



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**MINUTES
(Public Document)**

**RM Forrest Memorial Hall, Second Avenue,
Onslow**

12 December 2012

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

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 12 December 2012 at RM Forrest Memorial Hall, Second 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

Commissioner Ronald Yuryevich declared the meeting open at 1.01 pm.

The Commissioner indicated that he was presiding at the Council meeting as the Councillors of the Shire of Ashburton had been suspended by the Governor of WA on 11 December 2012.

The order indicated Councillors must undergo training in governance and the statutory compliance duties of a local government.

The period of suspension was six months.

2. ANNOUNCEMENT OF VISITORS

Commissioner Ronald Yuryevich acknowledged the attendance of Kerry White, suspended Shire President and Lorraine Thomas, Suspended Councillor and members of the public to the public gallery.

3. ATTENDANCE

3.1 PRESENT

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

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

There were no approved leave of absence for this meeting.

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

Pearce Herbert from Onslow tabled the following questions.

Q1a. "In September I asked the Council questions regarding the cost and anticipated time for the ratepayers to get a return on our money. The answer I got was in the Sir Humphrey Appleby style, we will have some answers by February, maybe. Would it not be normal business practice

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to have all this in place before we take it on. Have we investigated the possibility of getting private enterprise to upgrade the park?"

Q1b. *"We had a highly competent CEO, Jeff Breen who was dismissed for alleged probity breaches, unfairly or otherwise, will he have the opportunity to reapply for his position if he so wishes?"*

Drew Norrish, Chief Executive Officer from Mackerel Islands Pty Ltd tabled the following questions

Q2. *"Can the commissioner please confirm he has received the correspondence from Property Development Solutions and from Minister Grylls this morning relating to the Thevenard Island change of use application."*

Gary Douglas from Onslow tabled the following correspondence on behalf of the long stay residents of the Ocean View Caravan Park.

Q3. **"OCEAN VIEW CARAVAN PARK – THEM & US"**

On behalf of the long stay residents of the Ocean View Caravan Park we ask the following:

1. *The Shires Onslow office has made no attempt to communicate with the long stay residents of the Ocean View Caravan Park via the Residents Committee WHY?*

At the Shire meeting held on the 19th September, O'Halloran state publicly that she welcomed and supported the formation of the Residents Committee and looked forward to open communication.

There are issues that still need to be resolved.

(a) *The formation of the Park Liaison Committee could have been established with the assistance of the Residents Committee. By forming the Residents Committee, good rapport had already been established within the park and residents happy to assist the Shire and the formation of the PLC.*

All that the Shire has achieved by their "gung ho" attitude is to create bad feelings and animosity throughout the park as they continue to avoid us. At the inaugural meeting on the 3rd September I was voted in as President of the Residents Committee. The Onslow office is avoiding talking to me regarding issues concerning the caravan park WHY

(b) *There are questions needing to be asked by the Residents Committee as suggested in the Department of Commerce Commissioners Guidelines as to whether the Shire want executive committee members on the PLC or do they prefer these specific members to be excluded and general committee members nominated. As a result of a Resident's Committee meeting held on Sunday 9th December, a letter was sent to Zoe McGowan, Shire President and the caravan park managers regarding where the*

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Resident's Committee can assist to provide nominees for the PLC- to date no reply. WHY

- 2. O'Halloran authorised an application to the State Administrative Tribunal dated the 22nd October 2012 to evict 2 residents from the park without some form of open communication particularly with the knowledge that there is a clause within the Parks Act that allows for an exemption of a fine if failed attempt by the parks owners to achieve a written agreement fails and particularly as these people are still attempting to negotiate. WHY*

O'Halloran organised the application to the State Administrative Tribunal and stated we were warned that this would go to SAT. This is incorrect, there was no warning, written or verbal, the State Administrative Tribunal have been provided with incorrect information on several accounts.

- 3. The park manager's were over ridden by O'Hallorans bullying tactics to send these two tenants to the Tribunal to have the Tribunal assist with mediation for a decision when quite simply the managers or Shire could have resolved the issue themselves. WHY*

To date no form of communication has taken place except a phone call from Zoe McGowan yesterday morning reminding Janet about the SAT directions hearing on Thursday regarding O'Hallorans request that the SAT mediate on our possible eviction.

This caravan park cannot go forward whilst O'Halloran is involving herself in unacceptable and unprofessional ways and the Onslow office continues to ignore the Resident's Committee.

Gary Douglas from Onslow tabled the following correspondence.

- Q4. "We entrusted a cat to the Ranger on the 29th November to be taken to SAFE in Karratha the next day.**

The cat never arrived at SAFE neither did the 25 cans of Whiskas cat food given to the Ranger as a donation to SAFE.

Several phone calls to SAFE in Karratha have revealed that both the Karratha and Tom Price offices have concerns for the welfare of animals entrusted to the Ranger.

What happened to the cat? If the cat has in fact been dealt with in an inhumane way, serious questions need to be asked of the Ranger.

We require the \$50.00 for the cans of Whiskas to be donated to SAFE.

Attached is a more detailed description of events.

ATTACHMENT 4.4

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Kit Davidson, Operations Manager for Eco Abrolhos Accommodation Pty Ltd, tabled the following questions.

Q5a. "In the minutes of the 21st November 2012 it was indicated that objections received to the proposed LPP on "Boatels" and indeed the policy itself would be discussed at the meeting scheduled for today. This was in line with the timetable included in the meeting of the 17th October in which the policy was first tabled for consideration and the consultation period commenced.

As this Boatel policy has had such an impact on our working relationship with various interested 3^d parties, including Department of Transport and some staff members we ask why this timetable has not been adhered to?

Q5b. In the meeting minutes of 21/11/12 Item 6.1 noted "There was a petition presented to Council from Eco Abrolhos Accommodation Pty Ltd regarding operations in Beadon Creek, Onslow. Refer to Agenda item 13.4."

To date no response to the petition has been received.

Why did the minutes not state the number of signatories to the petition (227) who clearly supported our operations in Beadon Creek and were, in effect, objecting to the proposed "Boatel" policy? Additionally why did the minutes not identify that all signatories were local Onslow residents who represented a particularly broad cross section of local community members?

We were previously advised by the Shire of Ashburton representatives that the birth of the proposed LPP covering "Boatels" was a result of demand for legacies be left after Wheatstone, rather than the type of accommodation facilities we had introduced to the area. As we are obviously relieving the current pressure on accommodation in the area inclusion of this data would appear particularly relevant to the future discussions between other interested parties.

Of additional significance is the fact that in excess of %95 of individuals approached to sign did so readily."

Geoffrey Herbert from Onslow tabled the following questions.

Q6a. "Can the Shire re-evaluate the decision to take on the Beadon Bay Caravan Park?"

Q6b. "How do we meet with the Commissioner?"

Stephen Easterbrook from Onslow tabled the following questions

Q7. "In regards to re-training of Council what follow up and actions will take place to ensure that Council doesn't revert back to the way it is now"

Frank Ludovico on behalf of Eric Roulston of Northwest Air Service tabled the following correspondence.

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Q8. "I Eric Roulston of Norwest Air Work would like to attend the Council Meeting on Wednesday at 1pm in Onslow.

If for some reason I cannot make it then would it be possible to get answers to the following points that may have a major effect on the viability and continuation of my business in Onslow.

- 1. Is the zoning and layout of access to the land that my hangar is currently situated going to be affected by any future changes once the new runway is operational?***
- 2. If the answer is YES then can Norwest Air Work get a timely reply in writing from the Shire of Ashburton of all the changes that may directly affect the viability and continuation of my service including any major increases in rates and leases?***
- 3. If the land my hangar is situated on is to become unavailable due to re-zoning then what compensation will be offered to Norwest Air Work or who will be responsible for the cost of relocation of the building considering that the building has already been relocated once in the past due to airport changes.***
- 4. Providing that the current hangars are to remain as they are and when the Shire puts up expression of interest for the leases with its re-zoning of commercial lots and aircraft operation lots then will it guarantee current lease holders including Norwest Air Work that it wont give the current leases with their buildings on to other parties?***
- 5. Will the current lease holders be given written and fair warning of dates and requirements needed for the expressions of interest?***

A copy of the planning that I have been given is attached to this letter which suggests that the current leases will be unaffected by the airport changes.

It would be very comforting to know with certainty that my business in Onslow will not be adversely affected by any future changes.

Looking forward to being of continued service to Onslow as it has been for the past 20 years."

ATTACHMENT 4.8

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 21 November 2012, the following questions were taken on notice and a written response will be provided.

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Paul Shadler from Onslow tabled the following correspondence.

Q1. *“Dear Kerry,*

APPROVAL TO OPEN & USE GAZZETED ROAD NO 7192 17KMS WEST OF THE NORTH WEST COASTAL HIGHWAY (ALONG THE ONSLOW ROAD)

Why are the Shire closing roads that would be more beneficial to the public for them to remain open but opening obsolete roads for the sole benefit of one mining company?

In particular I refer to the current road works for the re-build of Gazetted Road No 7192 as stated in the Agenda for the Shire Ordinary Meeting held on the 17th October 2012.

Regarding access, SJ Crushing advised the Shire in Attachment 13.1 that they proposed to gain access to Onslow Road. SJ Crushing stated they had existing access to North West Coastal Highway by agreement to the south / east not north of their Mining Tenement MO8/273 Gazetted Road No 7192.

The agreement for access to the North West Highway is the only agreement DEC and the Mines Department were aware of. At no time were either Departments made aware of a road re-opening going north ie No 7192 or the road being re-constructed.

There has been no approval made by the relevant Government Authorities for any other access ie., due north of their Mining Tenement MO8/273.

I question why road works on Road No 7192 commenced prior to further comment from the Shire I also ask the question who gave permission for construction to commence without the necessary approvals from the relevant departments.

During this construction I observed that there was no regard given to public safety. I give you an example: there was no signage provided from the Onslow Road, no traffic controllers whilst graders and moxy's were carting gravel and dozers operating on the road whilst construction was taking place.

Due to this Gazetted Road No 7192 belonging to the Shire is it not reasonable to ask the Shire why due consideration has been overlooked for public safety despite my several phone requests to Jeff Breen regarding the Shires duty of care and public safety. To date my requests have fallen on deaf ears – no response or any form of communication has been received from Jeff Breen in answer to my phone calls.

I have travelled a number of times along this road and at no time was I stopped or advised of road works and blasting in progress.

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Another question needs to be asked, how come SJ Crushing were constructing this road prior to the approval being given at the meeting on the 17th October 2012.

On the 26th August I observed construction was well under way, at least 15kms already cleared 2 months prior to Shire approval?

Furthermore, to my knowledge, as recent as last Thursday 15th November, the Department of Environment & Conservation is opposing SJ Crushing developing a transient workforce camp on the Tenement.

Therefore why is the Shire approving a camp inside a designated conservation park without consulting with DEC direct?"

Response

The Shire is not opening roads as suggested by the author.

Discussions have been undertaken with relevant staff (those current and no longer with the Shire) as to whether any consent was sought or provided to SJ Crushing or any other operator to construct Road No. 7192. The response has been that no approval (either written or verbal) was sought or given to clear or construct Road No. 7192 by the Shire. A search of Shire and Main Road WA records does not indicate that Road No. 7192 is under the care and control of the Shire. It is the Shire's view that as Road No. 7192 is within the Nation Park, it would be under the care and control of the DEC (Department of Environment and Conservation).

The Shire has not been advised by DEC as to its position on the camp.

The Planning Approval of 17 October 2012 provided advice notes as follows:

- The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or on <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

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The Advice Notes clearly defines that the onus is on the applicant/operator to seek the necessary approvals for State and Commonwealth agencies outside the control of the Shire.

The matter will be referred to DEC for their information and necessary action.

Reuben Taniora from Paraburdoo tabled the following questions.

Q2a. "Have paid for a family pools pass in Paraburdoo, Can I use this pass in Tom Price?"

Response

Currently pool passes are specific to the pool from where they are issued and as such as not able to be used for entry to another pool within the Shire. Residents and visitors, can of course, enter another pool by paying a one-off entry fee.

However, your question has led to a review of this practice, and a decision has been made that from next season (2013/2014) pool passes will no longer be specific to the pool but rather will be labelled as "Shire of Ashburton" pool passes and will be able to be used at any Shire operated pool within the Shire of Ashburton.

Q2b. Caravan Park in Paraburdoo can local people take there kids there and use the play center/ground?"

Response

The Paraburdoo Caravan Park is on privately owned land and therefore the approval of the owner of the site, Rio Tinto Iron Ore P/L , is required to access the property.

Cr Lisa Shields tabled the following correspondence on behalf Warrant Officer Tim Grover from the Bravo Troop, One Squadron, The Pilbara Regiment.

Q3. "Dear Cr Lisa Shields,

My name is Warrant Officer Tim Grover from the Bravo Troop, One Squadron, The Pilbara Regiment. I am writing to seek resolution on the issue of vehicles and other associated equipment parking along and in front of the Military Depot, located on Boonderoo Road LIA Tom Price.

In March of this year, I was informed by our Security Officer of the security concerns for vehicles parking within close proximity of five metres to the Military Depot's fence line as stated in Chapter Physical Security, Annex A 2:60 Appendix 2 of the Defence Security Manual (DSM), The DSM states five metres must be clear of a Defence boundary.

Early this year, I reported this to the Shire through Mr Antony Cox for which the resolution was to inform the local businesses around the

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depot our security concerns and damages that have occurred from parking of vehicles on the verge.

The next step was to have the Shire erect no parking signs in suitable positions in front of the Military Depot. This resulted in signs positioned only in front of the Shire Works Depot.

In the last eleven months, I have witnessed and photographed numerous safety and security concerns in front of the Military Depot and on the Depot's verge, some low risk and some quite dangerous. The normal routine is vehicles are cleared from in front of their businesses and relocated to the front of the Military Depot each night with vehicles and machinery remaining on the verge until repaired. In some cases vehicles have not been able to be repaired and left there for the Shire to remove.

These are included below but are not limited to the following:

- a. The parking of Trucks, Trailers and large Busses;*
- b. The parking of machinery;*
- c. The parking numerous work vehicles;*
- d. The positioning of fridge containers;*
- e. Tourists camping in vans and campervans;*
- f. The blocking of fire hydrants; and*
- g. The loading and unloading of equipment stores and dangerous goods.*

I am sympathetic toward the needs all business on the street and commonsense does not need to apply. In this, I understand Lestok Tours are in the process securing a larger area to accommodate this and Pilbara Foods will be moving to a larger area; however, this will not alleviate the issue of vehicles parking and storing vehicles/machinery from Tyre Pro and other businesses on the verge of the Tom Price Military Depot.

In the Shire of Ashburton's Local Law Parking facilities Part 6.9 and 6.8 the rules and regulations for stopping on verges are also stipulated and in Part 3.10 states, the permission must be required for parking on private property, as the land on the verge is divided into three owners with the Defence owning a portion from the fence line, the Shire owning the other half and with RTIO owning the utilities. I do not believe permission has given for the use of this land or it has been zoned as a designated parking area.

I believe the best resolution is no parking signs to be erected by the Shire in front of the Military Depot similar to the signs that are in place in front of the works depot and the street be policed by the Shire.

If the Shire requires the Pilbara Regiment position it's own signs similar to the Bush Fire Brigade, this may be an option as long as they are authorised and regulated."

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Response

The issue of vehicle parking in Boonderoo Road is a matter which relates to properties in addition to the section of road adjacent to the Pilbara Regiment site. For this reason the Technical Services Department is presently investigating the matter, with the objective of reporting to Council at the January 2013 Council meeting.

Cr Foster tabled the following correspondence on behalf of Ryan Coon.

Q4. "Hey Peter Foster,

Hopefully one the Shire can look into. Our kids really need "No Smoking" at the play grounds.

More often than not there are adults (even parents) lighting up at the kids play grounds. Other Shires/Councils throw a \$250 on the spot fine at those caught smoking within 50 meters of a play ground or school. Should also do one for at each end of the new shopping mall area too. Getting a little sick of the "smoky hi fives" to the face I receive each time I go shopping."

Response

The Tobacco Products Control Amendment Act 2009 was introduced by the Government of Western Australia's Department of Health and was passed by State Parliament on 22 September 2009. The new Act covered several areas including prohibition of smoking within 10 metres of playground equipment in a public place. This Legislation covers all of Western Australia. The Shire cannot legally make different rules to those that apply under this Law.

Nevertheless, the Shire is sensitive to the issue of smoking in public places and would like to progress this matter in a strategic manner, looking at the broader aspect of community education and changing attitudes towards this behaviour.

While some signage can be commissioned and erected in prominent areas, this can only be done on Shire owned property, and policing and enforcing of this is a problematic and potentially frustrating.

A preferred approach would be to incorporate signage with a series of articles in publications such as the Inside Ashburton to remind smokers of the dangers and impact of cigarette smoke on others.

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence for this meeting.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

There were no petitions presented to Council.

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6.2 DEPUTATIONS

There were no deputations presented to Council.

6.3 PRESENTATIONS

There were no presentations presented to Council.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 21 NOVEMBER 2012

Moved Commissioner Yuryevich

That the Minutes of the Ordinary Meeting of Council held on 21 November 2012, as previously circulated on 28 November 2012, be confirmed as a true and accurate record, subject to the following amendments:

1. Insert Ms Anika Serer, Economic & Land Development Manger and Mr Richard Repsevicius, Special Projects Manager to the Council Meeting attendance list at Item 3.1.
2. Insert prior to Item 4.1 Public question 3, the following motion:

Council Decision

MOVED: Cr Thomas

SECONDED: Cr Foster

That Council suspend standing orders in order for the members of Council to table questions on behalf of the public in public question time.

