction camp proposed near the FMG and proposed WRC railway crossing) and the other railway camps that are outside the scope of this PER document. Approximately 700 personnel will initially be required for operations; this may later increase to approximately 1,000 by about 2030 in association with increased production rates."

Of particular interest to the Shire is that the proposed WRC alignment approximately parallels the southern flank of the Fortescue Valley, with a tie-in at Lyre Siding on the Tom Price-Dampier/Cape Lambert mainline railway network (**Figure 3**). The proposed alignment requires a large number of drainage culverts along its length, and traverses approximately 19 km of the designated Wittenoom Asbestos Management Area (WAMA).

A footnote to the PER states that the WAMA *".....is defined as the combination of the DMP's "asbestos management" special category FNA 7376 area and the parcels of land associated with the Wittenoom area classified as Contaminated – Remediation Required under the Contaminated Sites Act 2003 (WA) administered by the Department of Environment and Conservation (DEC). The Wittenoom Asbestos Management Area depicted in figures in the PER is larger than the collective sum of the two DMP and DEC areas for conservative purposes."*



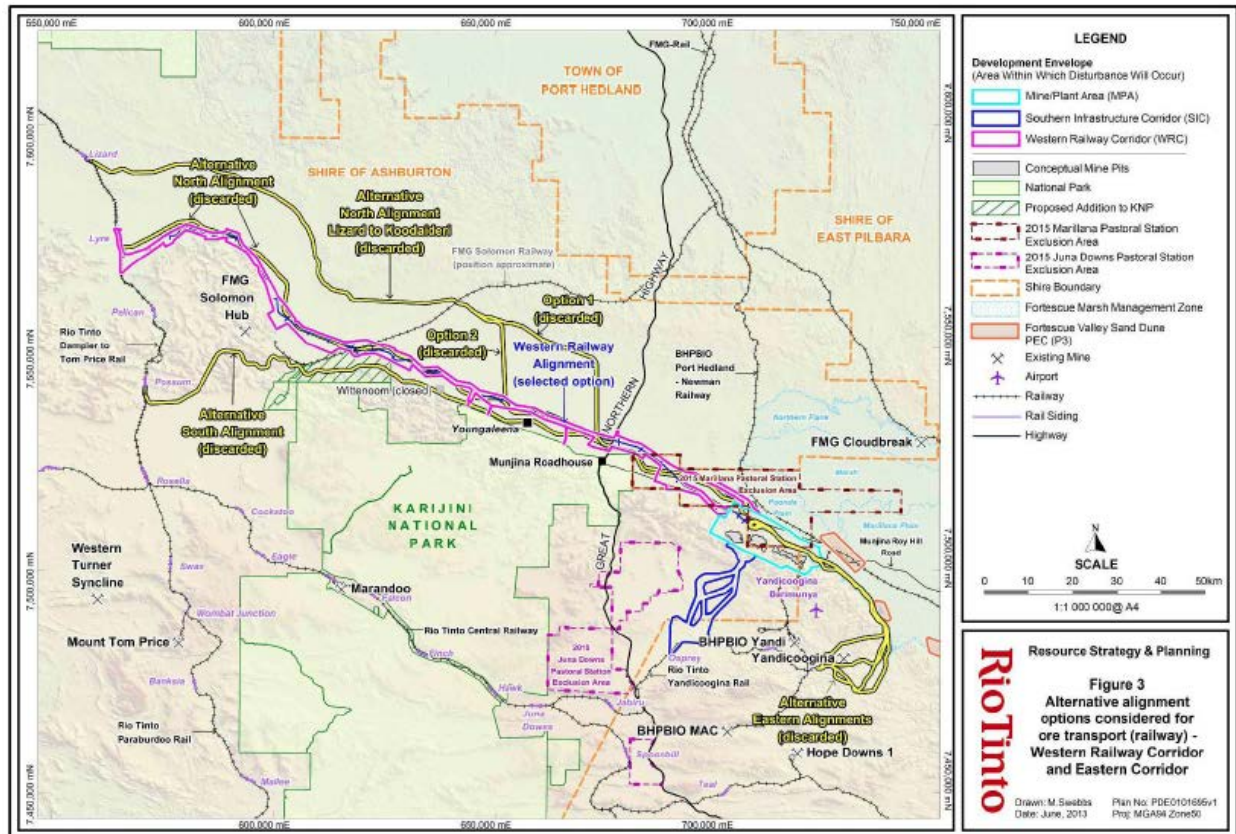
The PER states that a comprehensive fibrous minerals management plan is being developed for construction and operating activities within the WAMA.

