

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

(Public Document)

**Council Chambers, Community Recreation
Centre, Tom Price**

17 October 2012

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 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 17 October 2012 at Council Chambers, Community Recreation Centre, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr L Shields	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr J Breen	Chief Executive Officer
Mrs L Hannagan	A/Executive Manager, Corporate Services
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 J Smith	Executive Officer to CEO
Miss K Cortesi	CEO & Councillor Support Officer

3.2 APOLOGIES

There are no apologies.

3.3 APPROVED LEAVE OF ABSENCE

Mr F Ludovico Executive Manager, Corporate Services

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 17 October 2012, the following questions were taken on notice and a written response will be provided.

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Cr Fernandez tabled the following questions.

Q1.

Q1a. On behalf of the Post Office Manager and staff. Two windows have been vandalised just in the Post Office and not sure how many in other shops at the Tom Price Shopping Centre. Therefore we ask, when is Shire going to set up the video cameras that are already approved and funded? Give us a priority and tell us when???

Response

\$75,000 was allocated to CCTV cameras in the 2012 -2013 budget, with \$50,000 of that being identified for a feasibility study to outline the "hot spots" in both Paraburdoo and Tom Price. A further \$25,000 was allocated for the installation of cameras once those hot spots had been identified. In line with Local Government and Shire policies and procedures, quotes will need to be obtained prior to the feasibility study being undertaken, and the study will then take a period of time to research, write and provide recommendations, so it is unlikely that the cameras will be installed before mid-2013.

Q1b. When is the Shire going to put a drinking water fountain in Lions Park and at the Dogs Park, plus a barbeque, and dog's disposable bags? Do you think the Dogs Park is finished with no equipment for exercise? If it is not – why was it officially opened?

Response

At the July 2012 Council meeting, Councillor Fernandez raised an agenda item requesting a BBQ and drinking fountain at the Lions Park. As almost \$100,000 had already been allocated to the Lions Park in the 2012 – 2013 budget, the Councillors agreed to reallocate \$4,000 from fencing repairs to a water fountain, but not to install any further BBQs as there were already two BBQs at the park. This drinking fountain is scheduled to be installed early 2013.

The Dog Park is finished and open to the public, with all budgeted items being completed. BBQ's, drinking fountains, and dog exercise equipment were never included in the 2011 -2012 budget from which the Dog Park was funded, and no funding for such items for the Dog Park was included in the 2012 -2013 budget. Discussions have been held with SAFE about this issue and SAFE has indicated their willingness to explore options of seeking external funding to provide such items.

Q1c. Can the shire please put a notice board ASAP in the shopping centre to advertise all the Shire information, notifications, vacancies, Councillors information, etc. As well as to place space for Community residence information. Can Shire set up this as priority within a month?

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Response

A new notice board for both Shire and Community use has now been positioned in the central mall area of the Tom Price town centre. The Board is split into two sides, one for Shire advertising and one for the local community advertising. The Board will be managed by Community Development and the Community Development Manager will be organising a voluntary committee from the local community to manage the community side of the board.

Cr Wright tabled the following question.

- Q2. The road trains that are using the Peedamulla to Onslow Road are causing some damage and dust problems. Can this be investigated?**

Response

The Acting Executive Manager, Technical Services is presently investigating the increased level of heavy traffic activity on Peedamulla Road. As an interim measure letters are being sent to the proponents and lead contractors of the Macedon Domestic Gas and Wheatstone LNG Projects, advising them of the weight limitations applicable to this road. Similar advice is now being included with heavy traffic permits being issued for vehicles using Old Onslow and Twitchen Roads.

Cr Dias tabled the following question on behalf of Chris Penfold from Paraburdoo.

- Q3. As a resident of Paraburdoo and member of the Paraburdoo Tidy Towns Committee, I would be grateful if you could supply the following information to assist in our submissions for next year's Tidy Towns awards.**

- **Council Projects planned for Paraburdoo for the next 12 months**
- **Timeframes for completion of the above projects**
- **Details and timeframe for the footpath and Cycle path plan**
- **Details and timeframe for the upgrading of the Tourist Information Bay**

Many residents of Paraburdoo walk cycle or push prams from their homes to the shopping centre, school and other facilities in the town. There is a real need for the extensions of footpaths & cycle paths so that these people do not have to walk on the roads.