CARRIED
BY
ABSOLUTE
MAJORITY 7/0

3. Insert after Item 4.1 Public question 4, the following motion:

Council Decision

MOVED: Cr Wright

SECONDED: Cr Dias

That Council reinstate standing orders.

CARRIED BY
ABSOLUTE MAJORITY 7/0

4. Replace the voting for the motion to close the meeting to the public and staff at 4.30 pm on page 104 with 7/0 instead of 8/0.
5. Insert CR Fernandez as the name/applicant respondent in Agenda Item 15.3 Community Bus – Tom Price.

CARRIED 1/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There were no announcements by the presiding person for this meeting.

9. DECLARATION BY MEMBERS

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

9.1 DECLARATION OF INTEREST

Councillors to Note

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

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

or;

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

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

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

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

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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.

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

10. CHIEF EXECUTIVE OFFICER REPORTS

10.2 LOCATION OF ORDINARY MEETING OF COUNCIL ON 20 FEBRUARY 2013

MINUTE: 11366

FILE REFERENCE: OR.MT.1

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 November 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.1, Ordinary Meeting of Council 21 November 2012, Minute: 11340

Summary

At the Ordinary Meeting of Council held on 21 November 2012 Council did not adopt the proposed schedule of meeting dates, times and locations for January to December 2013.

Council will conduct a workshop in January 2013 to determine Council Meeting dates and locations for 2013.

The proposed schedule included that the February 2013 meeting would be held at the location of Onslow.

It is recommended that Council consider and adopt a location for the February 2013 meeting to allow the Administration adequate time to make relevant bookings for the venue and accommodation for both Councillors and staff.

Background

At the Ordinary Meeting of Council held on 21 November 2012 Council did not adopt the proposed schedule of meeting dates, times and locations for January to December 2013 as outlined below.

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| DATE | LOCATION | TIME |
|------------------------------|---|--------|
| Wednesday, 16 January 2013 | Civic Centre, Tanunda Street, Tom Price | 1:00pm |
| Wednesday, 20 February 2013 | RM Forrest Memorial Hall, Second Avenue, Onslow | 1:00pm |
| Wednesday, 20 March 2013 | Ashburton Hall Ashburton Avenue, Paraburdoo | 1:00pm |
| Wednesday, 17 April 2013 | Civic Centre, Tanunda Street, Tom Price | 1:00pm |
| Wednesday, 15 May 2013 | RM Forrest Memorial Hall, Second Avenue, Onslow | 1:00pm |
| Wednesday, 19 June 2013 | Ashburton Hall Ashburton Avenue, Paraburdoo | 1:00pm |
| Wednesday, 17 July 2013 | Civic Centre, Tanunda Street, Tom Price | 1:00pm |
| Wednesday, 21 August 2013 | RM Forrest Memorial Hall, Second Avenue, Onslow | 1:00pm |
| Wednesday, 18 September 2013 | Barry Lang Centre, Pannawonica | 1:00pm |
| Wednesday, 16 October 2013 | Civic Centre, Tanunda Street, Tom Price | 1:00pm |
| Wednesday, 20 November 2013 | Ashburton Hall Ashburton Avenue, Paraburdoo | 1:00pm |
| Wednesday, 11 December 2013 | Civic Centre, Tanunda Street, Tom Price | 1:00pm |

Council resolved:

“That Council

1. *Hold the January 2013 Ordinary Meeting of Council on 23 January 2013 in Tom Price.*
2. *Conducts a workshop at the January 2013 meeting to determine Council Meeting dates and locations for 2013.”*

This report sets out a proposed location for the February 2013 meeting.

Comment

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

As the schedule of meetings wasn't adopted at the Ordinary Meeting of Council held on 21 November 2013, it is requested that Council consider determining the location of the February 2013 meeting to allow Administration adequate time to make relevant bookings for the venue and accommodation for both Councillors and staff.

If the decision to determine the February Council Meeting location is resolved in January 2013 this will not allow adequate time for Administration to make relevant venue and accommodation bookings if the location remains at Onslow.

Accommodation and venue's are in high demand in Onslow and frequently these bookings need to be made up to two months in advance.

After the author had a phone discussion with the Shire President, Cr White on Monday 26 November 2012 regarding the proposed location of the February 2013 meeting it was decided that an alternative location should be sought. Cr White has suggested that it would

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

be more appropriate for the location of the February 2013 meeting to be held in Paraburdoo where accommodation and a venue can be easily resourced.

Consultation

Chief Executive Officer
Shire President

Statutory Environment

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

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

Financial Implications

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

Strategic Implications

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

Policy Implications

Council Policy ELM01 – Council and other meetings.

Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

That Council:

- 1. Adopt the meeting date, location and time for the February 2013 Ordinary Meeting of Council and advertise of same.**

Date: Wednesday 20 February 2013

Location: Paraburdoo

Time: 1pm

CARRIED 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

11. CORPORATE SERVICES REPORTS

11.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF OCTOBER & NOVEMBER 2012

MINUTE: 11367

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: 30 November 2012

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:

October 2012

- Statements of Financial Activity and associated statements for the Month of October 2012.

ATTACHMENT 11.1A

November 2012

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of November 2012.

ATTACHMENT 11.1B

Consultation

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

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Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

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

CARRIED 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

11.2 PROPOSAL TO MAKE SHIRE OF ASHBURTON HEALTH LOCAL LAW 2012

MINUTE: 11368

FILE REFERENCE: LE.LL.07.00

AUTHOR'S NAME AND POSITION: Leanne Lind
Project Officer - Local Laws

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 December 2012

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

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 17 February 2010 Agenda Item 12.02.08
Ordinary Meeting of Council 18 July 2012 Agenda Item 11.1 Minute Number 11229
Ordinary Meeting of Council 17 October 2012 Agenda Item 11.2 Minute Number 11311

Summary

The purpose of this report is for Council to:

1. Consider the submissions received on the proposed Shire of Ashburton Health Local Law 2012;
2. Make the proposed Health Local Law 2012 for submission to the Executive Director, Public Health (EDPH) for consent.

Background

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

At its Ordinary Meeting of 16 May 2012 Council resolved to commence the process to make a Shire of Ashburton Health Local Law 2012.

The procedures for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

An advertisement was placed in the West Australian on 23 October, 2012, with the submission period for public comment closing on 6 December 2012 advertisements were also placed on the Shires notice boards and the Shires website.

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ATTACHMENT 11.2A

Comment

The purpose of this Local Law is to provide a statutory means to effectively control issues that have the ability to adversely impact on the health and well being of the community.

The effect of this Local Law is to allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

Council advertised, both locally and state-wide, for public comment on the proposed Shire of Ashburton Health Local Law 2012. At the close of the submissions period, no public submissions had been received. A submission from the EDPH was received date 19 November 2012 (attached) and these recommendations have been incorporated into the final version of the local law.

ATTACHMENT 11.2B

Once the EDPH has granted consent the proposed Shire of Ashburton Health Local Law 2012 will be returned to Council for final adoption and subsequent publication in the Government Gazette.

Consultation

Building and Environmental Health Coordinator
Principal Environment Health Office
Manager Governance, WALGA
DL Consulting

Statutory Environment

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a Council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda and the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

Health Act 1911, Section 324(1) (a)

Financial Implications

Costs of approximately \$1000 associated with Gazette publishing.

Strategic Implications

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

Policy Implications

There is no policy implications associated with this item at this point in time.

Voting Requirement

Absolute Majority Required

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Moved Commissioner Yuryevich

That Council:

- 1. Note the submission received from the EDPH setting out the recommendations for consideration to the proposed Shire of Ashburton Health Local Law 2012.**
- 2. Makes the proposed Shire of Ashburton Health Local Law 2012, as per ATTACHMENT 11.2A which incorporates the recommendations as outlined by the EDPH, in accordance with section 324(1) (a) Health Act 1911, for submission to the Executive Director Public Health for consent.**
- 3. Provide the local law (original plus 2 copies) (signed by the President and CEO) to the EDPH for consent.**
- 4. That Council approve the application of the Shire's Common Seal to the Health Local Law.**

CARRIED BY ABSOLUTE MAJORITY 1/0

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11.3 POLICY AMENDMENTS RELATING TO PROBITY AUDIT - RECOMMENDATION 8

(1) STAFF - SENIOR EMPLOYEES POLICY

(2) AUTHORISED SIGNATORIES FOR CHEQUE AND ELECTRONIC FUNDS TRANSFER PAYMENTS POLICY

| | |
|--|---|
| FILE REFERENCE: | EMP11 AND PE.EM.04.00 FIN09 AND FI.AC.4 |
| AUTHOR'S NAME AND POSITION: | Leanne Lind Project Officer – Local Laws |
| NAME OF APPLICANT/ RESPONDENT: | Not Applicable |
| DATE REPORT WRITTEN: | 5 December 2012 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in this matter. |
| PREVIOUS MEETING REFERENCE: | Ordinary meeting of Council 21 April 2009 Minute Number 10.04.05 Ordinary meeting of Council 16 May 2006 Minute Number 12.02.029 |

Summary

The policy amendments below relate to Recommendation 8 from the Probitry Audit:

- (1) Staff - Senior Employees Policy

ATTACHMENT 11.3C

- (2) Authorised Signatories for Cheque and Electronic Funds Transfer Payments Policy

ATTACHMENT 11.3D

These policies are now being presented to Management for approval to bring them into alignment with the implementation of the Integrated Planning Policy.

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.

ATTACHMENT 11.3A
ATTACHMENT 11.3B

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ATTACHMENT 11.3C
ATTACHMENT 11.3D

Comment

- The review of policy
 - (1) Staff - Senior Employees Policy has been updated to reflect the current staff titles.
- The review of policy
 - (2) Authorised Signatories for Cheque and Electronic Funds Transfer Payments Policy has been updated to reflect the current staff titles as well as the inclusion of the Electronic Funds Transfers Payments wording within the body of the document.

Consultation

A/Chief Executive Officer
A/Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995

Financial Implications

There are no financial implications relative to this issue

Strategic Implications

Strategic Plan 2012-2022:

Goal 1 "Vibrant and Active Communities", Object 2 "Connected, Caring and Engaged Communities."

Goal 5 Inspiring Governance Objective 3 "Council Leadership."

Policy Implications

Review of Management Level Policies:

- (1) Staff - Senior Employees Policy
- (2) Authorised Signatories For Cheque and Electronic Funds Transfer Payments Policy

Voting Requirement

Simple Majority Required

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Moved Commissioner Yuryevich

That Council

- 1. Revokes the previous Council Policy PE.EM Staff – Senior Employees**
- 2. Revokes the previous Council Policy FI.AC.4 – Authorised Signatories for Cheque and Electronic Funds Transfer Payments**
- 3. Give authority to the Executive Management to adopt:**
 - a. EMP11 (formally PE.EM) Staff – Senior Employees
ATTACHMENT 11_3A**
 - b. FIN09 (formally FI.AC.4) Authorised Signatories for Cheque and
Electronic Funds Transfer Payments
ATTACHMENT 11_3B**

CARRIED 1/0

12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

12.1 PROPOSED TENDER TO DIVERT WATER MAIN AT ONSLOW AERODROME

MINUTE: 11392

FILE REFERENCE: TR.AT.01.01

AUTHOR'S NAME AND POSITION: Anika Serer
Economic & Land Development Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 December 2012

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

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council June 2010 Agenda Item 15.06.12
Ordinary Meeting of Council February 2012 Agenda Item 17.4
Minute: 11392

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. Water Corporation has advised that the Main will need to be realigned due to the impact of heavier jet aircraft and increased traffic expected on the new airstrip.

Council is required to approve the proposed tender for this work.

Background

The Onslow aerodrome, located on Shire land at 16 Onslow Road, is a fit for purpose CASA certified facility that has more than adequately met the existing needs of the community to date. With the formalisation of the Ashburton North Strategic Industrial Area (ANSIA), and the commencement of both the Macedon and Wheatstone projects air transport will increase significantly. To serve the projected needs of industry significant upgrades to all airport facilities are required.

The Onslow Aerodrome Redevelopment includes construction of a new runway, taxiway and apron, a terminal building complete with passenger and baggage screening facilities, new access road and parking facilities. Chevron has agreed to contribute \$30 million to the redevelopment project which is to be delivered over a twelve month period.

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The new airstrip is located to the east of the existing airstrip and will enable the operation of Fokker-100 jet aircraft.

The sole water main which supplies the Onslow townsite is located under the southern end of the existing airstrip, and will also be under the proposed new airstrip.

A number of discussions have been held with Water Corporation regarding the location of the Main and whether it could remain in-situ with the new airstrip and increased aerodrome operations.

Water Corporation advised in a letter dated 10 April 2012 that operation of the new airstrip over the main would not be supported due to the increased risk of damage to the town's only water supply. Further, it would be the Shire's responsibility to arrange for the pipe to be diverted.

ATTACHMENT 12.1A ATTACHMENT 12.1B

Water Corporation have provided instructions regarding, amongst other things, the temporary protection requirements for the water main whilst construction works are taking place, requirement for contingency plans and construction methods to be submitted and approved, a bank guarantee to be provided for the value of the works in the event that the Shire does not complete the diversion in its entirety, and indemnification of the Water Corporation against any loss or claims suffered.

ATTACHMENT 12.1C

Design for the diversion of the water main around the southern end of the airstrip has been undertaken by David Wills and Associates, and it is proposed to Tender for the construction of the line as soon as possible in order that works can continue on the airstrip.

The proposed Tender will require a fixed price submission for the supply of materials and labour to undertake the designed water main diversion, in accordance with Water Corporation requirements and conditions. The General Conditions of Contract shall be AS 2124-1992. A best value for money approach shall be applied to the Tender, with the following Qualitative Criteria and weighting:

| | |
|---|------------|
| a) Relevant Experience Experience in completing/supplying similar requirements | 20% |
| b) Key Personnel Skills and Experience Information regarding proposed personnel to be allocated to this project | 10% |
| c) Tenderer's Resources Ability to provide and sustain necessary plant, equipment and materials | 20% |
| d) Demonstrated Understanding Detail the process intended to be used to achieve the requirements | 20% |

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| | |
|---|-----|
| e) Price | 30% |
| Lump Sum Price for the whole of the works | |

The Shire's 'Buy Local – Regional Price Preference Policy' shall also apply to the Tender evaluation.

Comment

The diversion of the water main is crucial to the delivery of the Aerodrome Redevelopment project. The timing for this work to be completed is also critical as it impacts the ability of the Shire to undertake construction works in the area where the main is currently located.

It is proposed the Tender will be published immediately upon receipt of Council's endorsement in order that it may be awarded at the January 2013 meeting and works commence as soon as possible thereafter.

Consultation

Water Corporation – Gilbert Goh (Acting Asset Manager)
Christien Ehrhardt
Andrew Ducas
Civil Engineer
Executive Manager Operations
Executive Manager Strategic & Economic Development

Statutory Environment

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

In particular Regulation 14(2a) of the Local Government Function & General Regulations 1996

14(2a) If a local government —

- (a) is required to invite a tender; or
- (b) not being required to invite a tender, decides to invite a tender,

the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Financial Implications

The diversion of the water main was not included in the original \$30 million budget for the redevelopment of the aerodrome.

The value of the work cannot be determined until the Tender process is completed however it is noted that Council's 2012/13 budget does not allow for this expenditure.

It is proposed to investigate funding options whilst the Tender process is underway and report to Council with options to fund the work at the time submissions are presented.

Strategic Implications

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

Policy Implications

Shire of Ashburton Policy 'Buy Local – Regional Price Preference Policy'

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

Voting Requirement

Absolute Majority Required

Moved Commissioner Yuryevich

That Council:

1. Directs the Acting CEO to issue the Tender to Divert the Water Main at the Onslow Aerodrome in accordance with the following evaluation criteria:

| | |
|---|-----|
| i. Relevant Experience | 20% |
| ii. Key Personnel Skills and Experience | 10% |
| iii. Tenderer's Resources | 20% |
| iv. Demonstrated Understanding | 20% |
| v. Price | 30% |

And;

2. Directs the Acting CEO to investigate funding options to undertake the works and report back to Council at the time Tender submissions are considered by Council.

CARRIED BY ABSOLUTE MAJORITY 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

12.2 OFFER BY BESTON PARKS LAND CO PTY LTD TO PURCHASE LOTS 555 & 556 BEADON CREEK ROAD, ONSLOW

MINUTE: 11371

FILE REFERENCE: ON.BD.555

AUTHOR'S NAME AND POSITION: Anika Serer
Economic & Land Development Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 December 2012

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

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council October 2012 Agenda Item 12.1
Ordinary Meeting of Council 20 June 2012 Agenda Item 13.10
Ordinary Meeting of Council 16 November 2011 Agenda Item 13.6

Summary

At the Ordinary Meeting of Council held in October 2012, Council endorsed a Business Plan concerning the proposed disposal of Lots 555 & 556 Beadon Creek Road to Beston Parks Land Co Pty Ltd to be advertised for public submissions in accordance with Section 3.59 of the Local Government Act 1995.

The Business Plan was advertised for a period of 6 weeks from 22 October 2012 until 3 December 2012.

Council is now required to consider any public submissions and decide whether to proceed with the transaction as proposed or with an amended proposal if it is not significantly different from the original proposal.