*“The Proponent investigated an alternative WRC alignment to the south of the proposed WRC alignment in order to reduce drainage requirements (**Figure 3**). This alternative alignment straddles the foothills of the Hamersley Ranges and has substantially higher earthworks requirements compared to the proposed WRC alignment. It also dissected an area proposed for future inclusion in the Karijini National Park and conflicted with the Nanutarra-Wittenoom Road. It was discarded on the basis of earthwork requirements, high cost, difficult engineering and approval risk.*

*The Proponent also investigated two additional alternative WRC alignments on the northern side of Fortescue Valley. These alternatives were considered to avoid the Wittenoom Asbestos Management Area. These alternative alignments (Lizard to Koodaideri Option 1 and Lizard to Koodaideri Option 2; **Figure 3**) crossed the Fortescue River valley and were discarded based on direct interaction with the Fortescue River and marsh areas and the associated environmental issues and flood risks. It was also discarded on the basis of tenure/approval risk.”*

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The following refers to 'figure 3' of the above statement:



A link to the PER has been provided to Councillors.

The Proponent has advised that a *"comprehensive fibrous minerals management plan is being developed for construction and operating activities within the WAMA."*

Comment

The assessment of the PER by Shire Administration is limited by the fact that the Shire has no staff or consultants specifically qualified to provide environmental comment on the PER. For this, the Shire relies upon the professionalism and expertise of the EPA. However, it is concluded that there are two (2) areas of the PER that need to be addressed:

Wittenoom Asbestos Management Area

Social Impact Assessment

Wittenoom Asbestos Management Area (WAMA)

As noted the proposed WRC alignment traverses approximately 19 km of the designated WAMA. This is of significant concern to the Shire Administration as potential for the health of workers to be impacted asbestos related material have been well documented.

Alternative WRC alignments to reduce drainage requirements were investigated and discarded on the basis of *"... earthwork requirements, high cost, difficult engineering and approval risk."*

However, it would appear that no alternative alignment based on asbestos impacts were investigated. Whilst the Proponent's states that a *"...comprehensive fibrous minerals*

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management plan is being developed.....” is noted that it is the view of the Shire Administration that the PER has downplayed the real and dangerous impacts of developing within the WAMA.

On this basis, it is recommended that an alternative alignment for the WRC that excludes access to the WAMA be thoroughly investigated. In any case, the Shire would require complete indemnity from the Proponent on any individual or collective claims brought on by those persons that may contract asbestoses from the Proposal.

Social Impact Assessment

The PER does not address the social impacts of the Proposal on either Newman or Tom Price. By comparison, when the FMG ‘Solomon Hub’ project was proposed a comprehensive social impact assessment was undertaken and submitted to the Shire for comment. Whilst the FMG assessment did not form part of the Solomon environmental assessment, the company did commit to undertaking an assessment of its social impact on Tom Price.

No such commitments have been received from HI. The view of the Shire Administration and the Council on the need for HI/RTIO and the State Government to undertake a comprehensive assessment on the mining operations of the company have been repeated on numerous occasions with the respect to the Nammuldi and Marandoo operations. The Shire is not aware of any such assessments being carried out.

HI/RTIO and the State’s apparent intransigence on addressing the social impact of such developments on the community is disappointing and very concerning. In the view of the Shire Administration, it can only lead to the conclusion that resource developments are being proposed without knowing the full ramifications of such developments to the communities of the Pilbara.

In the recent Federal Government report “Cancer of the bush or salvation for our cities? – Fly- in, fly-out workforce practices in regional Australia” (February 2013) this issue is addressed on a number of occasions e.g. Recommendations 3, 4, 6, 12, 16 and 18 and further supports the Shire’s conclusions.

Consultation

A/Chief Executive Officer

A/Executive Manager – Technical Services

Submissions to the EPA close on 2 September 2013. Whilst the Shire is not obliged to advertise the PER, in order to keep the community informed, the Shire Administration placed the link to the PER on the Shire Website.