Footpaths & cycle paths linking the residential areas on the eastern side of town to the shopping centre, school and sporting facilities are also needed.

I have been written to Main Roads in Karratha regarding signage for the approach to the Tourist Information Bay on Camp Road. At present there is no sign alerting motorists to its presence.

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On several occasions I have seen vehicles towing caravans attempting to reverse into the entry of the Information Bay because they have driven past it without knowing it was there, creating a serious traffic hazard on the busy intersection of Camp and Rocklea roads.

Thank you for your time in presenting this request to Council. I look forward to a reply at your earliest convenience.

Response

Council has an ambitious programme for the next 12 months for Paraburdoo and the highest priority is the Town Centre Revitalisation. The current status of works is that building licences application has been submitted and negotiations are underway to secure a builder to start the refurbishment of the mobility/parents change room toilets. Landscaping and carpark realignment redesign is well underway with some major stormwater works to the rear and front carparks having been commenced and will continue.

Architects will be visiting the town mid October 2012 to continue liaisons with the community in relation to the Community Hub and a new Shire employee has been appointed to the project and will be based in Paraburdoo to drive these major works.

The Town Centre works is scheduled to be completed by March 2013. A timeline for the Community Hub works is not presently available as scope of works is still being formulated. It is anticipated that this will include footpaths that will link critical areas to and from the Hub.

The Shire's annual footpath works program is based on the Shire's Footpath Cycle Path Plan. Funding arrangements are presently finalised for this year's program.

The Shire has also contacted MRWA regarding the upgrade of the Tourist Information Bay and is waiting for reply on this matter. The reference number for this enquiry is D12#327857.

Cr Dias tabled the following question on behalf of Joseph Castro from Paraburdoo.

Q4. G'day, Can we please have an enclosed off lead exercise area similar to Tom Price as presently people take their dogs to the town ovals and there is unnecessary interaction with kids which is not always welcome. Additionally some irresponsible owners do not pick the dog poo up, which most young kids tend to find, and there is no control of these activities by the Shire.

Response

An off-lead dog exercise area in Paraburdoo was identified by the residents as part of the town revitalization strategy, but was rated as a very low priority by the community (15th Priority) and as such has been included in the third stage of the project, with an expected completion date of 2014 - 2015.

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Cr Foster tabled the following questions.

Q5.

Q5a. Is the Shire of Ashburton aware that the Tom Price Caravan Park enforces a no pet policy? Does the Shire know why this is the case?

Response

The Council wasn't aware.

Caravan Park operators have a choice to take dogs or not. The Caravan Park Leasee is entitled to make their own operating decisions under the terms of their lease.

The Council offers dog kennelling in Tom Price, providing travellers with a choice.

Q5b. With the redevelopment of the Clem Thompson Oval imminent, what measures have been put in place to accommodate the sporting groups?

Response

Liaison with the various sporting groups has been happening at an informal level for many months, but a formal meeting was held on 28 August 2012. About 25 people representing all the sporting groups using the Clem Thompson oval attended that meeting. As a result of the meeting, most of the sporting groups made decisions around changing their playing/training times for the upcoming season to enable them to relocate to Area W and play during the day. The Shire has assisted the groups by offering free usage of other playing areas while the redevelopment is taking place.

Q5c. Has the Shire investigated the costs of setting up temporary lighting to accommodate finding night & Saturday night games? Can funding be sourced in your opinion for these lights?

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Response

The option of temporary lighting was explored with the sporting groups at the 28 August meeting, but because there was a possibility that rechanneling funds for the project into lighting might affect the overall funding available for the redevelopment, the groups decided that temporary lighting was not a priority. Various funding options have been explored, but because the lighting would only be temporary it falls outside the funding guidelines of organisations such as the Department of Sport and Recreation.

It has previously been suggested that one of the resource companies might be able to donate light towers, however the running costs (primarily the cost of diesel to power the generators required to run the lights) would be in the vicinity of \$80,000, and that money has not been budgeted for, and is not likely to be easily funding from external funding sources.