Background

Beston Parks Land Co Pty Ltd presented an Offer to Purchase Lots 555 & 556 for the combined value of \$4,500,000 (excl GST) for Council's endorsement. The Offer was reviewed by the Strategic and Economic Development team and Peter Kyle of Haynes Robinson Lawyers and several amendments were made to ensure the proposal benefits the Shire and meets the requirements of land disposal in accordance with the Local Government Act 1995.

ATTACHMENT 12.2A

A business plan concerning the proposed sale of Lot 555 & Lot 556 Beadon Creek Road to Best Parks Land Co Pty Ltd was endorsed by Council at the Ordinary Meeting held in October 2012.

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

The business plan was advertised in accordance with the requirements of Section 3.59 Local Government Act 1995 for a period of 6 weeks from 22 October 2012 until 4.30pm 3 December 2012. During this period the public notice was advertised twice in 'The West Australian' newspaper (20 October 2012 and 14 November 2012), twice in 'The Pilbara News' newspaper (24 October and 14 November 2012) and at all Shire administration notice boards and website.

ATTACHMENT 12.2B

The Offer remains open for acceptance by Council until such time as Council have considered any submissions received in response to the business plan and resolved to accept the Offer.

The following conditions form part of the Offer and were included in the business plan:

- 1) The buyer lodging an application for development approval generally in accordance with the Local Planning Policy, with Pilbara JDAP within 14 days of acceptance of the Offer, and receiving approval within 120 days of acceptance;
- 2) The buyer lodging applications for such other approvals and consents as may be required and receiving approvals on or before 120 days after the date the Offer is accepted;
- 3) A Due Diligence period of 60 days commencing from acceptance of the Offer enabling the buyer to investigate any legal, valuation, cultural, survey, planning, sewer and other enquiries in relation to the purchase of the Property;
- 4) Development of the property, in accordance with development approvals, shall be completed within two years from the date on which the Buyer is entitled to commence works
- 5) Deposit of \$450,000 shall be held in an interest-bearing account by the Shire's settlement agent on behalf of the buyer upon acceptance of the Offer
- 6) Settlement to take place 30 days after satisfaction of the above conditions

The overall timeframe to complete the transaction, including the business plan, development approval, due diligence and settlement, is approximately 30 weeks (7-8 months).

Comment

No submissions were received in response to the business plan. The requirements of Section 3.59 of the Local Government Act 1995 have now been satisfied and Council may accept the Offer to Purchase Lots 555 & 556 Beadon Creek Road, Onslow by Beston Parks Land Co Pty Ltd.

Consultation

Peter Kyle – Haynes Robinson Lawyers
Shire President
Executive Manager Strategic and Economic Development

Statutory Environment

1. Section 3.59 of the Local Government Act 1995 "Commercial Enterprises by Local Government" classifies any land transaction worth more than \$2,000,000 as a "major land transaction". Before entering into a major land transaction, the Shire must prepare a business plan which is to include an overall assessment of the major land transaction and is to include details of –

- (b) Its expected effect on the provision of facilities and services by the local government;
- (c) Its expected effect on other persons providing facilities and services in the district;
- (d) Its expected financial effect on the local government;

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- (e) Its expected effect on matters referred to in the local government's forward plan;
- (f) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (g) any other matter prescribed for the purposes of this subsection

The business plan is to be advertised for public comment for a period of not less than 6 weeks and must be advertised statewide (The West Australian newspaper) and locally (Pilbara News) on at least 2 occasions during this period. Notice of the business plan must also be published on the Shire's notice boards, with a copy of the business plan available for inspection at the Tom Price Shire Office, Paraburdoo Library and Onslow Shire Office.

- 2. Local Government Act 1995 Section 3.58 (5) (b) provides that the transaction is exempt from S3.58 'Disposing of property'

Financial Implications

Council will receive a net return of approximately \$4,117,000 for investment into the Council's Infrastructure Reserve. It is anticipated that these funds will be available in the 2013/14 budget.

The land is undeveloped and whilst a significant asset, no income is generated from it. Sale of the land and its future development will also incur Council rates.

Strategic Implications

Strategic Community Plan 2012 – 2022:

- 1. Economic Prosperity
- 2. Vibrant and Active Communities
- 3. Distinctive and Well Serviced Places

Policy Implications

None noted.

Voting Requirement

Absolute Majority Required

Moved Commissioner Yuryevich

That Council

- 1. Note that no submissions have been received in response to the business plan advertised in accordance with Section 3.59 of the Local Government Act 1995, outlining the proposed major land transaction involving Lots 555 & 556 Beadon Creek Road, Onslow; and
- 2. Accept the Offer by Beston Parks Land Co Pty Ltd as provided in Attachment 12.2A and authorises the Acting CEO and Commissioner to execute the document and apply the Seal of the Shire of Ashburton.

CARRIED BY ABSOLUTE MAJORITY 1/0

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12.3 DIGITAL TELEVISION SWITCHOVER

MINUTE: 11372

FILE REFERENCE: UT.CO.02.00

AUTHOR'S NAME AND POSITION: Zoe McGowan
Project Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 December 2012

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

PREVIOUS MEETING REFERENCE: Ordinary Meeting 15 February 2012 Minute: 11132
Ordinary Meeting 15 August 2012 Minute: 11264
Ordinary Meeting 19 September 2012 Minute: 11300

Summary

The Australian Government is implementing digital TV by mid June 2013. This has significant impact on the Shires operated television service in Onslow.

Council has endorsed the upgrade of Onslow's Self – Help retransmission site and directed the CEO to call for tenders for the purchase and ongoing management of the digital retransmission equipment.

Council have also directed the CEO to explore options for the upgrade of the Onslow Tower to enable digital re-transmission.

Background

The Shire of Ashburton currently operates a self – help retransmission tower which provides analogue television services to the Onslow township.

With the digital switchover taking effect from 25 June 2013, Council has opted to upgrade the self – help transmission site and retransmit the VAST satellite service to the residents of Onslow.

Comment

Upon upgrading Onslow's self – help retransmission site, it is anticipated that digital television will be available throughout the township at the same level of service as metropolitan areas.

To ensure that Council is receiving the best possible service the administration has sourced quotes for the upgrade and ongoing maintenance of the equipment required to retransmit digital television. In addition to the equipment quotes an assessment was completed on the existing tower at the retransmission site.

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Self – help retransmission equipment upgrade

Indicative pricing for the upgrade of the equipment was in excess of \$100,000. As per minute 11300, Council Meeting 19 September 2012, Council directed the CEO to call for tenders for the purchase of digital retransmission equipment.

Many companies have packages that can support the upgrade however strict guidelines for operating self – help sites have been imposed by the Australian Communications and Media Authority (ACMA). Ensuring that these guidelines are met is essential for the issue of the broadcasting licence and for the quality of retransmission. Guidelines for application state that any upgrade to Digital Self – Help retransmission services are as follows;

- All services are to be transmitted using the MPEG-2 compression format and the DVB-T standard (Signal is produced in MPEG-4 and transcoders are required to convert to MPEG-2. This is essential to ensure more households are able to receive digital signal without the use of a set top box)
- Services are to be provided in the same definition (for example, HD or SD) as the source service
- That an Electronic Program Guide (EPG) is available
- That the service information include the following: program classification information, now/next, logical channel numbering (in accordance with the applicable standard or operating practice), time and date table and time off set table.

In line with these requirements and the Shire’s Purchasing and tender policy the administration is requesting the following qualitative criteria to be endorsed, allowing tender to be advertised.

| | |
|---|-----|
| <p>Relevant Experience Demonstrates experience and skill in all aspects of the construction of projects of a similar nature displaying high quality outcomes.</p> | 20% |
| <p>Personnel and Subcontractors Role, experience and any necessary qualifications and licences</p> | 10% |
| <p>Infrastructure Timeline, equipment quality and descriptions, service reliability</p> | 25% |
| <p>Contract Provide a copy of your lease/service level agreement Detail your preferred contract duration applicable to the service you are providing (Eg Lease of Tower, Maintenance of Retransmission Equipment)</p> | 20% |

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| | |
|--|-----|
| <p>Pricing</p> <p>Consider: Early settlement discounts, lifetime costs, maintenance costs, delivery fees, and delivery timeframes</p> | 25% |
|--|-----|

Tower

Structural assessment of Onslow’s transmission tower was completed on 5 September 2012 by Crown Castle. Overall findings were that the middle of the tower is currently overloaded at 125% and the top of the tower is overloaded 225%. It also found that the tower foundation was overloaded in excess of 100% resulting in an increased chance of failure in an adverse weather event.

The recommendation from Crown Castle was “that the tower be upgraded immediately to bring the identified overloaded members back to 100% or less in accordance with the Australian Design Standards.”

Based on this recommendation, and in conjunction with the upgrade of Onslow’s Self – help retransmission equipment, the administration has prepared tender documentation with the following qualitative criteria, seeking proposals for the upgrade of Onslow’s communications tower.

| | |
|--|-----|
| <p>Relevant Experience</p> <p>Demonstrates experience and skill in all aspects of the construction of projects of a similar nature displaying high quality outcomes.</p> | 20% |
| <p>Personnel and Subcontractors</p> <p>Role, experience and any necessary qualifications and licences</p> | 10% |
| <p>Infrastructure</p> <p>Timeline, equipment quality and descriptions, service reliability</p> | 25% |
| <p>Contract</p> <p>Provide a copy of your lease/service level agreement</p> <p>Detail your preferred contract duration applicable to the service you are providing (Eg Lease of Tower, Maintenance of Retransmission Equipment)</p> | 20% |
| <p>Pricing</p> <p>Consider: Early settlement discounts, lifetime costs, maintenance costs, delivery fees, and delivery timeframes</p> | 25% |

The overall structure of Onslow’s current communication tower is vital to be able to support the re-transmission of digital TV.

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To ensure that best value for money is received by Council, tender preparation has been done in consultation with WALGA. To attract a range of experienced candidates the upgrade of the equipment and the tower has been combined in the one tender, with the ability to quote on one or both elements.

Consultations

Procurement Consultant - WALGA

Digital Switch Over Task Force - Department of Broadband, Communications and the Digital Economy

Digital Switch Over Task Force - Department of Broadband, Communications and the Digital Economy

National Program Manager - Castle Crown

Group Business Director - WIN network

Account Manager - Commercial Broadcast Australia

Executive Manager, Strategic & Economic Development
Shire of Ashburton

Statutory Environment

Radio Communications Act 1992

Tele Communications Act 1997

Broadcasting Services Act 1992

In particular Regulation 14(2a) of the Local Government Function & General Regulations 1996

14(2a) If a local government —

(a) is required to invite a tender; or

(b) not being required to invite a tender, decides to invite a tender,
the local government must, before tenders are publicly invited,

determine in writing the criteria for deciding which tender should be accepted.

Policy Implications

Shire of Ashburton Policy "Buy Local – Regional Price Preference"

Financial Implications

As per minute 11348, Council Meeting 21 November 2012, Council has decided to seek funding of \$0.2m – \$0.4m from the Macedon Social Infrastructure fund for the upgrade of the Self – help retransmission site in Onslow.

Approval has not yet been received from the Macedon Social Infrastructure fund.

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Strategic Implications

Strategic Plan –

2012 – 2022 Strategic Community Plan – Goal 4 – Distinctive and well serviced places;
Objective 1: Quality Public Infrastructure – Provide and maintain affordable infrastructure that services the current and future needs of the community, environment, industry and business.

Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

That Council:

1. Authorise the Tender for the upgrade and ongoing management of the digital retransmission equipment to be issued in accordance with the proposed evaluation criteria:

| | |
|------------------------------|-----|
| Relevant experience | 20% |
| Personnel and subcontractors | 10% |
| Infrastructure | 25% |
| Contract | 20% |
| Pricing | 25% |

2. Endorse the selection criteria, seeking proposals for the upgrade of Onslow's communications tower to enable digital retransmission

| | |
|------------------------------|-----|
| Relevant experience | 20% |
| Personnel and subcontractors | 10% |
| Infrastructure | 25% |
| Contract | 20% |
| Pricing | 25% |

CARRIED 1/0

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12.4 APPROVAL TO TENDER FOR AERODROME LIGHTING

MINUTE: 11373

FILE REFERENCE: AS.TE.00000.000

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager – Strategic & Economic Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 December 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire is currently undertaking the Onslow Aerodrome Redevelopment, including the construction of a new 1900m airstrip to CASA Code 3C requirements. A key component of the redevelopment scope of works is the installation of the Runway Lighting, Precision Approach Path Indicator (PAPI) lighting and Apron Floodlighting and backup power generation.

Background

The Onslow Aerodrome Redevelopment includes construction of a new runway, taxiway and apron, a new terminal building complete with passenger and baggage screening facilities, new access road and parking facilities. Chevron has agreed to contribute \$30 million to the redevelopment project which is to be delivered over a twelve month period.

This includes the installation of the Runway Lighting, PAPI lighting, Illuminated Wind Indicator, Apron Floodlighting and backup power generation.

Comment

The proposed Tender will require a fixed price submission for the supply of materials and labour to undertake the specified lighting works to be installed, in accordance with the scope of works requirements and conditions. The General Conditions of Contract shall be AS 2124-1992. A best value for money approach shall be applied to the Tender, with the following Qualitative Criteria and weighting:

ATTACHMENT 12.4

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| | |
|--|------------|
| a) Price | 30% |
| b) Product Quality Reliable, robust, quality product that offers Council best value life costs | 40% |
| c) Relevant Experience Demonstrates experience and skill in all aspects of the construction of projects of a similar nature displaying high quality outcomes | 20% |
| d) Tenderer's Resources Available plant, equipment and labour appropriate resources | 10% |

The Shire's 'Buy Local – Regional Price Preference Policy' shall also apply to the Tender evaluation.

The Tender will be published immediately upon receipt of Council's endorsement in order that it may be awarded at the January 2013 meeting to enable works to commence as soon as the project scope requires. Most of the equipment will require time to order with lead times generally a minimum of 6 weeks.

Consultation

A/Chief Executive Officer
Executive Manager - Operations
Project Manager
AMS – Councils Aerodrome Consultants

Statutory Environment

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

In particular Regulation 14(2a) of the Local Government Function & General Regulations 1996

14(2a) If a local government —

- (a) is required to invite a tender; or
- (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Policy Implications

Shire of Ashburton Policy 'Buy Local – Regional Price Preference Policy'

Financial Implications

All expenditure is included in Councils endorsed 2012/2013 Annual Budget

Strategic Implications

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

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Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

That Council:

1. Directs the Acting CEO to invite public tenders for Installation of Aerodrome Lighting at the Onslow Aerodrome to be issued in accordance with the proposed evaluation criteria:

| | |
|-------------------------|-----|
| a) Price | 30% |
| b) Product quality | 40% |
| c) Relevant Experience | 20% |
| d) Tenderer's resources | 10% |

CARRIED 1/0

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12.5 REQUEST TO UNDERTAKE EMERGENCY EVACUATION WORKS AT ONSLOW AERODROME FOR WHEATSTONE PROJECT

MINUTE: 11374

FILE REFERENCE: TR.AT.00.00

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager – Strategic & Economic Development

NAME OF APPLICANT/RESPONDENT: Chevron Australia Pty Ltd

DATE REPORT WRITTEN: 3 December 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Chevron has provided the Council with a proposed scope of works in order to be able to enable Jet services to operate in support of their emergency evacuation requirements e.g. cyclone. The Council Administration has undertaken negotiations and has reached an agreement, in principle, which includes a administration cost estimate to proceed with works which is now presented to Council for approval.

Background

The Onslow aerodrome, located on Shire land at 16 Onslow Road is currently undergoing extensive redevelopment which includes:

- construction of a new runway,(The new airstrip is located to the east of the existing airstrip and will enable the operation of Fokker-100 jet aircraft.)
- taxiway and apron,
- a new terminal building complete with passenger and baggage screening facilities,
- new access road and parking facilities.

Chevron has agreed to contribute \$30 million to the redevelopment project which is to be delivered over a twelve month period.

The above works are currently underway and progressing well.

Currently Jet services are not authorised at the Onslow Aerodrome, to enable these services to be undertaken regularly upgrades that met CASA's Manual of Standards (MOS) 139 would need to be implemented. Chevron has requested Jet services to enable execution of their proposed evacuation plan should a cyclone evacuation be necessary during the 2012/2013 season.

Comment

Chevron's preferred method of evacuation during a cyclone is by air and to enable that to occur efficiently and within the anticipated timeframe's – Jet services are required to:

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1. Get the numbers of passengers on the plane.

And;

2. Undertake the flights in a timely manner.

It is proposed to carry out about 20 flights over a 12 hour period shuttling passengers to larger planes on the ground in Exmouth.

In order to accommodate this and as the aerodrome operator bound by the MOS 139 (CASA regulations) it is essential that the following works, maintenance contingencies and operational service charges apply.

Scope of works attached below.