Statutory Environment

Environmental Protection Act 1986

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

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Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Prepare a submission to the Chairman, Environmental Protection Authority in relation to the Public Environmental Review 'Koodaideri Iron Ore Mine and Infrastructure Project' as outlined in the Shire Administration Report and specifically addressing Council concerns relating to:
 - i. opposing development within the Wittenoom Asbestos Management Area (WAMA);
 - ii. the need for an alternative alignment for the proposed Western Rail Corridor that excludes access to the WAMA;
 - iii. the need for an absolute Council indemnity from the Proponent arising from any individual or collective claims brought on by those persons that may contract asbestoses; and
 - iv. the need for Social Impact Assessment.

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

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14.6 APPLICATION FOR PLANNING APPROVAL – CONCRETE BATCHING PLANT AT LOT '32B' SOUTH-EAST CORNER OF CAMP ROAD AND BEASLEY ROAD, PARABURDOO

FILE REFERENCE: PA.CM.0000

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

NAME OF APPLICANT/RESPONDENT: Pilbara Concrete Service

DATE REPORT WRITTEN: 7 August 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Pilbara Concrete Pty Ltd has lodged an Application for Planning Approval for a 100t Cement silo (concrete batching plant) at Lot 32B', generally located on the south-east corner of Camp Road and Beasley Road Paraburdoo. It should be noted that 'Lot 32B' is a portion of Crown Lot 32 which is under lease to RTIO. The site is zoned 'Rural' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The 'Rural' zone does allow for some limited industrial uses however it doesn't permit 'concrete batching plant'.

Accordingly, it is considered that the concrete batching plant is a prohibited use under the Scheme and cannot be approved. Both representatives from the company and RTIO have been advised of the Shire Administration's views on the Application and that it is prohibited.

Background

Lot 32B', generally located on the south-east corner of Camp Road and Beasley Road Paraburdoo. It should be noted that 'Lot 32B' is a portion of Crown Lot 32 which is under lease to RTIO.



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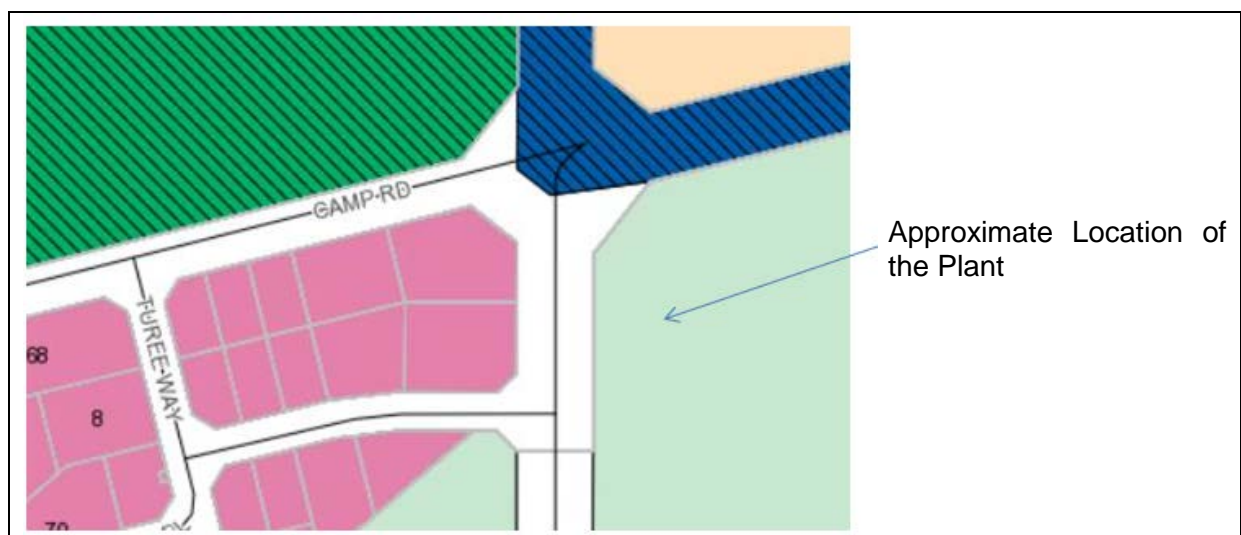
The site fronts Beasley Road and immediately abuts a club house. From an inspection of the site, works for the plant have commenced.



It should be noted that 'Lot 32B' is a portion of Crown Lot 32 which is under lease to RTIO.

Comment

The site is zoned 'Rural' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').



The 'Rural' zone does allow for some limited industrial uses however it doesn't permit 'Industry- noxious', 'Industry- Light' or 'Industry – General':

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'Industry- noxious' is defined as:

"an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended)."