Q5d. Can the Shire advise as to the progress of the volunteer hub?

Response

A Volunteer Policy will be presented to Council at the November Council meeting and, pending the outcome of that, Volunteer Hubs are expected to be operational by March 2013

Q5e. Can the Shire advise when the Tom Price will host their first welcome BBQ to town?

Response

The first Welcome BBQ in Tom Price is scheduled for mid-February 2013

Cr Eyre wanted it noted in the minutes that she has been approached by residents of Onslow regarding the Ocean View Caravan Park.

Cr White tabled the following question on behalf of Marie-Pierre Dussault from Onslow.

Q6. I am writing to express my concern regarding the state of the Onslow Road. I have noticed during the past year a dramatic increase in litter on the side of the road. Not only is it an eye sore for the local road users and creates a bad impression on our visitors but it is also a hazard for the wild life that gets trapped in it. (I have several pictures to prove this fact.)

I am seeking advice on how to tackle this problem before it gets out of control. I know it is not the Shires responsibility but I thought you could have some clever ideas on how I could initiate some sort of joint effort.

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Is there a possibility of getting allocated some support from Council to help tackle this problem before it gets out of hand?? Due to work, I will be unable to attend next Council meeting but I would greatly appreciate this read out in Public Question time.

Response

As you have noted, Onslow Road is not a Shire road rather it is the responsibility of Main Roads WA (MRWA). This does not however limit the community ability to ensure that the road is tidy and free of litter.

Forming an Onslow Tidy Town's Committee would be a major step in improving the state of the road environ. Regular community cleanups of the road could be organized. This could have the potential to get the whole community involved in a scheme that will advantage their environs and community spirit.

The more community members that contact MRWA with their concerns for the state of this road could encourage Main Roads to install extra bins on the roadside. They are contactable via email: <mailto:enquiries@mainroads.wa.gov.au> and always respond to queries.

Education programmes within schools are also another initiative that could be used to promote a litter free town. Here is a website that may have some useful information regarding school programmes. <http://portal.environment.wa.gov.au>

Below are some useful links for more information that will assist in achieving a litter free area. <http://kab.org.au/>
<http://www.kabc.wa.gov.au/programs/tidy-towns.html>

Gary Douglas tabled the following questions on behalf of the Long Stay residents and numerous other various stayers of the Ocean View Caravan Park. Gary Douglas also tabled a letter from Dr Kim Hames MLA, Deputy Premier - Minister for Tourism, regarding Thevenard Island.

Q7.

- 1. Controversy regarding rate increases – what criteria have these been based upon?**
- 2. Why were rates increased so dramatically?**
- 3. Why the rates demand for long stay residents of \$400.00 an increase of approximately 125% over other parks?**
- 4. Agreements have not been signed due to a letter sent to the CEO on the 6th September 2012 requesting extension of time and has still not been acknowledged. Why was our request not responded to?**
- 5. Evictions have been stated – that is a threat and not necessary at this time.**

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6. **Statements made by the Shire “long list of people wanting to come into park.”**

Are these transient workers, they cannot be tourists as their season has now finished and many will not return.

7. **When will a Park Liaison Committee be formed?**

This town is in a process of change and in some ways are healing from each step of these changes along the way.

Express that noting be considered too much in the needed healing process. It is no one else’s right to determine what is reasonable in the re-building of culture, family and place.

I am as I am sure other are, struggling with their Sense of Place here in Onslow at this time.

Response

Council undertook extensive business modelling and considered all rates in the planning of the Ocean View caravan park, in order to ensure Council covered costs in this financial year some costs needed to be reviewed.

All rates were increased to support the operational costs incurred. The rate is reflective of the yearly operational expenses incurred by Council, at this stage Council has not projected to make a profit and is simply planning cost recovery so as not to impact other services with the Shire of Ashburton.

As per above, whilst other parks were canvassed the basis of Councils rate increase was to ensure that operational costs of the park would be covered this financial year. Considerable expenditure is required to review and mitigate the tree risk in the park and implement fire safety. Further costs will be incurred implementing an electronic accounting and booking system and completing a business plan.