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| Onslow Aerodrome Upgrade - | | | | | |
|---|-----------------|-------------|-----------------------|------------------|--|
| Item | Quantity | Unit | Unit Rate | Cost | Notes |
| APRON AND TAXI WAY | | | | | |
| Cut to fill and Compact | 486.1 | m3 | \$ 30.00 | \$ 14,583.00 | |
| Fill and Compact | 434.3 | m3 | \$ 92.20 | \$ 40,042.46 | |
| Prime Coat 50/50 C170/MCC @ 0.81/m2 | 9050 | m2 | \$ 2.50 | \$ 22,625.00 | |
| Spray seal to taxiway | 800 | m2 | \$ 14.00 | \$ 11,200.00 | |
| Asphalt 50mm | 7700 | m2 | \$ 55.00 | \$ 423,500.00 | WALGA PREFERRED SUPPLIER |
| Extend Culvert | 40 | lm | \$ 2,137.50 | \$ 85,500.00 | |
| Linemarking | 1 | Item | \$ 11,000.00 | \$ 11,000.00 | |
| Removal and replacement of fences | 130 | lm | \$ 250.00 | \$ 32,500.00 | |
| RESA | | | | | |
| Clearing and Grading | 10800 | m2 | \$ 0.90 | 9,720.00 | |
| Fill and Compact | 1406 | m3 | \$ 92.20 | 129,633.20 | |
| Mobilisation and demobilisation | 1 | Item | 90,000.00 | 90,000.00 | |
| Installation of PAPI | | | | | |
| As per quote received from Bechtel prepared by AMS | | Quote | \$147,184.62 | \$147,184.62 | |
| Apron Floodlight & Delineation lighting | | | | | |
| Local hire of lighting towers | 3 | 26/wks | \$420.00 | 30,760 | WALGA PREFERRED SUPPLIER |
| Installation of lead in apron lighting - finalisation of quote still required | 5 | Item | \$1,000.00 | 5,000 | Includes install - approx cost only - Waiting to see if transformer can cope with upgrade will be more expensive if requires transformer upgrade |
| Maintenance and remediation works set up | | | | | |
| Purchase of 4WD Vehicle V6 - with necessary spec - radio, lightling etc... | 1 | | \$50,000 | \$ 50,000.00 | |
| Purchase of Runway Sweeper - tow system | 1 | | \$ 47,750.00 | \$ 47,750.00 | |
| Nylon Brush | 2 | | \$ 11,030.00 | \$ 22,060.00 | |
| Patching trailer 8x5 | 1 | | \$ 5,995.00 | \$ 5,995.00 | |
| Compactor Plate | 1 | | \$ 2,500.00 | \$ 2,500.00 | |
| Ramp | 1 | | \$ 1,500.00 | \$ 1,500.00 | |
| Associated minor equipment | 1 | | \$ 1,000.00 | \$ 1,000.00 | |
| Aerodrome Manual/ SMS Review and procedure rewrite. | | | | | |
| External consultancy - will charged as incurred but anticipated to be in the vaccintiy of - | 1 | | \$ 5,000.00 | \$ 5,000.00 | |
| Internal charge for Shire Officer time and Review - fully inclusive | 30 | | \$ 250.00 | \$ 7,500.00 | |
| Maintenance Service Charge - weekly up to 20 planes a week | 1 | 26/wks | \$2,100.00 | \$ 54,600.00 | Anticipate significant remdal works with Jet Services - will need to be able to respond quickly in evac operations |
| ARO Service Charge - weekly up to 20 planes a week | 1 | 26/wks | \$1,028.00 | \$ 26,728.00 | Increased call out possiblilty with manual apron lights |
| | | | | | |
| | | | TOTAL EXCL GST | \$ 1,277,881.28 | |

Chevron has agreed to fund in their entirety the proposed works. All works will be carried out by the workforce currently on site with no disruption to the current redevelopment works program. The works can be carried out during January 2013 if Council was to approve the

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proposed scope thereby providing Chevron with their preferred evacuation process for the high risk cyclone occurrence months of February and March.

ATTACHMENT 12.5

Consultation

A/Chief Executive Officer
Executive Manager Operations
Project Manager
Darren Lundberg - Chevron
Graham Wheeler - Chevron
Graeme Harman - Chevron
Richard George - Skywest
Tony Hey - Bechtel
Rob Croft - Bechtel

Statutory Environment

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

Policy Implications

Shire of Ashburton Policy 'Buy Local – Regional Price Preference Policy'

Financial Implications

The annual budget will increase in expenditure and income by \$1,277,881.28 – The financial agreement negotiated by Chevron undertakes to cover all improvements, maintenance and operations increases for the 2012/2013 financial year and ongoing charges such as head taxes and landing fees will apply.

There will be no financial impost on Council – administrative charges and imposts have been accounted for.

Strategic Implications

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

Voting Requirement

Absolute Majority Required

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Moved Commissioner Yuryevich

That Council:

- 1. Authorise the proposed Emergency Evacuation Works at the Onslow Aerodrome up to the value \$1,277,882 and delegate to the A/CEO the authority to incur expenditure up to this value (subject to tender provisions).**
- 2. Delegate to the A/CEO and the Shire President the authority to execute the Financial Assistance Agreement.**
- 3. Approve the application of the Shire's Common Seal to the Wheatstone Project ATTACHMENT 12.5 Financial Assistant Agreement**
- 4. Amend the 2012/13 budget by providing for \$1,277,882 in expenditure and \$1,277,882 in income at the annual financial review, with account codes to be confirmed.**

CARRIED BY ABSOLUTE MAJORITY 1/0

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12.6 EXTENSION OF LEASE - ONSLOW SUN CHALETS

MINUTE: 11375

FILE REFERENCE: RE.SE.R.35889

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager - Strategic & Economic Development

NAME OF APPLICANT/RESPONDENT: Ashburton Investments Pty Ltd

DATE REPORT WRITTEN: 3 December 2012

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

PREVIOUS MEETING REFERENCE: Confidential Item Minute 11333 Ordinary Meeting of Council October 2012
Confidential Item 16.02.01 Ordinary Meeting of Council February 2008
Confidential Item 16.07.10 Ordinary Meeting of Council December 2007
Confidential Item 16.07.10 Ordinary Meeting of Council July 2007
Confidential Item 16.05.09 Ordinary Meeting of Council May 2007

Summary

At the Ordinary Meeting of Council held on 17 October 2012 Council resolved to 'delegate the CEO to negotiate a proposed contract with Ashburton Investments to extend the lease of Onslow Sun Chalets for 5 years'.

The lease negotiations have not been able to be progressed as expediently as was indicated at that Council Meeting, and therefore it is proposed to arrange for a short-term extension of lease to be endorsed by the Minister for Lands and Regional Development (RDL).

With a State Government Election planned for 9 March 2013 it is expected that a 5 month lease extension will cover the period of time the government is in caretaker mode so that long-term outcomes for the Sun Chalets can then be determined.

Background

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

The current lease held by Ashburton Investments expires on 31 March 2013. At the October 2012 Ordinary Meeting of Council the Council resolved to - delegate the CEO to negotiate a proposed contract with Ashburton Investments to extend the lease of Onslow Sun Chalets

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for 5 years subject to specific conditions and the provisions of the Local Government Act 1995 s 3.58 for consideration at the November 2012 Council Meeting.

The Administration has not been able to progress the lease negotiations as expediently as was proposed at the October 2012 Ordinary Meeting of Council, this will therefore require a short term lease extension to be issued and signed off by the Minister for Lands and Regional Development.

With a State Government Election planned for the 9 March 2013 it is proposed to apply for a 5 month lease extension to cover the time the government is in care taker mode to allow time for long-term planning for the Onslow Sun Chalets to take place.

Comment

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

- Council staff annual leave,
- Difficulty getting an approved Valuer at an acceptable price to attend the property as required under S3.58 of Local Government Act 1995.
- Having a clear sense of direction for the foundation of the negotiations

These factors have all impacted on the delays. Going forward the valuation should be carried out at a more acceptable price for Council prior to Christmas and will allow for detailed negotiations through January 2013 – ready for a draft lease agreement to be considered by Council at the February 2013 Meeting.

To give Ashburton Investments some security through this negotiation time it is proposed that a 5 month extension be offered under the same lease conditions currently in place. This will require approval by the Minister for Regional Development and Lands prior to being executed.

Consultation

A/Chief Executive Officer
Land Development Manager

Statutory Environment

Local Government Act 1995 - Section 3.58 Disposing of Property
Regulations provide that a disposition of land is exempt from S3.58 if its market value is less than \$20,000, the proposed rental income for the 5 month period is \$17,413 & GST.

Financial Implications

Valuation fees and legal fees are anticipated and have been provided for in the 2012/13 budget

Strategic Implications

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

Policy Implications

None identified.

Voting Requirement

Absolute Majority Required

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Moved Commissioner Yuryevich

That Council:

- 1. Authorises the extension of the Onslow Chalets Lease until 31 August 2013, to enable further negotiations with the Lessee and cover the Western Australian State Governments care taker period with the 2013 State Election planned for March 2013. To a value not exceeding \$20,000.**
- 2. Delegates authority to the A/CEO to negotiate with the Lessee and the Minister for Lands and Regional Development an extension to the existing lease under the current terms and lease document and carries out the tasks as required under Section 3.58 Disposing of Property. By private treaty and refer the matter back to Council for final determination**

CARRIED BY ABSOLUTE MAJORITY 1/0

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12.7 APPROVAL TO ADVERTISE AND PROCEED WITH NEGOTIATIONS REGARDING CHEVRONS AIR QUALITY MONITORING SYSTEM PROPOSAL

MINUTE: 11376

FILE REFERENCE: AS.AD.00000.000

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager – Strategic & Economic Development

NAME OF APPLICANT/ RESPONDENT: Chevron Australia Pty Ltd

DATE REPORT WRITTEN: 3 December 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Chevron is proposing to install an Air Quality Monitoring System (AQMS) in a central Onslow location for the lifetime of the project. The AQMS is a requirement under the Wheatstone environmental approvals. The Council has access to appropriate land to facilitate this proposal.

Background

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

Chevron Australia has undertaken to monitor air quality in Onslow for the duration of the construction phase of the Wheatstone Project, including the construction of social infrastructure in the town. To this end an AQMS needs to be installed in a central location of the town to ensure works associated with the Wheatstone Project do not provide a health risk to the town in terms of air quality.

It is important that the site be flat, low lying and as central as possible within the Onslow Town site.

Chevron will be responsible for all planning and building approvals.

Comment

It is proposed that the facility be sited next to the water tanks on Reserve No. 30686 Lot 644 Third Avenue Onslow (on the Oval). Attached sample pictures of the facility.

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ATTACHMENT 12.7A ATTACHMENT 12.7B

Minor discussions have occurred with Chevron and it was indicated to them that the facility would need to be safe, secure and aesthetically pleasing to the recreational grounds – it was further suggested that a mural was painted on the building by the local school.

In order to facilitate approval of the installation of the AQMS on the Onslow Oval Site it is proposed the following actions occur –

1. Seek a valuation of the proposed site
2. Negotiate an acceptable agreement with Chevron.
3. Advertise the agreement and proposal to lease as per Section 3.58 of the Local Government Act 1996
4. Seek an approval to lease under the management order from the Department of Regional Development and Lands.

Once these actions have taken place and supposing approval in all instances is granted the Shire of Ashburton and Chevron will be able to execute an agreement to facilitate the installation of the AQMS on the proposed site. It is anticipated this will take up to 3 months.

Consultation

Mike Edmondson – Onslow Community Liaison Chevron
Graeme Harman – Chevron

Statutory Environment

Local Government Act 1996 – Disposal of an Asset Section 3.58

Environmental Protection Act (1986) WA

National Ambient Air Quality Standards – National Environment Protection (Ambient Air) Quality Measure (2003) as amended, under National Environment Protection Council Act 1994 (Cth)

State Environmental Policies – Draft State Environmental (Ambient Air) Policy 2009

Financial Implications

If an agreement is negotiated and endorsed by Council it is proposed that a commercial arrangement be advertised – this would include the expected income to Council.

The agreement would include that any costs incurred would be covered or reimbursed by Chevron.

Strategic Implications

Goal 04 'Distinctive and Well Serviced Places' Objective 01 – Quality Public Infrastructure; Objective 02 – Accessible and Safe Towns; Objective 03 – Well Planned Towns.

Voting Requirement

Absolute Majority Required

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Moved Commissioner Yuryevich

That Council:

- 1. Delegate to the A/CEO to negotiate a contract with Chevron to facilitate the installation of the proposed Air Quality Monitoring System at Reserve 30686 for a period of Ten years with two Five year extension periods and appropriate conditions.**
- 2. Instruct the A/CEO to refer the draft contract with Chevron for the installation of the proposed Air Quality Monitoring System at Reserve 30686 to Council for assessment prior advertising the proposal as per section 3.58 Local Government Act 1995.**

CARRIED BY ABSOLUTE MAJORITY 1/0

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13. TECHNICAL SERVICES REPORTS

13.1 PARABURDOO LIGHT INDUSTRIAL AREA ACCOMMODATION

MINUTE: 11377

FILE REFERENCE: PA.CM.0000

AUTHOR'S NAME AND POSITION: Rob Paull - Principal Town Planner
Bernie Smith - Manager Building services
Antony Cox - Coordinator Building & Health

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 20 November 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.2, Minute No. 11377 Ordinary Meeting of Council 17 October 2012

Summary

Council, at the meeting of 17 October 2012 resolved as follows:

"That Council direct the Chief Executive Officer to investigate unauthorised accommodation in Paraburdoo Light Industrial Area and take appropriate action."

On 20 November 2012 staff from the Building, Health and Planning sections of Technical Services inspected all lots (excluding the Shire depot) in accordance with the resolution. The inspection uncovered some 68 unauthorised units/rooms that clearly are or could be used for residential accommodation.

Whilst carrying out the inspection, many operators advised that accommodation in Paraburdoo was difficult to establish and that the only alternative that had was to live on site.

It is appropriate for the Shire to write to those land owners where inspections revealed unauthorised accommodation on their land (including State Lands) advising that the accommodation be either removed or modified such that it is not available for accommodation purposes.

This would enable compliance by removal of the accommodation or modification of the buildings. The period of time for removal or modification would be three (3) months and shortly after this period of time, a further inspection would be undertaken to address compliance. The correspondence would advise of the potential penalties.

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Should neither of these options be undertaken by land owners, a further report would be referred to Council outlining the necessary legal action to be undertaken and an estimate of legal costs.

It is also appropriate that Council consider establishing a dialogue with RTIO and Minister for Lands to determine whether land can be made available for operators at the Paraburdoo light industrial area for accommodation.

Background

Council, at the meeting of 17 October 2012 resolved as follows:

“That Council direct the Chief Executive Officer to investigate unauthorised accommodation in Paraburdoo Light Industrial Area and take appropriate action.”

The Paraburdoo light industrial area comprises 22 lots in Turee Way, Mettawandy Place and Camp Road Paraburdoo. The area is zoned ‘Industrial’ under the Shire of Ashburton Local Planning Scheme No. 7 (TPS7) which prohibits the use and development of residential accommodation, including transient workforce accommodation within the zone. Only a 60 m² single bed ‘caretakers dwelling’ can be approved by the local government in the in the ‘Industrial’ zone.

In carrying out the Council resolution, the Shire wrote to all land owners in the light industrial area on 6 November advising that Shire inspections would be carried out on 20 November 2012. It should be noted that the Shire did not have contact addresses for lessees.

Comment

On 20 November 2012 staff from the Building, Health and Planning sections of Technical Services inspected all lots (excluding the Shire depot) in accordance with the resolution. The inspection uncovered some 68 unauthorised units/rooms that clearly are or could be used for residential or ‘transient workforce accommodation’ (note ATTACHMENT 13.1). These have been unlawfully installed resulting in contravention of planning, building and health regulations. Some rooms are located within sheds and in a very poor state of repair whilst other rooms/units appear to be relocatable ‘donger’ style units that are found on most mine sites.

ATTACHMENT 13.1

Building Act 2011 Section 37 (2) each owner of a building or an incidental structure in respect of which building work is done without a building permit being in effect for the building work must ensure that the building or incidental structure complies, with each building standard that applies to the building or incidental structure.

Penalty

- (1) For a first offence, a fine of \$50,000
- (2) For a second offence, a fine of \$75,000
- (3) For a first offence, a fine of \$100,000 and imprisonment for 12 months

The Planning and Development Act (2005) has similar enforcement provisions and penalties. Additional enforcement and significant penalties also apply under the Health Act as the majority of buildings have been unlawfully connected to an effluent disposal system/s.

Importantly, none of the unauthorised ‘accommodation units’ can be approved by building or health legislation as they are prohibited under the Scheme. In addition, through Council’s resolution and the inspections undertaken, Council cannot ignore the existence of the

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accommodation units and could find itself subject to some degree of liability should any injury or death of an occupant occur as a result of poor workmanship or other reason.

On this basis, it is appropriate for the Shire to write to those land owners where inspections revealed unauthorised accommodation on their land (including State Lands) advising that the accommodation be either removed or modified such that it is not available for accommodation purposes.

This would enable compliance by removal of the accommodation or modification of the buildings.

The latter arrangements would enable compliance from the building and health perspective (although under the Health Act, retrospective approvals are not available).

The period of time for removal or modification would be three (3) months and shortly after this period of time, a further inspection would be undertaken to address compliance. The correspondence would advise of the potential penalties.

Should neither of these options be undertaken by land owners, a further report would be referred to Council outlining the necessary legal action to be undertaken and an estimate of legal costs.

Whilst carrying out the inspection, many operators advised that accommodation in Paraburdoo was difficult to establish and that the only alternative that had was to live on site. It is appropriate that Council consider establishing a dialogue with RTIO and Minister for Lands to determine whether land can be made available for operators at the Paraburdoo light industrial area for accommodation.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services
Land owners in the Paraburdoo light industrial area

Statutory Environment

Planning and Development Act 2005
Local Government (Miscellaneous Provisions) Act 1960
Health Act 1911

Financial Implications

Initially, there are no financial implications to the inspection or in the preparation of this Report.