It is understood that a batching plant as sought is a 'prescribed premises' under the *Environmental Protection Regulations 1987*. On this basis, there is no opportunity for the Council or any other authority to approve a batching plant in the Rural zone.

'Industry- Light' is defined as an industry:

- "(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and*
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load, on any existing or proposed service for the supply or provision of water, gas, electricity."*

'Industry – General' is defined as an industry: *"an industry other than a home business, extractive, light, noxious, rural, resource processing or service industry."*

Accordingly, it is considered that the 100t Cement silo (concrete batching plant) is a prohibited use under the Scheme and cannot be approved. Both representatives from the company and RTIO have been advised of the Shire Administration's views on the Application and that it is prohibited.

Consultation

A/Chief Executive Officer
A/Executive Manager – Technical Services
RTIO
Pilbara Concrete Pty Ltd

Statutory Environment

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

The site is zoned 'Rural' under the Scheme. The 'Rural' zone does allow for some limited industrial uses however it doesn't permit 'concrete batching plant' (as defined as 'Industry-noxious').

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.

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Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. REFUSE Planning Application Shire Ref: 20130199 (P) for a concrete batching plant at Lot 32B', generally located on the south-east corner of Camp Road and Beasley Road Paraburdoo on the following grounds:
 - i. The subject land is zoned 'Rural' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
 - ii. The use and development as proposed is defined 'Industry- noxious' under the Scheme as:

"an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987 (as amended)."
 - iii. 'Industry- noxious' is prohibited in the 'Rural' zone.
 - iv. The concrete batching plant as sought is a 'prescribed premises' under the Environmental Protection Regulations 1987 and therefore the proposal is prohibited under the Scheme.

Advice:

- 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: Frank Ludovico	Signature:

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14.7 PLANNING APPLICATION - GROUP DWELLING (2 UNITS) WITH ONE UNIT COMPRISING A RESIDENTIAL BUILDING (COMPRISING RELOCATED BUILDINGS) AT LOT 925 PAYNE WAY, ONSLOW

FILE REFERENCE:	ON.PY.0925.00 20130190 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Applicant: Property Development Solutions Owner: Mackerel Islands Pty Ltd
DATE REPORT WRITTEN:	7 August 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 925 Payne Way Onslow which has a site area of 885m² and is zoned Residential R12.5/30. The application is for group dwelling (2 units) with one unit to be used for the purpose of a new Residential Building.

An existing single residence will be modified and relocated on site to allow the second dwelling (Residential Building) to be sited. The Residential Building will consist of 6 bedrooms and will comprise modules established from the original Ashburton motel units. The Applicant has advised that the units will be reclad and re-roofed in such a manner that the final building will un-recognisable from the original units.

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

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

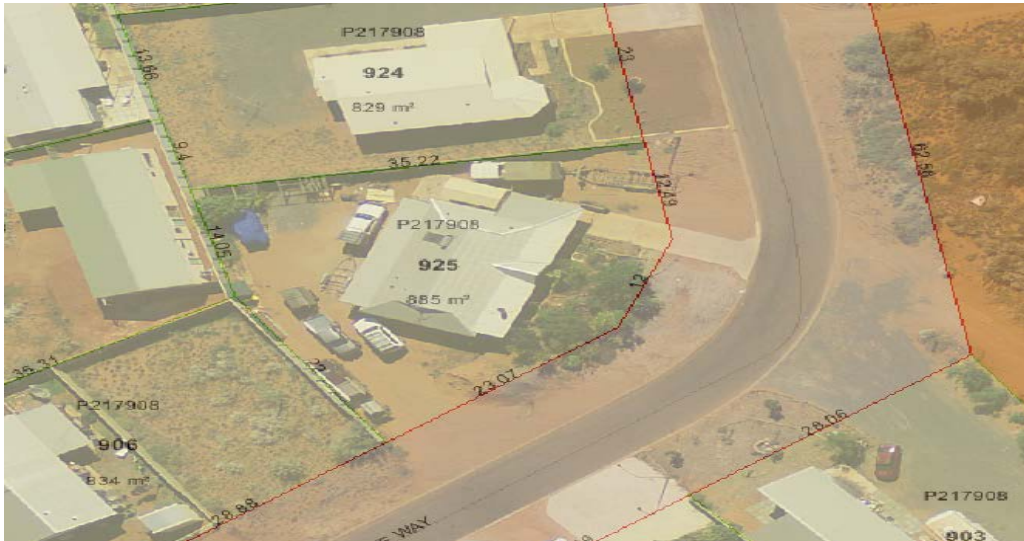
Background

The subject site comprises Lot 925 Payne Way Onslow which has an area of 885m² and contains a single dwelling. The site is serviced with underground power, sewer and water.