Council apologises for the delay in a response being forwarded to you, and has ensured that further time was added for residents to sign off on their agreements. The Council has ensured that all processes have been carried out in accordance with the Residential Parks (long – stay Tenants) Regulations 2007 and the Department of Commerce guidelines.

The Council was referring to the permanent waiting list in reference to the above. This includes local small business and some bigger industry utilising transient work force. At this time only independent applications and small business related residents have been considered. Other applications will be considered if the latest round of permanent placement offers are not fully subscribed. Please note that Council has committed publically to supporting Tourism in Onslow and will ensure that Tourism places are offered in the park at all times.

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Council has called for expressions of interest from Park residents and is anticipating the first meeting of the Park Liaison Committee during October 2012.

Pearse Herbert from Onslow tabled the following question.

Q8. I have heard that the cost of upgrading the Caravan Park is in the vicinity of \$3.5 to 4.5 million. Is this so??

If it is, I have heard that it will take approximately 22 years to pay this money back to the ratepayers.

I read in the Council Minutes that the Councillors refused a request to build RFDS strip at Tom Price for \$4.5million.

As a concerned ratepayer I would have thought that a RFDS airstrip that may save a child's life would be a better investment for the Shire rather than competing with private investors in the Caravan Park business.

I would like to comment that the Tom Price Councillors need to lobby their fellow Councillors to provide basic infrastructure such as the airstrip, it may be their own lives that would be saved.

Response

Council is currently undertaking a detailed business planning exercise that will incorporate a capital improvement plan – we anticipate this being signed off by Council by February 2013. Further detail as to the costs to be incurred will be available at that time.

As per above this level of detail isn't available at this time. The Business Case will outline the anticipated return period.

Council supports the construction of a RFDS strip in the Tom Price region, Council recommended at the 15 August 2012 Meeting to – support the development of an RFDS airport – owned and operated by others, and they directed the CEO to lobby the Resource Companies and State Government departments to construct own and operate an airstrip in Tom Price.

- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS / DEPUTATIONS / PRESENTATIONS**
- 6.1 PETITIONS**
- 6.2 DEPUTATIONS**

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6.3 PRESENTATIONS

Cr Fernandez will be giving an update to Council in regards to Aboriginal Communities within the Shire.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 19 SEPTEMBER 2012

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 19 September 2012, as previously circulated on 28 September 2012, be confirmed as a true and accurate record. Subject to the following amendment:

In public question 5C "finding night" be replaced with "Friday night."

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. DECLARATION BY MEMBERS

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

9.1 DECLARATION OF INTEREST

Councillors to Note

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

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.
A member, who makes a disclosure in respect to an interest, must not:
- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

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NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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10. CHIEF EXECUTIVE OFFICER REPORTS

10.1 REVIEW OF COMMENCEMENT TIMES OF COUNCIL MEETINGS AND WORKSHOPS / BRIEFINGS

FILE REFERENCE: OR.MT.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 October 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.1, Ordinary Meeting of Council 19 October 2011, Minute: 11042
Agenda Item 10.1, Ordinary Meeting of Council 16 March 2012, Minute No: 11146

Summary

At the Ordinary Meeting of Council, 16 March 2012 Council had requested that a review be undertaken for the commencement times of Council Meetings and Workshops and Briefings.

A review of the commencement times is required prior to the Schedule of Meeting Dates, Times and Locations for 2013 are being submitted to Council for approval.

Background

At the Ordinary Meeting of Council 16 March 2012 Council adopted the Meeting Schedule for the period of May 2012 to December 2012 with Council Meeting commencing at 1 pm. Council also resolved in part:

"2. *Agree that the Workshop / Briefings be held on the day of the Council Meeting commencing at 9 am for Tom Price and Paraburdoo, and 11 am for Onslow and Pannawonica.*"

And

"4. *Resolved to hold the Ordinary Meeting of Council each January.*

5. *That Council reviews the commencement times of Council Meetings and Workshops / Briefings in December 2012.*"

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A review of the commencement time of Council Meetings and Workshops / Briefings will be required prior to the Schedule of Meeting Dates, Times and Locations for 2013 being submitted to Council for approval.

Comment

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

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

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

During 2012 the timetable for Council Meeting dates was:

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

The Shire administration recommends the above schedule as this allows for adequate time for travel, workshops / briefing sessions, public question time and full consideration of the Agenda.