However should Council find the need to initiate enforcement action under the above legislation, then legal costs would be incurred by the Shire. It is likely that should the action be successful, the Shire would seek costs against the operators however not all costs would be retrieved.

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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Moved Commissioner Yuryevich

That Council:

- 1. Note the outcomes of the inspection carried out on 20 November 2012 by Shire Staff as provided for in ATTACHMENT 13.1.**
- 2. Request the Acting Chief Executive Officer to:**
 - i. Write to those land owners (including State Lands) that the inspection referred to in 1. above revealed had unauthorised accommodation on their land and advising that the accommodation be either removed or modified such that it is not available for accommodation purposes (within three (3) months and advising potential penalties for not complying);**
 - ii. Undertake a further inspection to address compliance;**
 - iii. Provide a further report to Council with respect initiating legal action against those owners that have not sought to achieve compliance.**
 - iv. Write to Rio Tinto and the Minister for Lands to determine whether land can be made available for operators at the Paraburdoo light industrial area for accommodation.**

CARRIED 1/0

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13.3 ONSLOW RODEO GROUNDS (RESERVE 39070) INVESTIGATION INTO FILLING AND POTENTIAL SITE CONTAMINATION

MINUTE: 11393

FILE REFERENCE: RE.OA.R.39070

AUTHOR'S NAME AND POSITION: Deb Wilkes - Executive Manager - Community Development
Rob Paull - Principal Town Planner

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28 November 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Onslow Rodeo Grounds (Reserve 39070) is vested in the Shire and leased to the Onslow Rodeo Club. Over a number of years the Club has allowed filling of various areas of the Reserve.

In September 2012 illegal asbestos dumping occurred; a situation the Shire is now pursuing.

A meeting with the Club and Shire staff was undertaken in October where the Club agreed that it would consult with the Shire's Construction Manager/Capital Works Supervisor before any filling is undertaken and that any such fill would be "clean fill".

However, the Shire is concerned that it is not aware of the content/type of filling previously undertaken and that this may conflict with EPA/DEC approval process. Accordingly, it is appropriate to seek an independent environmental 'audit' of the Reserve to:

- determine what has been disposed of on the site;
- address the Club's future development proposals;
- the planning and environmental process to achieve such plans; and
- any other matter relevant to the Shire, Council and Club

Background

The Onslow Rodeo Grounds (Reserve 39070) is vested in the Shire and leased to the Onslow Rodeo Club. Over a number of years the Club has allowed filling of various areas of the Reserve culminating in illegal asbestos dumping which the Shire is pursuing.

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A meeting with the Club and Shire staff was undertaken in October where the Club agreed that it will not add to any filling of the site that is not 'clean fill' and that it would consult with the Shire's Construction Manager/Capital Works Supervisor before any filling is undertaken.

Proposal

The Shire believes that an independent environmental 'audit' of the land should be undertaken to:

- determine what has been disposed of on the site;
- address the Club's future development proposals;
- the planning and environmental process to achieve such plans; and
- any other matter relevant to the Shire, Council and Club.

Comment

This is a matter of genuine public health issue and importantly, the Shire is responsible for ensuring that any tenant does not negatively impact a Reserve and that they comply with State environmental and planning laws.

Consultation

Chief Executive Officer

Statutory Environment

Land Administration Act
Environment Protection Act

Financial Implications

The cost of an 'audit' could be in the vicinity of \$20,000. Ideally, the Club would underwrite the cost as they have allowed the filling to be undertaken.

However, it is clear that the Shire was also aware of the filling being carried out. In this regard, the Shire would ultimately be responsible for the land. Should Council resolve to undertake the audit, a further report would be prepared to Council with a detailed costing and budget assessment for any necessary remediation works.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

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Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Policy Implications

There are no policy implications, which relate to this matter.

Voting Requirement

Absolute Majority Required

NOTE: ATTACHMENT 13.3 was presented to Council with supporting information for this agenda item.

Moved Commissioner Yuryevich

That Council:

- 1. Direct the Acting Chief Executive Officer to undertake an independent environmental 'audit' of Reserve 39070 to:**
 - **determine what has been disposed of on the site;**
 - **address the Club's future development proposals;**
 - **the planning and environmental process to achieve such plans; and**
 - **any other matter relevant to the Shire, Council and Club.**

- 2. In relation to 1. above, Directs funding for the environment audit of Reserve 39070 be from account 140114 of up to \$20,000 and it be recognised as over budget expenditure.**

CARRIED BY ABSOLUTE MAJORITY 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

13.4 UPDATE - PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION, THEVENARD ISLAND

MINUTE: 11379

FILE REFERENCE: IS.THVD.000
20120510 (P)

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

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

DATE REPORT WRITTEN: 30 November 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5 (Minute: 11287), Ordinary Meeting of Council 19 September 2012
Agenda Item 13.2 (Minute: 11251), Ordinary Meeting of Council 18 July 2012

Summary

Council at the September 2012 Ordinary meeting resolved as follows:

- * the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development be provided with the submissions received and be requested to advise Council as to whether the State agrees to the use of the Island for transient workforce accommodation and what (if any) arrangements are intended to ensure re-investment in new accommodation and amenities once the dredging/construction and transient workforce accommodation is complete.
- * Chevron Australia, DSD and the Minister for Environment be requested to comment on Mackerel Islands Pty Ltd claim that the *"...dredging and construction of the Wheatstone project will fundamentally change the amenity of the islands and surrounds, and will not be an appealing prospect for tourists and that attempting to operate for tourists during this period will significantly damage and undermine the reputation of the region and the Mackerel Islands as a pristine, frontier getaway."*

The Minister for Environment and Chevron Australia have both responded with somewhat conflicting views on the impacts of dredging on the operations of Thevenard Island.

Essentially the Minister acknowledges that there could be some impacts whilst Chevron considers that such impacts are unlikely. However, the Minister for Lands has not responded to Council's request for information as sought from the September 2012 resolution although he has advised the proponent that he has approved the use of the island for 80% transient workforce accommodation and 20% tourist.

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What is still to be resolved is the duration of the transient workforce and development of the island from funds generated by accommodation arrangements with Chevron Australia. The reference to Chevron Australia is of interest as Chevron has not acknowledged an interest in using the island for accommodation in correspondence to the Shire. Importantly, Chevron has never referred to the use of Thevenard Island in its Wheatstone Construction Workforce Management Plan (WCWMP).

It is recommended that Council again write to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development requesting that he provide advice on arrangements are intended to ensure re-investment in new accommodation and amenities once the dredging/construction and transient workforce accommodation is complete.

In addition, it is appropriate for Council write to Chevron requesting that it openly clarify its accommodation needs for Wheatstone and seek to revise the WCWMP accordingly.

Background

Situated 83 kilometres south west of Barrow Island and 20 kilometres from the mainland, Thevenard Island is leased by the State for 21 years to Mackerel Islands Pty Ltd for tourist purposes. Mackerel Islands Pty Ltd advise that they own the facilities on Thevenard Island which is contained within Lot 142 on Land Register Vol 3054 Fol 953 contained in Deposited Plan 217262, comprising a land area of 10.17 hectares.

Mackerel Islands Pty Ltd also advises that the lease has recently been extended for a period of 21 years, with a further option of 21 years. The Company also advises that it held leases on Thevenard and Direction Islands since 1968. Mackerel Islands Pty Ltd operates tourist facilities comprising 15 self contained beachfront cabins, 30 double rooms at Club Thevenard, a general store, licensed restaurant, licensed tavern and recreation facilities including games room, swimming pool and dive shop.

In June 2012, an incomplete application for planning approval was lodged by Mackerel Islands Pty Ltd for 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development. The Application could not be considered until the application form was signed on behalf of the State of Western Australia (as owner).

At the Council Meeting of 18 July 2012, Council considered an application for Planning Approval lodged by Mackerel Islands Pty Ltd for the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development.

The Application was conditionally signed by the State and subsequently advertised. A total of 12 submissions were received from the community (noting that one submitter placed 2 submissions before Council) and 4 from State/Regional agencies. All community submissions either objected to the application or raised concerns. Only one agency objected outright to the proposal. The remaining agency submissions raised issues and concerns but did not object outright.

The Applicant reviewed the submissions and advised that "... *Mackerel Islands management therefore propose to retain 20% of the available accommodation on the island for on-going use by tourists...*"

It is understood that Mackerel Island Pty Ltd plans to re-invest in new accommodation and amenities on the Island to provide a long-term legacy for tourism in the Pilbara region once the dredging/construction and transient workforce accommodation is complete. However, the

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Applicant has been short on providing detail on how much of the Chevron income would be committed to the Island re-investment.

From discussions with the Applicant's representative, reference has been made to agreements with State Lands for such a reinvestment approach. This may have merit and could be a means by which such investment monies can be quarantined, however the Shire has no knowledge of any arrangements with Mackerel Island Pty Ltd and State Lands. Council at the September 2012 Ordinary meeting resolved as follows:

That Council:

1. *Note the advertising carried out in relation to Planning Application Shire Ref: 20120510(P) and acknowledge the submissions as provided in ATTACHMENT 13.5B to this Report.*
2. *Request the Chief Executive Officer to write to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development and provide him with the submissions received in relation to Planning Application Shire Ref: 20120510(P) and request his advice as to whether the State of Western Australia agrees to the use of Thevenard Island for transient workforce accommodation and what (if any) arrangements are intended to ensure re-investment in new accommodation and amenities on the Island so as to provide a long-term legacy for tourism once the dredging/construction and transient workforce accommodation is complete.*
3. *Request the Chief Executive Officer to write to the Minister for Environment, Chevron Australia and the Department of State Development seeking comment on Planning Application Shire Ref: 20120510(P) with respect to the claim from Mackerel Islands Pty Ltd that the "...dredging and construction of the Wheatstone project will fundamentally change the amenity of the islands and surrounds, and will not be an appealing prospect for tourists and that attempting to operate for tourists during this period will significantly damage and undermine the reputation of the region and the Mackerel Islands as a pristine, frontier getaway."*
4. *Request that the Chief Executive Officer write to Mackerel Islands Pty Ltd (via Property Development Solutions) advising of Council's resolutions.*

The Minister for Environment and Chevron have both responded with somewhat conflicting views on the impacts of dredging on the operations of Thevenard Island.

ATTACHMENT 13.4A
ATTACHMENT 13.4B

Essentially the Minister acknowledges that there could be some impacts whilst Chevron consider that such impacts are unlikely.

However, the Minister for Lands has not responded to Council's request for information as sought from the September 2012 resolution although he has advised the proponent that he has approved the use of the island for 80% transient workforce accommodation and 20% tourist. What is still to be resolved is the duration of the transient workforce and development of the island from funds generated by accommodation arrangements with Chevron Australia.

ATTACHMENT 13.4C

The reference to Chevron Australia is of interest as Chevron has not acknowledged an interest in using the island for accommodation in correspondence to the Shire. Importantly,

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Chevron has never referred to the use of Thevenard Island in its Wheatstone Construction Workforce Management Plan (WCWMP).

Conclusion

It is clear that Mackerel Islands Pty Ltd perceive that the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation will derive a commercial benefit to the company, as well as a long term positive legacy for the Island and the community.

Normally, such individual or commercial benefit to a company is not a matter for local government in a policy or a planning sense. However, this proposal is different as it is to be undertaken on Crown Land and where for a five year period, an important economic driver of the region will be unavailable. In this regard, the Council sought to receive information from the Applicant that demonstrated that the commercial benefit to the company would also result in a community benefit. It is the Shire's view that such benefit is still to be demonstrated.

It is recommended that Council again write to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development requesting that he provide advice on the arrangements intended to ensure re-investment in new accommodation and amenities once the dredging/construction and transient workforce accommodation is complete. In addition, it is appropriate for Council write to Chevron Australia requesting that it openly clarify its accommodation needs for Wheatstone and seek to revise the WCWMP accordingly.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services
Executive Manager, Strategic and Economic Development

The application was advertised through the West Australian newspaper (once)date, Pilbara News (twice)date, notice boards at the Onslow and Tom Price Shire offices and placement on the Shire's Website. Due to timing difficulties, the proposal was not advertised in the Onslow Times.

A total of 12 submissions were received from the community (noting that one submitter placed 2 submissions before Council) and 4 from State/Regional agencies. All community submissions either objected to the application or raised concerns. Only one agency objected outright to the proposal. The remaining agency submissions raised issues and concerns but did not object outright.

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as '*Conservation, Recreation and Nature Landscape.*'

Financial Implications

None anticipated

Strategic Implications

"The Shire of Ashburton Tourism Destination Development Strategy".

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well Managed Tourism

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Policy Implications

LPP 17 - Local Planning Policy – ‘Transient Workforce Accommodation’

The *Local Planning Policy* provides guidance for the establishment of transient workforce accommodation within the Shire. In preparing the Policy, use of Thevenard Island for transient workforce accommodation would not have been envisaged.

Voting Requirement

Simple Majority Required

NOTE: ATTACHMENT 13.4A and ATTACHMENT 13.4B were presented to Council with supporting information for this agenda item.

Moved Commissioner Yuryevich

That Council:

- 1. Note the late correspondence provide by Property Development Solutions (Applicant for transient workforce accommodation at Thevenard Island) and inparticular, the draft correspondence from the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development advising of the conditions associated with the development agreement.**
- 2. Subject to the receipt of signed correspondence from the Minister reflecting the information and direction of the draft referred to in 1. above, authorise the Acting Chief Executive Officer to issue planning approval for the transient workforce accommodation at Thevenard Island in accordance with Delegation DA 35 and to include any conditions relevant to the Application and appropriate to an Approval that the Acting Chief Executive Officer sees fit.**
- 3. Request the Acting Chief Executive Officer to write to Chevron Australia requesting that it openly clarify it accommodation needs for Wheatstone and if they are different to the adopted Wheatstone Construction Workforce Management Plan (WCWMP) that it seek to revise the WCWMP accordingly.**

CARRIED 1/0

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13.5 PLANNING APPLICATION - SPORTS PAVILLION/FUNCTION ROOM AT CLEM THOMSON SPORTS OVAL, LOT 348 WILLOW ROAD, TOM PRICE

MINUTE: 11380

FILE REFERENCE: RE.EA.R.39857
20120723 (P)

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

NAME OF APPLICANT/RESPONDENT: Cooper and Oxley Builders (for Shire of Ashburton)

DATE REPORT WRITTEN: 30 November 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Application has been lodged by the Shire of Ashburton for Planning Approval to erect a sports pavilion/function centre at Clem Thompson Sports Oval, Lot 348 Willow Road, Tom Price. The current use for the Oval is predominately as a Football Ground and the development will replace the existing sports centre (located on the opposite side of the oval) and in poor condition.

The Application was advertised in accordance with the Planning Scheme and no objections received. It should be noted that no additional parking has been provided. The development relies upon the existing carparking on the site and around the oval. It is suggested that this arrangement is acceptable as the sports pavilion/function centre will be occasionally used and adequate parking (developed by the Shire) is available opposite in Stadium Road (adjoining Muzzy's Hardware store).

The purpose of the sports pavilion is to offer the local and surrounding communities access to a purpose built function room as well as provide 'grandstand' style seating for football spectators.

It is recommended that the Application be approved subject to conditions.

The subject site comprises Clem Thompson Sports Oval, Lot 348 Willow Road, Tom Price. The current use for the Oval is predominately as a Football Ground.

The site is serviced with underground power, sewer and water. Residential land adjoins to the east and south of the Oval, with land to the north being the Tom price Drive-In site. Land to the west of the Oval comprises service commercial uses along with the Tom Price swimming pool. The Shire has recently developed unrestricted car parking for commercial and community purposes.

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The site of the proposed sports pavilion/function centre is currently vacant.



ATTACHMENT 13.5A comprises the plans and elevations of the proposed development.

ATTACHMENT 13.5A

Comment

The site is reserved Parks Recreation and Drainage under the *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')*. Clause 3.2 of the *Scheme* enables discretion to consider planning approval for reserved land as follows:

"3.2 USE AND DEVELOPMENT OF RESERVES

3.2.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.

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

3.3.3 The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government."

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

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

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

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

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

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

Local Planning Policy - Social Impact Assessment

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

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

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

ATTACHMENT 13.5 B

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.

Key Planning Issues

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

Car Parking and Access:

With respect to car parking, that no additional parking has been provided. Keeping in mind the facility is essentially a replacement sports pavilion the Applicant would have some reasonable expectation that parking would be transferable from the original use. However the proposal before Council is significantly larger and it is likely that it could generate a parking requirement of approximately 50 car spaces. Clause 6.17.5 of the Planning Scheme allows Council to vary parking requirements as follows:

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

The development relies upon the existing carparking within the oval precinct and parking (developed by the Shire) available opposite in Stadium Road (adjoining Muzzy's Hardware store). It is suggested that this arrangement is acceptable as the sports pavilion/function centre will normally be used after commercial shopping hours and adequate. However, it is noted that the Shire has commenced work to replace the informal parking in the south east corner of the oval precinct for a training field. At the same time, a parking study is being undertaken for the town to determine the necessary parking needs associated with the development potential of Tom Price. In this regard, the Shire will be solely responsible for addressing parking issues that might arise from the development of the sports pavilion/function centre at Clem Thompson Sports Oval.

Details on delivery arrangements/loading and disabled access will need to be provided as a condition of any planning approval.

Design/Construction

The design is contemporary angular form which has a unique 'wing' feature that links the roof to the ground. The overall building should improve the comfort and amenity of users and the community as a whole. The applicant advises that the design incorporates the following development features.