Proposal

An existing single residence will be modified and relocated on site to allow the second dwelling (Residential Building) to be sited. The Residential Building will consist of 6 bedrooms and will comprise modules established from the original Ashburton motel units. The Applicant has advised that the units will be reclad and re-roofed in such a manner that the final building will un-recognisable from the original units.

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The Applicant advises that the single dwelling will be occupied by managers of the Ashburton Motel whilst the 'residential building' will be occupied by staff from the Motel and (future) restaurant.

ATTACHMENT 14.7A comprises the plans and elevations of the proposed development.

Comment

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

The proposed use fits within the definition of a 'Residential Building' which is defined in the *R Codes* as:

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

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

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

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

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

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

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Clause 6.5 of the Scheme stipulates that the RCodes 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. Clause 6.15 Transportable Structure of the Scheme states:

When considering planning applications which include transportable buildings and structures Local Government shall have regard for the following:

Requirements Comments	Requirements Comments
(a) <i>whether the structure is to be permanent or temporary</i>	The proposed grouped dwelling will be permanent.
(b) <i>the location and design of the structure in relation to surrounding structures and other physical features,</i>	The proposed dwelling has been designed to meet the requirements of the Residential Design Codes and therefore has considered the location and design of other structures on the property.
(c) <i>the footings or other methods of stabilising the structure, and</i>	The footings are standard.

The proposed development is considered to comply with the requirements of the CI 6.15 of the Scheme.

The following relevant provisions of the R Codes that the Application complies are as follows:

Part 6 - Design elements	
6.1 Housing Density Requirements	Complies
6.2 Streetscape Requirements	Complies
6.3 Boundary Setback Requirements	Complies
6.4 Open Space Requirements	Complies
6.5 Parking & Access Requirements	Complies
6.6 Site Work Requirements	Complies
6.7 Building Height Requirements	Complies
6.8 Privacy Requirements	Complies
6.9 Design for Climate	Complies
6.10 Incidental Development	Complies

Assessment of the Application pursuant to the R Codes and the relevant provisions of the Scheme (including CI 5.9 'Matters to be considered') indicates the two dwellings comply with the R Codes and the Scheme.

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

"6.7.2 Notwithstanding clauses 3.5.1 and 4.7.1 of the Residential Planning Codes every dwelling shall be provided with a store room of not less than four square metres

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in floor area for the purposes of storing domestic outdoor items during cyclones. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding."

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

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

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

Clause 6.15 of the states:

"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."

In relation to Clause 6.15, the fact that the second dwelling (Residential Building) is to be reclad and re-roofed will assist in satisfying this Clause. If approved, the recladding and re-roofing, along with landscaping should be a condition of any approval and required prior to occupancy.

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

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

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,*
- (c) any approved Statement of Planning Policy of the Commission,*
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,*

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

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

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

Local Planning Policy - Social Impact Assessment

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

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

The Policy states that the primary purpose of the SIS is to bring about better planning decisions and a more sustainable and equitable ecological and human environment.

This is achieved by describing the potential impacts of a proposed project, demonstrating how issues and concerns raised during the community consultation will be addressed. The Applicant prepared an SIS which was made available for consultation.

ATTACHMENT 14.7B

Transportable Dwellings, New and Second-hand

The objective of this Policy is to:

“Ensure that new and second hand transportable housing to be located or relocated within the Shire of Ashburton complements the existing and anticipated housing stock of the surrounding area by setting standards for dealing with applications for such a land use.”

Specifically, the Policy states:

“5.2 For all second hand transportable housing:

- *details shall be provided as to: where it is to be relocated from; photographs showing all external elevations;*
- *certification from a structural engineer that the building is in a reasonable condition for relocation including any necessary rectification work required; and*
- *a detailed professional building report outlining all works to be carried out on the building to render it compliant with the current relevant provisions of the Building Code of Australia;*
- *second-hand dwellings will not be permitted to be located within new housing estates;*
- *any additional materials to be used are to be new; and*
- *asbestos will not be permitted to be located or relocated.”*

It is understood that the relocated buildings do not have any asbestos material. It is considered that should any approval issue, the above matters can be included as conditions of such approval.