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

The review is requested to occur in October 2012 as this will allow time for an agenda item for the November 2012 Council Meeting to be prepared regarding the Meeting Schedule for 2013. It will also facilitate appropriate and timely advertising for the 2013 Council Meeting Schedule prior to the first meeting due to occur in January 2013.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Consultation

Chief Executive Officer

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

Council Policy ELM01 – Council and other meetings.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Approve for the Tom Price and Paraburdoo workshops / briefings to commence at _____ and the Council Meeting to commence at _____.
2. Approve for the Onslow and Pannawonica workshops / briefings to commence at _____ and the Council Meeting to commence at _____.
3. Requests the CEO to submit an Agenda Item for the November 2012 Council Meeting regarding the Schedule of Meeting Dates, Times and Locations for 2013.

Author: Janyce Smith	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

10.3 ADOPTION OF POLICIES - INTEGRATED PLANNING POLICY, WORKFORCE PLANNING AND MANAGEMENT POLICY, AND FINANCIAL SUSTAINABILITY POLICY

FILE REFERENCE:	OR.CM.01.00
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer, CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	

Summary

Integrated Strategic Planning comes into effect in 2013/2014. The Department of Local Government requires a basic level of compliance in 2013.

The objective for the Shire of Ashburton is an intermediate level while there is a focussed effort in place.

Council is asked to review and approve the governance policies as outlined below.

Background

As part of the Integrated Planning Framework and to ensure compliance with section 5.56(1) of the Local Government Act 1995 "plan for the future" and Regulations S5.56(2):

"That local governments develop a Strategic Community plan that links community aspirations with the Council's long term strategy. That the local government has a corporate business plan linking to long term financial planning that integrates asset management, workforce planning and specific council plans (Informing Strategies) with the strategic plan."

The Shire recognises that for sustainability, good governance and providing effective services and facilities for the community, an integrated approach is needed to all planning and resources activities.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Council is asked to review the following policies:

Integrated Planning Policy

This policy serves to provide guidance and mandated activities to ensure compliance with the Integrated Planning Regulations of the WA Local Government Act.

ATTACHMENT 10.3A

Workforce Planning and Management Policy

The Shire of Ashburton is committed to ensuring that strategic, operational and legislative objectives are met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the Local Government Act (1995) Regulation S5.56(2).

ATTACHMENT 10.3B

Financial Sustainability

This policy establishes the financial sustainability framework for the Council. The policy is based on the Council's desire to plan for ongoing financial sustainability to provide appropriate services and infrastructure for the community – now and into the future. It provides the framework from which Council will achieve the aims set out in its long-term financial plan.

ATTACHMENT 10.3C

Comment

Integrated Strategic Planning will provide the Shire a mechanism to achieve a sustainable future in an environment of effective corporate governance. Integrated Planning is not for compliance only but is best practice and the way for the Shire to conduct business.

Integrated Planning will achieve goals that are outcome based, clearly articulated, communicated and measured. Every plan addresses collaboration, sustainability, assets, resources and funding.

A policy number is not allocated until policies are adopted by Council.

Consultation

Chief Executive Officer
Executive Manager, Corporate Services
Manager, Organisational Development

Statutory Environment

Local Government Act 1995

Financial Implications

In line with the 2013/14 Budget.

Strategic Implications

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

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Policy Implications

Creation of new Policies:

- Integrated Planning Policy.
- Workforce Planning and Management Policy.
- Financial Sustainability Policy.

Voting Requirement

Simple Majority Required

Recommendation

That Council adopts the following policies:

- Integrated Planning Policy.
- Workforce Planning and Management Policy.
- Financial Sustainability Policy.

Author: Janyce Smith	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

11. CORPORATE SERVICES REPORTS

11.1 SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY LOCAL LAW 2012

FILE REFERENCE:	LE.LL.01.00 LE.LL.08.00 LE.LL.11.00
AUTHOR'S NAME AND POSITION:	Leanne Lind Project Officer - Local Laws
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 September 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 No. 11229

Summary

The Local Government Property Local Law will provide the Shire with much greater control over behaviour and activities at the various types of local government properties we are responsible for. This Local Law will cover general common use areas such as Malls, Parks and Ovals and include specific regulation of Jetties & Bridges, Aerodromes, Swimming Pools. It is recommended that the Local Government Property Local Law 2012 be adopted by Council.