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Exterior Entry

- Entry Forecourt is designed as a welcoming, comfortable, safe and shaded space for persons to be picked up/dropped off or gather before and after events.
- A disability accessible ramp provides a grand entrance to the first floor terrace and function centre. The ramp can also be used for stock deliveries.
- An exterior covered stair provides a direct path to the first floor terrace.
- Provision for bicycle racks and exterior seating not shown on the drawings but will be considered as part of the Landscape design to the Pavilion Forecourt and entry.
- Signage. We have identified the opportunity for building and site directional signage. There may also be a requirement for sponsorship, SoA identity signage, Logos or commemorative plaques.
- Site main transformer is located in the proposed pavilion forecourt. This is proposed to be improved aesthetically with a canopy or enclosure.

Ground Floor:

- The pavilion amenities and have been designed in accordance with the AFL's referred facility requirements for district facilities.
- Change rooms and Amenities for Australian Rules Football, Cricket, Touch Rugby and other associated field sports comprising:
 - Two (2) facilities for home and away teams.
 - Cubicle showers for potential mixed gender use.
 - Urinals will be exchanged for toilet cubicles for mixed gender use.
 - Individual lockers for at least 30 players in each room. The current provision is for 54 lockers. Clothing/bag hooks may be substituted if desired for reduced cost, maintenance and management.
 - Durable bench seating to room perimeter.
 - Massage/strapping rooms have been omitted as requested by the client.

Club Rooms x 4:

- Permanent storage and club spaces for four main local football teams: Tom Price Panthers, Tom Price Tigers, Town Site Eagles & Paraburdoo Panthers.
- Club spaces to be primarily used for small equipment storage, occasional administration, and display of team memorabilia.
- Club Spaces to be accessible from the outside so that club members can access their own space even when the rest of the pavilion facility is secured.
- Club spaces not designed for large meetings or social gatherings. The main function room is intended for this purpose.

External Covered tiered spectator seating:

- Located as close to the western wing position as possible.
- Seating for approximately 100 persons.
- Fixed seating or benching may be provided depending on budget.
- Concept Plan shows simple terraced seating arrangement.
- Designed to provide sufficient protection from the weather, particularly in the afternoon.

Office /Timing Room:

- May be used to facilitate pavilion and event management.
- Room should have access to internet, telephone and appropriate office storage and equipment.

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- For match day scoring and timing, a clear view of the playing field is provided. Controls provided for the electronic scoreboard and sirens.

First Aid Room:

- Space for stretcher / examination bench.
- This room can be combined with office/timing room to create a larger multi-use space depending on the extent of first aid facilities provided.

Kiosk

- External Servery
- Storage to be integrated.
- Kiosk likely to be operated by volunteers.
- No food preparation anticipated other than reheating.

Public Toilets for Spectators:

- Accessible from the outside without accessing the players' facilities.
- Toilet numbers determined by approximate 100 spectators (not including spectators on upper terrace)
- Combined disability accessible wc and parents room.

Umpires Room:

- Single shower and toilet cubicles provided with lockers and bench seating.
- Clothes/bag hooks may be provided in lieu of lockers.

Cleaners Room

- Sink, h/c water, shelving, hooks and drainage provided.
- Store / Plant Room
- Internally accessible storage area for seasonal storage of club equipment, files stock and other equipment.
- Area may be required for the location of plant equipment pending HVAC requirements.
- External Stores x 4
- Externally accessible storage for seasonal and casual pavilion users.

Bin Store:

- Lockable store for approximately 9 wheelie bins.
- First Floor:
- First floor entry via external stairs, disabled ramp, or terraced seating area.
- Large expanses of glazing to maximize views to the east over the sports precinct.
- Large operable doors allow seamless transition to outdoor terrace.
- Entry to contain a lockable display cabinet for awards and memorabilia.

External Terrace.

- To provide elevated viewing platform of the games.
- An outdoor event and breakout space from the functions and bar areas.
- May contain durable fixed furniture, or share furniture with the interior areas that can be packed away or brought inside when not in use.

Function Room & Bar.

- To facilitate social interaction, community building, social capital and club sustainability.
- Functions and bar areas are separate but could operate as a whole for

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- Bar capacity – 100 persons standing.
- Function room capacity – 60 persons seated.
- Combined functions / bar capacity – 200 persons standing.

Bar Service area

- Capacity for 2-3 bar staff.
- Able to simultaneously serve and survey both functions and bar area.
- May contain lockable fridges for individual club uses.
- Pre-packaged beverage service only (no post mix soft drink or draught beer)
- Bar deliveries via external ramp to first floor.

Kitchen.

- Designed to be used for basic food preparation only (such as snacks and sandwiches, or reheating).
- Capacity for 2-3 workers
- Not intended for production of full sit down meals.
- Kitchen has potential to be equipped for more intense food preparation, or to be leased as a catering facility subject to the facility management plan.
- Kitchen may have a servery to the bar service area for passive surveillance and visibility to clientele.

Dry Store

- May be used for stock storage.
- This room may be reduced in size with cool room to provide a dedicated furniture store.

Cool room

- For food and beverage storage.
- Cool storage requirements subject to input of facility managers.
- Cool store may need to be inoperable for long periods between events.

Amenities – Male / Female / Disabled

- Provision of WCs to achieve NCC compliance and expected use.

Cleaners store

- Sink, shelves and storage of cleaning equipment a roof design that slopes in an angular manner that appears to be close to the ground.
- This wing design may need some landscape or modification that assists in discouraging children and others to attempt to 'walk' the wings. It is suggested that this design aspect be reviewed prior to the commencement of development.

Conclusions:

It is understood that this is the first opportunity for Council to view the design of the pavilion in detail. The Shire has sought to inform all known stakeholders of the development from concept to the Application before Council. From the information provided, the Application appears acceptable for the site.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services

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Public Consultation

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

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

In addition to the above, the Shire contacted the following clubs and associations:

- Tom Price Junior Football;
- Towns Football Club;
- Panthers Football Club;
- Tigers Football Club;
- Touch Rugby Association;
- Tee Ball;
- Fortescue Cricket Club;
- Crushers Cricket Club;
- Towns Cricket Club;
- Rebels Cricket Club; and
- Scorchers Cricket Club.

At the time of preparing this Report, no submissions were received.

Consultation with other Agencies

Hamersley Iron Infrastructure

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

Statutory Environment

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

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

Voting Requirement

Simple Majority Required

NOTE: The Principal Town Planner tabled further correspondence from Rio Tinto as per ATTACHMENT 13.5C received Wednesday 12 December 2012, 11.14 am in regards to this agenda item.

This information resulted in an alternate recommendation to Council.

Moved Commissioner Yuryevich

That Council:

1. **APPROVE Planning Application Shire Ref: 20120723(P) for erect a sports pavilion/function centre at Clem Thompson Sports Oval, Lot 348 Willow Road, Tom Price generally in accordance with plans as provided in ATTACHMENT 13.5A to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:**
 1. **This Planning Approval lapses if the development is not substantially commenced by 12 December 2014.**
 2. **The development is to be generally carried out in accordance with the plans provided in ATTACHMENT 13.5A and modified to the requirements of the responsible authority as follows:**
 - loading/delivery arrangements;**
 - disabled car parking;**
 - disabled access to the building;**
 - design of the building modified or landscaped in such a manner to discourage attempts to 'walk' the wings of the building.**
 3. **Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:**
 - i. **A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.**
 - ii. **A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.**
 - iii. **As part of the Stormwater Management Plan the following matters to be addressed:**
 - (a) **the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and**
 - (b) **the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.**
 - iv. **All approved drainage and stormwater infrastructure shall be installed**

during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.

v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:

- (a) trees to be retained;
- (b) the location and type of fencing to be installed; and
- (c) the location and type of reticulation to be installed.

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.

vi. The design, materials and colours of the proposed development.

vii. A Staging and Construction Management Plan shall be prepared to the satisfaction of the responsible authority and endorsed to this Planning Approval. This plan is to address:

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

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

4. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.

Advice Notes

- i. The development relies upon the existing carparking within the oval precinct and parking (developed by the Shire) available opposite in Stadium Road (adjoining Muzzy's Hardware store). Council considers that this arrangement is acceptable as the sports pavilion/function centre will

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normally be used after commercial shopping hours and adequate. However, it is noted that the Shire has commenced work to replace the informal parking in the south east corner of the oval precinct for a training field. At the same time, a parking study is being undertaken for the town to determine the necessary parking needs associated with the development potential of Tom Price. In this regard, the Shire will be solely responsible for addressing parking issues that might arise from the development of the sports pavilion/function centre at Clem Thompson Sports Oval.

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

CARRIED 1/0

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13.6 PLANNING APPLICATION - TWO MULTIPLE DWELLINGS (WITH GROUND LEVEL PARKING) AND TWO GROUP DWELLINGS (WITH GROUND LEVEL PARKING) AT LOT 343 SECOND AVENUE, ONSLOW

MINUTE: 11381

FILE REFERENCE: ON.SE.0343.00
20120707(P)

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

NAME OF APPLICANT/RESPONDENT: P Thomas and J Bevan

DATE REPORT WRITTEN: 30 November 2012

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 is Lot 343 Second Avenue, Onslow which has an area of 1012m² and is zoned Commercial and Civic and located within the Onslow Coastal Hazard Area. The proposal involves retaining the existing shop and developing two (2) multiple dwellings through a suspended slab with parking in the front portion of the site. At the rear of the site two (2) grouped dwellings with undercroft parking are proposed.

The development of the front multiple dwellings creates an innovative vehicle access arrangement where the driveway is through a common area with dwellings in the 'airspace' over the driveway. Access to the development is via Second Avenue, with no direct access for vehicle traffic to the adjoining right of way.

The Shire's assessment of the development pursuant to the Scheme, RCodes and Local Planning Polices is that it is acceptable subject to conditions of any approval.

It is noted that after considering the provisions of the Scheme, SPP 2.6 and 3.4, the Shire still considers that the required finished floor level as practically allowable under the Scheme is 5.9m AHD. This is reflected in the new development (shown at 6.2m AHD) but will leave the existing pharmacy at a floor level of less than 4m AHD. The Shire has no power to impose a higher floor level of the existing building however, it is appropriate to advise the landowner that it is appropriate to consider that all electrical fuse boxes and the like be located at a minimum of 5.9m AHD.

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The WAPC initially refused the application but upon reconsideration, reviewed its decision and allowed the landowner the opportunity to seek the necessary planning approval to address the above concerns.

Further to the above, a separate planning approval has issued for a 'coffee van' on the site which has commenced operations.

It should be noted that the existing 50m² commercial building has existing use rights with respect to parking and minimum floor levels as it predates the planning schemes and interim development orders for Onslow.

Proposal

The proposal involves retaining the existing shop and developing two (2) multiple dwellings through a suspended slab with parking in the front portion of the site. At the rear of the site, two (2) grouped dwellings with undercroft parking are proposed.

The development of the front multiple dwellings creates an innovative vehicle access arrangement where the driveway is through a common area with dwellings in the 'airspace' over the driveway.

The finished floor level of the new development is shown at shown at 6.2mAHD but leaves the exiting pharmacy at a floor level of less than 4mAHD. The Shire has no power to impose a higher floor level of the building.

ATTACHMENT 13.6A

Comment

Shire of Ashburton Local Planning Scheme No.7

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

- Clause 1.6 Scheme Objectives
- Clause 2.1 Local Planning Policies
- Clause 4.2 Zoning Table
- Clause 5.1 Requirement for Planning Approval
- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application
- Clause 6.10 Commercial zones
- Clause 6.17 Vehicle Parking and Access
- Clause 6.20 Flood and Storm Surge Prone Land
- Clause 7.1 Operation of Special Control Areas
- Clause 7.3 Coastal Hazard Area

The subject site is zoned '*Commercial and Civic*' under the Scheme and is located within a special control area: '*Onslow Coastal Hazard Area Special Control Area*'.

'Commercial and Civic' zone:

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

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“6.10 Commercial Zones

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

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

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

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

Onslow Coastal Hazard Area Special Control Area’

The ‘Onslow Coastal Hazard Area Special Control Area’ provision under Clause 7.1.1 of the Scheme was originally identified by the former Department of Planning and Urban Development in the Onslow Coastal Plan (1994).

This plan recommended town planning schemes indicate the area on maps and incorporate provisions relating to minimum development standards. Clause 6.20 of the Scheme relevant to Flood and Storm Surge Prone Land states:

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

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

“7.3 Onslow Coastal Hazard Area

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

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

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

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

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- 7.3.5 *Local Government shall consult with the relevant agencies regarding the most up-to-date information available about potential flood and storm surge events as relevant to the land subject to particular applications for planning approval.*
- 7.3.6 *Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.*
- 7.3.7 *After receipt of advice or recommendations from the agencies referred to in subclause 7.3.3, the Local Government may, notwithstanding any other provision of the Scheme:*
- (a) approve the development proposal,*
 - (b) refuse the development proposal, or*
 - (c) approve the development proposal subject to conditions, which may include the requirement to prepare and implement a foreshore management plan.*
- 7.3.8 *In considering applications for planning approval, Local Government shall have regard for the following matters:*
- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
 - (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
 - (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
 - (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
 - (e) That any building development or building alteration approval in the hazard area be endorsed with the following:
"The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events".*

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

Definition of Multiple Dwelling

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

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

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

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

Clause 4.3.2 of the Scheme states:

“If the use for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the use categories, the Local Government may determine:

- (a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or*
- (b) that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.”*

Multiple dwelling is therefore an ‘A’ use within the Commercial and Civic zone and is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice. With respect to Clause 5.9 ‘Matters to be Considered’, the following matters are considered relevant:

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

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

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

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

State Government Policies

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

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

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

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

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

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

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

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

State Planning Policy 2.6 - State Coastal Planning

In June 2003, the Western Australian State Government released Statement of Planning Policy No. 2.6 - The State Coastal Planning Policy (SCPP). The SCPP provides guidance for new development, including subdivision and strata subdivision, on the Western Australian coastline. The SCPP outlines the recommended criteria for use in determining the appropriate Physical Processes Setback (PPS). The PPS should provide a low level of risk to the development from coastal erosion over a 100 year planning horizon. The PPS is measured from the horizontal setback datum (HSD). For a sandy shoreline the HSD is identified as the seaward extent of ephemeral vegetation on an accreting coast, or the toe of the erosion scarp on an eroding coast. As the only rock observed onsite at Onslow was located in the intertidal terrace, the shoreline for Onslow will be taken as sandy. In 2010 a Position Statement (WAPC 2010) was released to update the requirements of the SCPP. This position statement related solely to the required allowances for climate change.

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

In 2010 a Position Statement (WAPC 2010) was released to update the requirements of the SCPP. This position statement related solely to the required allowances for climate change. For the general case of development on an undeveloped sandy shoreline, the SCPP recommends using the following criteria to calculate the appropriate PPS:

- Severe Storm Erosion (S1) - Allowance for short-term erosion caused by a design storm event. S1 is calculated using the SBEACH profile change model to simulate the response of the shoreline to the design storm event.
- Historic Shoreline Movement Allowance (S2) - Allowance for chronic long-term trends caused by the local coastal dynamics. This needs to provide a buffer for the coming 100 years. This value is calculated from aerial photographs and surveys showing the movement of the vegetation line over at least a 40-year period.
- Sea Level Change Allowance (S3) - Allowance for possible recession of the shoreline as a result of anticipated sea level rise in the coming 100 years. The Position Statement released by the WAPC in 2010 introduced the requirement for a 0.9 m allowance for sea level rise by 2110. This allowance is based upon the Intergovernmental Panel on Climate Change (IPCC) AR4 model scenario and CSIRO (2008). The AR4 scenario tracks the highest IPCC predictions for sea level rise and is a large increase from the previous requirement of 0.38 m, which allowed for sea level rise predicted by the mean of the median model of the 2007 IPCC working group report.

State Planning Policy 3.1 - Residential Design Codes

The purpose of the *Residential Design Codes* (RCodes) is to provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes outline the 'rules' which apply to residential development and are intended to minimise the need for

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local government to introduce additional planning policies to control residential development. The RCodes were amended on 22 November 2010 to include additional multiple dwelling provisions.

State Planning Policy No. 3.4 - Natural Hazards and Disasters

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

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

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

- *Flood and Storm Surge and State Planning Policy 2.6;*
- *RCode/ Multi Unit Housing Code requirements;*
- *Car Parking and access; and*
- *Design review.*

The key planning issues areas are as follows.

Flood and Storm Surge and State Planning Policy 2.6

The urban form of Onslow over many years has significantly modified the extent of the dunal system to the point where it is difficult to define. Accordingly, there is some conjecture as to where the “*frontal dune areas of the townsite*” as referred to in Sub Clause 7.3.1 actually exists.

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

In summary, the M P Rodgers assessment uses interstate examples and acknowledges the impracticality of raising all development within the Onslow Townsite. In conformity with the Report originally prepared for LandCorp, M P Rodgers concludes that a 6.4m AHD level is required. However, it also supports the use of non-habitable land use (such as commercial and industrial) at levels based on a reduced 50 year planning horizon. This is seen as appropriate transitional land uses that will allow some form of integration between sensitive land uses set above 6.4m AHD and the existing streetscape at natural ground level.

The Shire also recognises that lower floor levels can be used for some land uses and the proposed scheme amendment recognises this, not because roads are low, or perceptions would be otherwise wrong, but because some land uses have different risk acceptance profiles.