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Local Planning Policy - Consultation for Planning Proposals

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

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

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

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

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

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

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

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

Location

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

Residential Amenity

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

Noise Generation

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

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

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Essential Services and Waste Disposal

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

Traffic Implications

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

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

Emergency Escape Plan

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

Building Design

The policy requires that the appearance of the proposed use should not impact on the residential character of the surrounding area. The proposed 'Residential Building' comprises transportable motel units but can be re-clad to complement the residential neighbourhood.

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

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

- i) The proposed extension has a total floor area of 46m² (excluding verandahs).
- ii) Site Area: 885m²
- iii) Minimum open space required: 50%
Minimum open space provided 76%
- iv) Elevations: Single storey building to be constructed and externally clad.
- v) Car Parking: Spaces required/provided:

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

- vii) Landscaping: Indicative only.

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

Amenity/Miscellaneous

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

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

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

Conclusions

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

Consultation

A/Chief Executive Officer

A/Executive Manager – Technical Services

Public Consultation

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

Notification on the Shire's Website and Shire offices in Onslow and Tom Price.

Notice posted on the lot.

Notice to all adjoining landowners.

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

Statutory Environment

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

State Planning Policy 3.1 – Residential Design Codes

Financial Implications

None anticipated

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Policy Implications

Local Planning Policy - Social Impact Assessment

Local Planning Policy - Consultation for Planning Proposals

Local Planning Policy - Transportable Dwellings, New and Second-hand

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

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. APPROVE Planning Application Shire Ref: 20130190 (P) for group dwelling (2 units) with one unit to be used for the purpose of a new Residential Building (comprising relocated buildings) at Lot 925 Payne Way Onslow generally in accordance with plans as provided in **ATTACHMENT 14.7A** to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:
 1. The use shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the group dwelling, to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton.
 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. Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes;
 - ii. Dimensioned plans and elevations showing that the Residential Building is to be entirely established under a single roofline and designed to reflect that of a single dwelling;
 - iii. A store room of not less than 4² in floor area and fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.
 - iv. Clothesline/s.

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 August 2015.
4. With respect to the transportable building, all additional materials to be used are to be new.
5. No asbestos is permitted to be relocated to the site.
6. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
 - i. Certification from a structural engineer that the relocated buildings are in a reasonable condition for relocation including any necessary rectification work required and that the buildings do not comprise any asbestos.

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- ii. A detailed professional building report outlining all works to be carried out on the building to render it compliant with the current relevant provisions of the Building Code of Australia.
- iii. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
 - a) the location and type of fencing to be installed; and
 - b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

- a) a plant schedule nominating each species;
- b) the spacing's 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.

- iv. The design, materials and colours of the proposed development.
7. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.
- i. The landscaping and reticulation as identified this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
 - ii. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
 - iii. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.
 - iv. All parking and maneuvering areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.
 - v. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
 - vi. Prior to occupation of the residential building, smoke alarms along with emergency response plans (i.e. fire escape route maps, evacuation

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contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling.

8. For the Residential Building component of the development, compliance with definition of 'residential building' of the Scheme as follows:

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

a) temporarily by two or more persons, or

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

9. All car parking generated by the use shall occur within the boundaries of the property.
10. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of Lot 925 Payne Way, Onslow.
11. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

Advice Notes

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

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

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14.8 OUTLINE DEVELOPMENT PLAN (EASTERN PORTION ASHBURTON NORTH GENERAL INDUSTRIAL AREA) FOR ADOPTION

FILE REFERENCE:	PS.TP.7.18
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	LandCorp /URBIS Planning Consultants
DATE REPORT WRITTEN:	9 August 2013
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute 11458) - Ordinary Meeting of Council 20 March 2013 Council Reports concerning the ANSIA and draft Scheme Amendment No. 18 have been numerous.

Summary

At the March 2013 Ordinary meeting, Council resolved to advertise for public comment, LandCorp's draft Outline Development Plan (ODP) at Part Lot 152 CL56-1967 on Deposited Plan No. 220265 for industrial purposes within the Ashburton North Strategic Industrial Area (ANSIA).

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

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

Council's resolution was subject to modifications to the draft ODP (Eastern Portion Ashburton North General Industrial Area) which was carried out to the satisfaction of the Shire Administration. Advertising was undertaken (for 21 days) in accordance with the Scheme and nine (9) submissions were received.

Whilst Council's resolution was that if no adverse comments are received during advertising, the development plan be adopted and the WAPC be requested to endorse it, modifications to the final plan are recommended and which requires Council consideration.

It should be noted that final adoption of the ODP cannot occur until Gazettal of Amendment No. 18 and WAPC endorsement of the ANSIA Development Plan has occurred.

In this regard, it is recommended that the Shire President and A/Chief Executive Officer be authorized to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation once Gazettal and WAPC endorsement has been undertaken.

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Background

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

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

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

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

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

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

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

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

At the March 2013 Ordinary meeting, Council resolved to advertise for public comment, LandCorp's draft 'Outline Development Plan (ODP) at Part Lot 152 CL56-1967 on Deposited Plan No. 220265 for industrial purposes within the Ashburton North Strategic Industrial Area (ANSIA) as follows:

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"That Council:

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

Comment

LandCorp is seeking the approval of a draft *'Outline Development Plan (Eastern Portion Ashburton North General Industrial Area) (ODP)'* at Part Lot 152 CL56-1967 on Deposited Plan No. 220265 for industrial purposes within the Ashburton North Strategic Industrial Area (ANSIA). The ODP as modified to reflect Council's March 2013 determination is included as **ATTACHMENT 14.8A**.

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

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

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

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

"6. General Industrial Areas (GIA's)

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

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As Council adopted the *ANSIA Development Plan* for final approval (along with draft Amendment 18), advertising of the draft '*Outline Development Plan (Eastern Portion Ashburton North General Industrial Area)*' can commence.

Council's resolution was subject to modifications to the draft ODP (Eastern Portion Ashburton North General Industrial Area)' which was carried out to the satisfaction of the Shire Administration. Advertising was undertaken (for 21 days) in accordance with the Scheme and nine (9) submissions were received and addressed in the Schedule of Modifications.

ATTACHMENT 14.8B

Modifications to the final ODP are addressed in the Schedule of Modifications.

Conclusion

Whilst Council's resolution was that if no adverse comments are received during advertising, the development plan be adopted and the WAPC be requested to endorse it, modifications to the final plan are recommended and which requires Council consideration.

It should be noted that final adoption of the ODP cannot occur until Gazettal of Amendment No. 18 and WAPC endorsement of the ANSIA Development Plan has occurred. In this regard, it is recommended that the A/CEO be authorised to sign the final ODP (as modified) once Gazettal and WAPC endorsement has been undertaken.

Consultation

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

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

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

Advertising was for 21 days by notice in the Pilbara News and Onslow Times.

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Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Under the Scheme, the subject area is zoned '*Rural*' however it is to be zoned '*Industry*' under the draft Amendment No. 18. The Amendment has been approved by the Hon. Minister for Planning (with modifications) and awaiting Gazettal.

It should be noted that final adoption of the ODP cannot occur until Gazettal of Amendment No. 18 and WAPC endorsement of the ANSIA Development Plan has occurred. In this regard, it is recommended that the Shire President and A/Chief Executive Officer be authorized to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation once Gazettal and WAPC endorsement has been undertaken.

Financial Implications

Fees have been charged for assessing the outline development plan in accordance with those set out in the Planning Regulations in order to meet the administrative and other costs incurred as a result of it processing LandCorp's draft plan.

Strategic Implications

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

Policy Implications

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

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Insofar as the draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' as prepared by URBIS town planning consultants for LandCorp addresses land subject of draft Amendment No. 18 to the Scheme, Council:
 1. Adopts the 'Schedule of Submissions' **ATTACHMENT 14.8B** prepared in response to the advertising of the draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' as prepared by URBIS town planning consultants for LandCorp.
 2. Adopts the draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' for final approval pursuant to the requirements of Clause 6.4, Appendix 7 and Appendix 11 of the Scheme subject to the final draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' being modified in accordance with 'Schedule of Submissions' **ATTACHMENT 14.8B**.
 3. Once Amendment No. 18 is gazetted and the WAPC has endorsed the ANSIA Development Plan, authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.
 4. Refer the adopted draft '*Ashburton North Strategic Industrial Area Eastern Portion Outline Development Plan*' to the Western Australian Planning Commission with a request for endorsement as a framework for the future land use and development of the land subject of draft Amendment No. 18.