It is clear current State Government and agency policy to allow for at least a 100 year ARI natural hazard event. It is considered clear current State Government and agency policy to allow for a planning time frame of 100 years, and for this to include an allowance for sea level change of 0.9

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m to the year 2110. Various State Legislation, policies and the Scheme require local government to have due regard to the content of State policies and other planning documents, and should adopt the policy measures.

The Shire considers that the adoption of policy measures is not mandatory, but it is equally clear that they cannot be dismissed without a cogent reason for such dismissal. Council is therefore advised to give the content of various policies due weight in their considerations of this application, and if they are of the opinion that the policy elements do not need to be brought to bear on the application that the reasons for such opinion are articulated in the decision.

RCode/ Multi Unit Housing Code requirements

The Application is assessed against the WAPC's Multi Unit Housing Code (MUHC) guidelines for the design of group housing, multiple unit and mixed-use developments. ATTACHMENT 13.6B includes an assessment of revised Application against the Residential Design Codes. The Shire's assessment concludes that the proposal is acceptable, subject to conditions of any approval.

ATTACHMENT 13.6B

The development proposes a number of walls to be located on the boundary of the land. The significant wall is associated with the multiple dwelling and to be located on the western boundary at a height of over 5.5m. Although there may be some long term benefit in having zero lot line development in the commercial area, there would appear to be limitations under the RCodes to approve the wall in current form as it would negatively impact the adjoining residence. It is considered appropriate that the plans be modified to either setback the wall at least a metre from the boundary unless the written consent of the adjoining owner is provided.

Car Parking and access:

The development of the front multiple dwellings creates an innovative vehicle access arrangement where the driveway is through a common area with dwellings in the 'airspace' over the driveway. No vehicular access is proposed from the adjoining ROW. However, for Unit 4, undercroft parking bay # 2 layout as proposed does not allow for a car to reverse out of the parking spot & drive out in a forward motion. This can be modified as a condition of any approval.

Water Supply

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

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

The Shire is aware that the provision of water supply services to Onslow is at capacity. Water Corporation has previously advised that only 30 additional connections are likely to be available using the existing infrastructure and supply. In this regard, it is possible that there could be some servicing issues with the proposal (as well as all other proposals in Onslow).

In previous Applications, Council has continued to consider applications in Onslow on planning merit. Where an approval has issued, it is conditioned on the basis that prior to development, the applicant provides evidence that Water Corp has the means to provide a water supply.

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Disability access

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

Amenity/Miscellaneous

Information and assessment is required that addresses the air-conditioning systems whereby the Shire is seeking to ensure that numerous cassette and/or split air-conditioning systems are not simply placed on balconies as an afterthought which can result in poor amenity for neighbours and occupants. Another aspect of local and onsite amenity is the need to control the 'reverse beepers' of the numerous vehicles within the town. This should be addressed in a management plan by the Applicant as a condition of planning approval.

Conclusions

The Shire's assessment of the development pursuant to the Scheme, RCodes and Local Planning Polices is that it is acceptable subject to conditions of any approval. It is noted that after considering the provisions of the Scheme, SPP 2.6 and 3.4, the Shire still considers that the required finished floor level as practically allowable under the Scheme is 5.9mAHD.

This is reflected in the new development on the land but will leave the existing pharmacy at a floor level of less than 4mAHD. The Shire has no power to impose a higher floor level of the building however, it is appropriate to advise the landowner that it is appropriate to consider that all electrical fuse boxes and the like be located at a minimum of 5.9mAHD.

The use and development sought can be reasonably conditioned to be in keeping with the Scheme and State Planning Polices. Accordingly, it is recommended that Planning Approval be issued for group dwelling and multiple dwelling at Lot 343 Second Avenue Onslow

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services
Shire's Project Engineer

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 and opposite 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

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Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Policy Implications

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

Local Planning Policy - Social Impact Assessment

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

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

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

Local Planning Policy - Onslow Interim Town Centre Design Guidelines

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

The purpose of this policy is to ensure that the character of Onslow’s built form is reflected in any future growth of the Town Centre. The preparation and adoption of Interim Design Guidelines for development within the Town Centre is seen as a priority to ensure the pressures of growth are managed and that community expectations are met. It is intended that these Interim Design Guidelines will be reviewed and updated, if required, within a period of no less than 12 months from the date of adoption.

Local Planning Policy - Consultation for Planning Proposals

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

Local Planning Policy - Shire Requirements for Planning Applications within the Onslow Coastal Hazard Area - Scheme Control Area

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

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

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

In light of the review of floor level being at 5.9mAHD an assessment in accordance with Clause 6.20.4 was not considered necessary.

Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

That Council:

- 1. APPROVE Planning Application Shire Ref: 20120707 (P) for two (2) multiple dwellings and two (2) grouped dwellings at Lot 343 Second Avenue, Onslow generally in accordance with plans as provided in ATTACHMENT 13.6A 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 and development shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water and sewerage service to the land to the requirements of the Water Corporation and to the satisfaction of the responsible authority. In this regard, the developer shall provide the Chief Executive Officer with written confirmation from Water Corporation that a full reticulated water and sewerage service to the site is available.**
 - 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. Undercroft parking bay # 2 for Unit 4 - the layout modified to allow for a car to leave the site in a forward motion.**
 - ii. The proposed western wall of the multiple dwelling shall be set back from the boundary not less than one (1) metre. A lesser setback may be approved where the written consent of the land owner of Lot 344 is provided to the Shire accepting a zero setback for the wall;**
 - iii. 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;**
 - iv. Design refined to reflect statutory disabled access arrangements;**
 - v. All parking/access designed in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’), and reversing areas designed to avoid buildings and structures (and any modifications as provided for in condition 2 (i));**

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vi. A notation stating:

“All electrical fuse boxes and the like associated with the development shall be at a minimum of 5.9mAHD”.

- vii. Bin pads to all units with pads located such that they do not interfere with carparking spaces;
- viii. Store rooms are accessed by a lockable sliding door; and
- ix. Clotheslines for all residential units.

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 12 December 2014.
4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
- i. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
- ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.
- iii. As part of the Stormwater Management Plan the following matters to be addressed:
- (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
- (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
- iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.
- v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:

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- a) the location and type of fencing to be installed; and
- b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.

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

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

- 5. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.
 - i. Management and strategy arrangements shall be submitted addressing the means by which garbage and recycling arrangements will be established in such a manner that it will not negatively impact the amenity of the locality.
 - ii. Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
 - iii. 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

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satisfaction of the responsible authority.

- iv. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
- v. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.
- vi. Details on mail boxes and fencing, including colour, texture and materials of the development. Fencing along the front boundary of the lot shall be a 'feature fence', visually permeable, designed and constructed to the satisfaction of the responsible authority. All mail boxes and fencing is to be erected in accordance with the approved details and thereafter maintained.
- vii. An emergency response plan/s (i.e. fire escape route maps, evacuation contingency associated with cyclone threat etc).
- viii. The development shall be connected to a reticulated water supply and sewerage system to the requirements of Water Corporation.
- ix. Details on the external drying area where the clothes drying facilities are fully installed and screened from view from Second Avenue.
- x. All walls on the boundary shall be rendered and painted;
- xi. All parking and manoeuvring areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.
- xii. The Applicant is to establish a memorial on title or other instrument acceptable to the responsible authority stating:

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

Advice Notes

- i. With respect to the existing commercial building on the land, it is noted that it may be subject to storm surge and flood inundation due to the floor level being less than 5.9m AHD. Irrespective of this, it is recommended that all electrical fuse boxes and the like be located at a minimum of 5.9m AHD.
- ii. Consent from the Shire of Ashburton will be required for construction of crossovers.

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- iii. 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).

The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>

CARRIED 1/0

Michelle Tovey left the meeting at 2.13 pm.

14. OPERATIONS REPORTS

14.1 PROPOSED REQUEST FOR TENDER - SUPPLY AND DELIVERY OF ROAD AND RUNWAY MAKING MATERIALS FOR ONSLOW AERODROME AND ASSOCIATED WORKS - SELECTION CRITERIA

MINUTE: 11382

FILE REFERENCE: AS.TE.16.12

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 December 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

The construction of the runway and associated access roads and carparks require approximately 60,000 tonnes of Main Roads Western Australia Specification crushed rock to complete the pavement works to the required specification.

Council is required to approve the selection criteria for the proposed tender for the supply of pavement materials.

Background

The Onslow aerodrome, located on Shire land at 16 Onslow Road, is a fit for purpose CASA certified facility that has more than adequately met the existing needs of the community to date.

With the formalisation of the Ashburton North Strategic Industrial Area (ANSIA), and the commencement of both the Macedon and Wheatstone projects, air transport will increase significantly. To serve the projected needs of industry, significant upgrades to all airport facilities are required.

The Onslow Aerodrome Redevelopment includes construction of a new runway, taxiway and apron, a terminal building complete with passenger and baggage screening facilities, new access road and parking facilities. Chevron has agreed to contribute \$30 million to the redevelopment project which is to be delivered over a twelve month period.

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The Scope of Works and Runway Construction Specification for the Onslow Aerodrome states that base-course materials shall be crushed rock and comply generally with MRWA Specification 501.09 Crushed Rock Basecourse.

The proposed tender will require submission of schedule of rates for the supply and delivery of approximately 60,000 tonne of MRWA Specification crushed rock. The General Conditions of Contract shall be AS2124-1992. A best value for money approach shall be applied to the tender. This means that, although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender ranked highest on qualitative criteria. The following criteria and weighting is proposed for application to the Tender:

| | |
|---|-----|
| a) Relevant Experience Demonstration of experience in completing / supplying similar requirements, particularly in relation to experience with supplying to State and/or Local Government | 20% |
| b) Demonstration of ability to meet required timeframes Indication of how timeframes will be met. Outline of availability of plant and personnel and future known commitments | 20% |
| c) Demonstration of ability to meet required specification Provision of NATA Testing Certificates demonstrating compliance with specification from proposed rock source | 20% |
| d) Occupational Health Safety Management Provision of an overview of the status of Respondent's safety management system | 10% |
| e) Tendered Price | 30% |

Shire of Ashburton FIN04 – Buy Local – Regional Price Preference Policy (Management Policy) shall also apply to the Tender evaluation.

Comment

Public invitation of RFT 16/12 – Supply and Delivery of Road and Runway Making Materials for Onslow Aerodrome and Associated Works will occur as soon as practicable following receipt of Council's endorsement in order that it may be awarded at the January 2013 Council Meeting to ensure that works on the Aerodrome construction critical path continue.

Consultation

A/- Chief Executive Officer – Frank Ludovico

Executive Manager Strategic and Economic Development – Amanda O'Halloran

A/- Executive Manager Corporate Services – Lisa Hannagan

Construction Manager Onslow Aerodrome Redevelopment – Ean McDowell

Statutory Environment

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

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In particular Regulation 14(2a) of the Local Government Function & General Regulations 1996

14(2a) If a local government —

- (a) is required to invite a tender; or
- (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

Financial Implications

In line with approved budget.

Strategic Implications

Goal 04 'Distinctive and Well Serviced Places' Objective 01 – Quality Public Infrastructure; Objective 02 – Accessible and Safe Towns; Objective 03 – Well Planned Towns.

Policy Implications

FIN04 – Buy Local – Regional Price Preference Policy and
FIN12 – Purchasing & Tender Policy

Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

That Council directs the Acting Chief Executive Officer to publicly invite Tender RFT 16/12 -The Supply and Delivery of Road and Runway Making Materials for Onslow Aerodrome and Associated Works in accordance with the following evaluation criteria:

- | | |
|--|------------|
| a) Relevant Experience | 20% |
| b) Demonstration of ability to meet required timeframes | 20% |
| c) Demonstration of ability to meet required specifications | 20% |
| d) Occupational Health Safety Management | 10% |
| e) Tendered Price | 30% |

CARRIED 1/0

Michelle Tovey re-entered the meeting at 2.15pm.

15. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development reports for this meeting.

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

Moved Commissioner Yuryevich

That Council considers the following New Business of an Urgent Nature:

- 16.1 NEW BUSINESS OF AN URGENT NATURE - REQUEST BY COMMUNITY CPS TO EXTEND LEASE - LOT 811 ASHBURTON COURT
- 16.2 NEW BUSINESS OF AN URGENT NATURE - OCEAN VIEW CARAVAN PARK TOURISM REVITALISATION - OPPORTUNITY TO APPLY FOR TIRF GRANTS PROGRAM
- 16.3 NEW BUSINESS OF AN URGENT NATURE - AWARD OF RFT 02/12 - PROVISION OF FACILITIES MANAGEMENT SERVICES
- 17.3 CONFIDENTIAL ITEM - NEW BUSINESS OF AN URGENT NATURE - WITTENOOM ASBESTOS LITIGATION
- 17.5 CONFIDENTIAL ITEM - NEW BUSINESS OF AN URGENT NATURE - NOTICE OF UNFAIR DISMISSAL - JEFF BREEN

CARRIED 1/0

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16.1 NEW BUSINESS OF AN URGENT NATURE - REQUEST BY COMMUNITY CPS TO EXTEND LEASE - LOT 811 ASHBURTON COURT

MINUTE: 11383

FILE REFERENCE: PA.AS.0011

AUTHOR'S NAME AND POSITION: Anika Serer
Economic & Land Development Manager

NAME OF APPLICANT/RESPONDENT: Community CPS Australia Ltd (CCPS)

DATE REPORT WRITTEN: 6 December 2012

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

PREVIOUS MEETING REFERENCE: Item 11.10.18 Ordinary Meeting of Council 27 October 2009;
Item 9.11.833, Ordinary Meeting of Council 20 November 2001;
Item 9.09.808 Ordinary Meeting of Council 18 September 2001

Summary

The lease held by Community CPS (previously known as United Credit Union) at part Lot 811 Ashburton Court, Paraburdoo is due to expire on 31 December 2012. CCPS is in the process of changing their business model and will no longer require the premises, however they have requested an extension of 2 months to allow them to make the necessary transition.

Background

CCPS have leased part Lot 811 Ashburton Court, Paraburdoo from the Shire of Ashburton since 1997 for the purpose of provide banking services to the Paraburdoo community. The current lease (with option exercised) is due to expire on 31 December 2012.

CCPS have advised that, unfortunately due to difficulties resourcing management staff to supervise the operations of the branch, they are unable to continue the service as it is currently provided. Arrangements are being made to change the business model to allow a service to continue to be offered to the community however the branch will be closing. CCPS have requested an extension of the lease, subject to the same terms and conditions, for 2 months to expire on 28 February 2013. This will enable them time to make the smooth transition in business models and finalise the branch operations.

Comment

Allowing CCPS to extend their tenancy by 2 months will provide the Shire with time to inspect the premises, assess any works or upgrades that may be required, and undertake the tendering process to secure new tenants. This will also be a more favourable time to

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secure new tenants as many businesses cease operations over the Christmas/January period.

The value of rent to be received over the 2 month period is less than \$20,000 therefore it is exempt from the provisions of S3.58 'Disposing of Property'

Consultation

CCPS Property Consultant – Roy Humphries

Statutory Environment

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

Local Government (Functions and General) Regulations 1996, Section 30:

(3) A disposition of property other than land is an exempt disposition if —

(a) its market value is less than \$20 000;

Financial Implications

\$10,000 has been allocated in the 2012/13 budget to upgrade the submeter to the premises which can be undertaken when it is vacated.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2012 - 2022: Goal 02, Objective 01 – Strong Local Economies

Voting Requirement

Simple Majority Required

Moved Commissioner Yuryevich

That Council approve the request by Community CPS Australia Pty Ltd to extend their lease at part Lot 811 Ashburton Court, Paraburdoo for a period of 2 months, to expire on 28 February 2013.

CARRIED 1/0

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16.2 NEW BUSINESS OF AN URGENT NATURE - OCEAN VIEW CARAVAN PARK TOURISM REVITALISATION - OPPORTUNITY TO APPLY FOR TIRF GRANTS PROGRAM

MINUTE: 11384

FILE REFERENCE: FI.AG.00.00

AUTHOR'S NAME AND POSITION: Darlene Bodanski
Project Officer - Strategic & Economic Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 November 2012

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

PREVIOUS MEETING REFERENCE: Nil

Summary

The Tourism Industry Regional Development Fund (TIRF) was announced in June 2012 with funding of \$48.5 million over four years to assist industry in reaching Tourism 2020 goals. The TIRF Grants Program is a competitive grants process to increase the quality and range of visitor experiences in regional Australia.

Grants from \$50,000 to \$250,000 (GST exclusive) are being offered on a matched dollar for dollar funding basis for projects which improve or refurbish existing products or services or offer innovative new experiences. Applications for the TIRF Grants Program will close on 14 December 2012. Successful applicants are expected to be announced in March 2013 and funding Agreements implemented from April 2013. Projects will be required to be completed by March 2015.

Council has the opportunity to apply for funding to assist with the Ocean View Caravan Park Tourism Revitalisation and this report seeks Council's endorsement to commit matching funding should our grant application be successful.

Background

At the 18th July 2012 Council Meeting Council resolved for the Ocean View Caravan Park to be managed by Council Administration. The Shire of Ashburton officially took over the management of the Ocean View Caravan Park on the 3rd September, 2012.

Council is aware that significant levels of compliance and amenity upgrades must be achieved in order to operate the Park in both a responsible and aesthetically appealing manner and are committed to the upgrade and revitalisation of the facility to ensure this prime beachfront asset achieves sustainable economic benefits.