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

15. OPERATIONS REPORTS

15.1 AWARD OF CONTRACT 11/13 ASPHALT SUPPLY FOR PARABURDOO WORKS

FILE REFERENCE: AS.TE.13.11

AUTHOR'S NAME AND POSITION: Sean Ripley
Technical Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 July 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire is currently undertaking works in Paraburdoo. These works were approved in May 2013 and are part of a project undertaken with Rio Tinto. The project consists of installation of asphalt materials and road pavement construction at Karingal Neighbourhood Centre and Camp Road in Paraburdoo.

In accordance with the FIN 12 Purchasing and Tender Policy, tenders were sought through the Western Australian Local Government Association (WALGA) E-Quote System. The evaluation criteria for RFT 11/13 Asphalt Supply for Paraburdoo Works was in accordance with Category 3 (Infrastructure) of the Shire's FIN 14 Policy "Shire of Ashburton Tender Assessment Criteria".

Tenders were received from Boral, Downer and Fulton Hogan. Following review and assessment of the tenders it is recommended that Boral Resources (WA) Ltd be awarded the contract for 11/13 Asphalt Supply for Paraburdoo Works.

Background

The works with Rio Tinto involve asphalt works in Paraburdoo.

The Commissioner Yuryevich approved these private works in May 2013 which are for works in Paraburdoo to bituminise Karingal carpark, ESS Gumala, Spotless, RTIO (Camp Rd) yards. The budget \$845,000 with an expected profit of about 15%.

The project was seen as support for the community and the need to be completed before Rio Tinto Iron Ore reabsorbed funds.

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Specifically, the asphalt works involve:

- Hot mix asphalt to ESS yard at 30mm depth 5137m²
- Hot mix asphalt to Spotless yard at 25mm depth 3286 m²

Tenders were sought through the WALGA E-quote system. Three tenders were received by the deadline of 12 July 2013. Tender evaluation was undertaken by Sean Ripley and Allan Monson.

The tenders were evaluated in accordance with the following criteria:

RFT 11/13	Tenderer 1	Tenderer 2	Tenderer 3
Item	Boral	Downer	Fulton Hogan
Price (Ex GST)	\$331,326.65	\$329,062.91	\$402,767.50
Relevant Experience (/10)	10	10	9
Key Personnel (/10)	10	10	9
Past Performance (/10)	10	4	9
Resources & Personnel (/5)	5	4	5
Plant, Equipment & Materials (/5)	3	5	5
Methodology / Quality & OHS (/10)	6	8	2
Price (/50)	44	45	10
Overall Score (/100)	88	86	49

As Boral has the highest overall score, it is recommended that the tendered offer of \$331,326.65 (Ex GST) from Boral be accepted.

Comment

Although Downer submitted a slightly lower price, Boral performed better in the criteria of “past performance” and “resources and personnel”.

Consultation

Executive Manager – Technical Services
Capital Works Manager

Statutory Environment

Local Government Act 1995, S3.57 Tenders for Providing Goods or Services

Financial Implications

In accordance with the Draft 2013-2014 Annual Budget

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – ‘Distinctive and Well Serviced Places’

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Policy Implications

FIN12 – Purchasing and Tender Policy

FIN14 – Tender Assessment Criteria Policy

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Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Award the Contract 11/13 Asphalt Supply for Paraburdoo Works to Boral Resources (WA) Ltd to a value not exceeding \$331,326.65 (excluding GST).
2. Authorise the Shire President and Acting Chief Executive Officer to execute the relevant contract documentation and affix the Shire's Common Seal to the contract.

Author: Sean Ripley	Signature:
Manager: Troy Davis	Signature:

16. COUNCILLOR AGENDA ITEMS

There are no Councillor Agenda Items for this meeting.

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

18. CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal:

(I) a trade secret;

(II) information that has a commercial value to a person; or

(III) information about the business, professional, commercial or financial affairs of a person,

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

(f) a matter that if disclosed, could be reasonably expected to:

(I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

(II) Endanger the security of the local government's property; or

(III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and

(h) such other matters as may be prescribed.

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18.1 PROBITY AUDIT - REPORT TO BE PROVIDED

FILE REFERENCE: FI.AU.12.13

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 August 2013

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

PREVIOUS MEETING REFERENCE:

Please refer to Confidential Item Attachment under separate cover.

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

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 September 2013 at the Barry Lang Centre, Pannawoncia commencing at 1.00 pm.

20. CLOSURE OF MEETING