Grants from \$50,000 to \$250,000 (GST exclusive) are being offered on a matched dollar for dollar funding basis for projects which improve or refurbish existing products or services or

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offer innovative new experiences. Applications for the TIRF Grants Program will close on 14 December 2012. Successful applicants are expected to be announced in March 2013 and funding Agreements implemented from April 2013. Projects will be required to be completed by March 2015.

Council Administration engaged consultants "Brighthouse" and in conjunction with Josh Byrne and Associates are producing a Master Plan for the upgrade of the park which includes a staged approach and includes, but is not limited to:

- Power/Electrical redesign and upgrade
- Water design initiatives
- New Ablution blocks
- Additional lighting
- Visitor parking areas
- New managers quarters
- Office/check in/departure point
- Security fencing
- Recreational playground including campers kitchen and BBQ area
- Car/boat wash bay
- Fish cleaning facilities
- General shading throughout the park
- Landscaping
- Upgrading and additional concrete slabs including cyclone tie down capacity
- Echo tents

Comment

Whilst the full extent of the Masterplan upgrade is not yet finalized it is clearly evident that significant asset renewal is required at the Ocean View Caravan Park in Onslow. The TIRF Grants Program provides an opportunity to leverage funding of between \$50k and \$250k to assist with the planned upgrade of the facility.

It is a requirement of the grant application that dollar for dollar matched funding is endorsed by Council. It is considered an incredible opportunity to be able to leverage this level of funding for this identified project. Should this application be successful for the requested \$250k, and with the matched contribution from Council, it would see \$500k of funding injected into the Park. This will facilitate some much needed upgrades, and provide overall improvements to the Park, its residents and tourists.

Consultations

Executive Manager, Strategic & Economic Development
Project Officer, Strategic & Economic Development

Statutory Environment

Caravan & Camping ACT 1995

Policy Implications

ENG09 – Asset Management Policy
FIN12 – Purchasing and Tender Policy

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Financial Implications

If the grant is received outside sources will assist with the works planned at the Ocean View Caravan Park in Onslow.

Strategic Implications

Shire of Ashburton Tourism Destination Development Strategy

Living Life 10 Year Community Strategic Plan 2012 – 2022, Goal 2 – Economic Prosperity
Objective 1 - Attract funding to support business development and community enterprise

Objective 3 – Well Managed Tourism – Upgrade and Expand Visitor Centre facilities and services.

Voting Requirement

Absolute Majority Required

Moved Commissioner Yuryevich

That Council:

- 1. Endorse the CEO submitting an application to Tourism Industry Regional Development Fund Grants (TIRF) Program for \$250,000 for the upgrades at the Ocean View Caravan Park.**

And;

- 2. That should the grant be successful match with Council funds in the 2013/14 budget.**

CARRIED BY ABSOLUTE MAJORITY 1/0

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16.3 NEW BUSINESS OF AN URGENT NATURE - AWARD OF RFT 02/12 - PROVISION OF FACILITIES MANAGEMENT SERVICES

MINUTE: 11385

FILE REFERENCE: AS.TE.00000.000

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 December 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.7 (Minute: 11244), Ordinary Meeting of Council 18 July 2012

Summary

At the July 2012 meeting of Council, the Council resolved to:

1. Authorise the CEO to determine and award tender RFT 02/12 Provision of Facilities Management Services to one of four tenderers nominated for short-listing
2. Request the CEO to place a copy of the tender evaluations in the Councillor Information Bulletin.

A comprehensive evaluation was undertaken, with as ESS Thalanygi Pty Limited being recommended as the successful tenderer.

A Catering Services Agreement (the "Agreement") between ESS Thalanygi Pty Ltd and The Shire of Ashburton has been prepared and is presented to the Acting CEO for Award and immediate issue to ESS.

The Probity Audit has highlighted that no delegation exists for the CEO to award a tender in excess of \$250,000 (the amount specified in DA001)

The matter has been brought back to Council for determination.

Background

Request for Tender 02/12 for the Provision of Facilities Management Services for Workers Camp was publicly invited and closed 16th July 2012.

The purpose of the Workers Camp is to provide accommodation so major projects such as the Onslow Airport Construction, Onslow Airport land subdivision, Onslow Ring Road and potentially other community projects such as the new residential subdivision (Landcorp), Water upgrade (Water Corporation and Pilbara Underground Power Project(Horizon Power).

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The contract will be for a one year, plus one year, plus one reviewable each year. This has been done for flexibility, cost effectiveness and risk management.

At the July 2012 meeting of Council, the Council resolved to authorise the CEO to determine and award tender RFT 02/12 to one of four Tenderers nominated for short listing.

The short listed Tenderers were as follows –

- Catering Industries (Remote Services)
- Cater Care Services
- ESS Thalanygi P/L
- Credo Group

The Selection Criteria (contained in the July 2012 minutes) was as follows –

- | | |
|---|-----|
| • Experience and Position in the Industry | 30% |
| • Key Personnel and Equipment | 30% |
| • Occupational Health and Safety Management | 10% |
| • Tendered Rate | 30% |

The Panel evaluating the Tenders consisted of –

- Executive Manager Operations – Fiona Keneally
- Project Manager / Onslow Aerodrome Logistics – Megan Walsh
- Economic and Land Development Manager – Anika Serer

The Probity Audit has highlighted that the delegation to the CEO, to determine a tender, without a dollar amount specified in excess to the CEO's delegation DA001 (ie \$250,000) cannot be made by the CEO. The matter has been brought to Council for determination.

Comment

The Evaluation Panel scored each Tenderer against the Criteria above.

The Qualitative Criteria Evaluation is shown in the table below (All Tenderers are displayed for transparency) –

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QUALITATIVE CRITERIA

02/12 Camp Facilities Management Services

| | | TENDERER 1 Cater Care | | TENDERER 2 Catering Industries | | TENDERER 3 ESS | | TENDERER 4 Credo | |
|---------------------------------------|------------|--------------------------|------------|-----------------------------------|------------|-------------------|------------|---------------------|------------|
| | Weighting | Score | Weighted | Score | Weighted | Score | Weighted | Score | Weighted |
| Relevant Experience | 30% | 8 | 240 | 8 | 240 | 9 | 270 | 8 | 240 |
| Key Personnel skills & experience | 30% | 8 | 240 | 7 | 210 | 9 | 270 | 7 | 210 |
| Occupational health safety Management | 10% | 9 | 90 | 7 | 70 | 9 | 90 | 7 | 70 |
| TOTALS | 70% | 25 | 570 | 22 | 520 | 27 | 630 | 22 | 520 |

| | | TENDERER 6 DCL Services | | TENDERER 7 R2R Services | | TENDERER 8 Discovery Parks | | TENDERER 5 Aspen parks | |
|---------------------------------------|------------|----------------------------|------------|----------------------------|------------|-------------------------------|------------|---------------------------|------------|
| | Weighting | Score | Weighted | Score | Weighted | Score | Weighted | Score | Weighted |
| Relevant Experience | 30% | 7 | 210 | 8 | 240 | 4 | 120 | 6 | 180 |
| Key Personnel skills & experience | 30% | 8 | 240 | 8 | 240 | 5 | 150 | 5 | 150 |
| Occupational Health safety management | 10% | 8 | 80 | 7 | 70 | 4 | 40 | 4 | 40 |
| TOTALS | 70% | 23 | 530 | 23 | 550 | 13 | 310 | 15 | 370 |

The Price Evaluation is shown in the Table below and displays projected costs based on Contract life –

PRICE CRITERIA

02/12 Camp Facilities Management Services

| | Year | Mobilisation | Demobilisation | Projected Costs based on 76 occupied rooms (Approx 80% average occupancy) - Excludes rooms supplied to facilities management and Renegotiation of contract | | | Projected Costs based on Contract Life | | | Price Score | 30% Weight- ing |
|-------------------------------------|------|---------------|----------------|---|-------------------------|-------------------------|--|------------------|------------------|----------------|-----------------------|
| | | | | Sept 2012 - Aug 2013 | Sept 2013 - Aug 2014 | Sept 2014 - Aug 2015 | Contract Life | | | | |
| | | | | YEAR 1 | YEAR 2 | YEAR 3 | 1 YEAR | 2 YEARS | 3 YEARS | | |
| ESS Thanlanyji P/L | item | \$ 99,432.58 | \$ 11,987.02 | \$ 1,580,116.38 | \$ 1,683,714.03 | \$ 1,683,714.03 | \$ 1,691,535.98 | \$ 3,375,250.02 | \$ 5,058,964.05 | 9 | 270 |
| Catercare Services | Item | \$ 99,000.00 | \$ 24,200.00 | \$ 1,746,037.36 | \$ 1,871,469.60 | \$ 1,871,469.60 | \$ 1,869,237.36 | \$ 3,740,706.96 | \$ 5,612,176.56 | 8.5 | 255 |
| Credo Group | item | \$ 40,500.00 | \$ 23,000.00 | \$ 1,890,128.00 | \$ 2,006,784.00 | \$ 2,006,784.00 | \$ 1,953,628.00 | \$ 3,960,412.00 | \$ 5,967,196.00 | 8 | 240 |
| Catering Industries | Item | \$ 65,342.00 | \$ 6,480.00 | \$ 2,216,058.88 | \$ 2,402,895.04 | \$ 2,402,895.04 | \$ 2,287,880.88 | \$ 4,690,775.92 | \$ 7,093,670.96 | 7.5 | 225 |
| Aspen Parks Property Management Ltd | item | \$530,000.00 | \$ 60,000.00 | \$ 1,998,512.00 | \$ 2,161,536.00 | \$ 2,161,536.00 | \$ 2,588,512.00 | \$ 4,750,048.00 | \$ 6,911,584.00 | 7 | 210 |
| R2R Services | Item | \$169,594.50 | \$ 22,500.00 | \$ 2,276,024.80 | \$ 2,348,673.60 | \$ 2,348,673.60 | \$ 2,468,119.30 | \$ 4,816,792.90 | \$ 7,165,466.50 | 6.5 | 195 |
| DCL Services | Item | \$111,400.00 | \$ 10,000.00 | \$ 2,388,016.96 | \$ 2,440,518.08 | \$ 2,440,518.08 | \$ 2,509,416.96 | \$ 4,949,935.04 | \$ 7,390,453.12 | 6 | 180 |
| Discovery | 1 | \$ - | \$ 276,568.00 | \$ 4,826,832.00 | \$ 5,129,696.00 | \$ 5,129,696.00 | \$ 5,103,400.00 | \$ 10,140,908.00 | \$ 15,178,414.00 | 5 | 150 |
| | 2 | \$ 184,380.00 | | | | | | | | | |
| | 3 | \$ 92,190.00 | | | | | | | | | |

A summary of the Qualitative and Price Evaluation follows –

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| Tenderer | Price Weighting (30%) | Qualitative Weighting Total | TOTAL |
|-------------------------------------|-----------------------|-----------------------------|------------|
| ESS Thanlanji P/L | 270 | 630 | 900 |
| Catercare Services | 255 | 570 | 825 |
| Credo Group | 240 | 520 | 760 |
| Catering Industries | 225 | 520 | 745 |
| R2R Services | 195 | 550 | 745 |
| DCL Services | 180 | 530 | 710 |
| Aspen Parks Property Management Ltd | 210 | 370 | 580 |
| Discovery | 150 | 310 | 460 |

Consultation

Chief Executive Officer
 Executive Manager Operations
 Project Manager / Onslow Aerodrome Logistics
 Economic and Land Development Manager

Statutory Environment

Local Government Act 1995 – S. 5.43(b) – the Council can delegate to the CEO the power to determine a tender within limits.

Financial Implications

In line with approved budget for Onslow Airport Construction

| | |
|---|----------------|
| Estimated 2012/13 contract payments (GST Inclusive) | \$1,680,000.00 |
| Estimated 2013/14 contract payments (GST Inclusive) | \$1,683,000.00 |
| Estimated 2014/15 contract payments (GST Inclusive) | \$1,700,000.00 |

Estimated Total **\$5,063,000.00**

*Annual totals may vary by up to 15% depending on occupancy demands

Strategic Implications

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

Moved Commissioner Yuryevich

That Council award RFT 02/12 Provision of Facilities Management Services for Workers Camp to ESS Thalanygi Pty Ltd on the following basis:

Estimated 2012/13 contract payments (GST Inclusive) \$1,680,000.00

And subject to a review and agreement by both parties

Estimated 2013/14 contract payments (GST Inclusive) \$1,683,000.00

And subject to a review and agreement by both parties

Estimated 2014/15 contract payments (GST Inclusive) \$1,700,000.00

Total up to \$5,063,000.00

CARRIED 1/0

17. CONFIDENTIAL REPORTS

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

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

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

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

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

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

Moved Commissioner Yuryevich

That Council close the meeting to the public at 2.23 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 1/0

Kerry White, Lorraine Thomas and members of the public left the room at 2.23 pm.

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

17.1 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER RECRUITMENT

MINUTE: 11386

FILE REFERENCE: OR.MT.2

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 December 2012

DISCLOSURE OF FINANCIAL INTEREST: The author declares an interest in this matter in that he is currently A/Chief Executive Officer and is providing information and advice to Council

PREVIOUS MEETING REFERENCE: Not Applicable

Please refer to Confidential Item Attachment under separate cover.

Moved Commissioner Yuryevich

That Council lay Agenda Item 17.1 on the table.

CARRIED BY ABSOLUTE MAJORITY 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

17.2 CONFIDENTIAL SHIRE OF ASHBURTON PROBITY AUDIT - UPDATE ON ACTIONS

MINUTE: 11387

FILE REFERENCE: LE.LE.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 December 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 17.4, Ordinary Meeting of Council 21 November 2012

Please refer to Confidential Item Attachment under separate cover.

Moved Commissioner Yuryevich

That Council:

- 1. Recieve the report contained in ATTACHMENT 17.2 "Shire of Ashburton Probitiy Report - Action Plan."**
- 2. Subject to the Department of Local Government approval make the Department of Local Government Shire of Ashburton 2012 Probitiy Compliance Audit Report available to the public.**

CARRIED 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

17.3 CONFIDENTIAL ITEM - NEW BUSINESS OF AN URGENT NATURE - WITTENOOM ASBESTOS LITIGATION

MINUTE: 11388

FILE REFERENCE: AS.WI.002.00

AUTHOR'S NAME AND POSITION: Keith Pearson
A/Executive Manager – Technical Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 December 2012

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

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 17.1 Ordinary Meeting of Council, 21 November 2012
Confidential Agenda Item 17.1 Ordinary Meeting of Council, 21 October 2012
Confidential Agenda Item 17.1. Ordinary Meeting of Council, 20 June 2012
Confidential Agenda Item 17.3. Ordinary Meeting of Council, 18 April 2012

Please refer to Confidential Item Attachment under separate cover.

Moved Commissioner Yuryevich

That Council resolves to adopt the officer's recommendation as per Agenda Item 17.3 Confidential Item - New Business of an Urgent Nature - Wittenoom Asbestos Litigation.

CARRIED BY ABSOLUTE MAJORITY 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

Moved Commissioner Yuryevich

That Council close the meeting to staff at 2.39 pm pursuant to sub section 5.23 (2) of the Local Government Act 1995.

CARRIED 1/0

Amanda O'Halloran, Keith Pearson, Deb Wilkes, Fiona Keneally, Rob Paull, Kaylani Cortesi, Lisa Rickert and Michelle Tovey left the meeting at 2.39 pm.

17.4 CONFIDENTIAL ITEM - NEW BUSINESS OF AN URGENT NATURE - NOTICE OF UNFAIR DISMISSAL - JEFF BREEN

MINUTE: 11389

FILE REFERENCE: OR.MT.2
LE.LE.00.00

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

NAME OF APPLICANT/RESPONDENT: Fair Work Australia

DATE REPORT WRITTEN: 10 December 2012

DISCLOSURE OF FINANCIAL INTEREST: The author declares a financial interest in the matter in that he is currently the A/CEO and providing information and advice to Council.

PREVIOUS MEETING REFERENCE: Item 17.5 Ordinary Meeting of Council, 21 November 2012

Please refer to Confidential Item Attachment under separate cover.

Moved Commissioner Yuryevich

That Council engages Herbert Smith Freehills to advise the Council in relation to the Unfair Dismissal application that has been lodged by Mr Jeffery Breen in Fair Work Australia (application) and any other action pertaining to this matter and for the Commissioner to be authorised to give instructions.

CARRIED BY ABSOLUTE MAJORITY 1/0

MINUTES - ORDINARY MEETING OF COUNCIL 12 DECEMBER 2012

Moved Commissioner Yuryevich

That Council re-open the meeting to the public at 2.41 pm pursuant to sub section 5.23 (2) of the Local Government Act 1995.

CARRIED 1/0

Amanda O'Halloran, Keith Pearson, Deb Wilkes, Fiona Keneally, Rob Paull, Kaylani Cortesi, Lisa Rickert and Michelle Tovey re-entered the meeting at 2.41 pm.

Members from the public gallery re-entered the room at 2.41 pm.

The Commissioner and A/Chief Executive Officer announced the decisions that had been made whilst the meeting was closed to the public.

18. COUNCILLOR AGENDA ITEMS

There were no Councillor Agenda Items for this meeting.

19. PILBARA REGIONAL COUNCIL REPORT

There were no Pilbara Regional Council reports for this meeting.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 23 January 2013, at the Civic Centre, Tanunda Street, Tom Price commencing at 1.00 pm.

21. CLOSURE OF MEETING

The meeting closed at 2.44 pm.