Background

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

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 7 April 2012 with a closing date for submissions of 18 May 2012. No submissions were received.

The existing By-Laws Relating to Aerodromes gazetted on 6 December 1996 and the Local Law Relating to the Management and Control of Public Swimming Pools gazetted on 3 June 1998 will be repealed and replaced with the Local Government Property Local Law 2012.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

ATTACHMENT 11.1A

ATTACHMENT 11.1B

Comment

The purpose of this Local Law is to provide for regulation, control and management of all local government property, with the exception of thoroughfares, within the district.

The effect of this local law is to establish the requirements with which any persons using or being on local government and public property within the district must comply. Therefore it is recommended that the Aerodromes and Control of Public Swimming Pools Local Laws be repealed and replaced with a Local Government Property Local Law.

In summary -

- This contemporary and comprehensive model local law will provide for the regulation, control and management of activities and facilities on all local government-managed property, including aerodromes and public swimming pools.
- Under the proposed Local Government Property Local Law, some activities are permitted only under a permit as determined by Council and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.
- This Local Law will be effective in establishing the requirements a person needs to meet when using or being on all local government property.

ATTACHMENT 11.1C

Consultation

Building and Environmental Health Coordinator
Principal Environment Health Officer
Senior Ranger/Supervisor Emergency Services
Executive Manager, Strategic and Economic Development
Executive Manager, Technical Services
Manager Governance, WALGA
DL Consulting

Statutory Environment

Local Government Act 1995 Section 3.12
Health Act 1911
Liquor Control Act 1988
Land Administration Act 1997
Firearms Act 1973
Caravan Parks and Camping Grounds Act 1995
Parks and Reserves Act 1895
Equal Opportunity Act 1984
Police Act 1892
Criminal Code
Sentencing Act 1995
Litter Act 1979
Wildlife Conservation Act 1950
Dog Act 1976
Interpretation Act 1984

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Financial Implications

Advertising costs of approximately \$600 associated with Statewide advertising.

Strategic Implications

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

Policy Implications

No policy implications are associated with the introduction of this Local Law at this point in time.

Voting Requirement

Simple Majority Required

Recommendation

That Council give Statewide public notice that it intends to make the Shire of Ashburton Local Government Property Local Law 2012, as contained in the **ATTACHMENT 11.1C**.

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

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

11.2 SHIRE OF ASHBURTON HEALTH LOCAL LAW 2012

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:	8 October 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

Summary

The proposed Local Law is to align the existing Health Local Law with current public health requirements and update legislation and Australian Standards references in accordance with the required statutory review process. The Local Law will be retained until such a time as the Public Health Bill is proclaimed by Parliament and becomes law. It should be noted that there will be another review of this local law again once the Public Health Act is proclaimed. The Act is currently in draft form before Parliament however it is not expected to be finalised before the next State election.

Background

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

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 7 April 2012 with a closing date for submissions of 18 May 2012. No submissions were received.

Section 3.16 of the Local Government Act 1995 (LGA) requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

The current local law was adopted on 20 January 1998 and gazetted on 9 March 1998, with the primary objective of providing rules and guidelines for the health of the community.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

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.

In summary –

- This Local Law will provide for the regulation, control and management of day to day public health matters within the Shire of Ashburton.
- The provisions reflect current terminology and meet legislative requirements; to regulate the provision of sanitary conveniences, the maintenance of dwelling houses, nuisances, the keeping of animals, pest control, infectious diseases, lodging houses, and offensive trades within the district.

ATTACHMENT 11.2B

Consultation

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

Statutory Environment

Local Government Act 1995 Section 3.12
Health Act 1911
Local Government Miscellaneous Provisions Act 1960
Metropolitan Water Supply Sewerage and Drainage Act 1909
Associations Incorporations Act 1987
Planning and Development Act 2005
Food Act 2008

Financial Implications

Advertising costs of approximately \$800 associated with Statewide advertising.

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

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Recommendation

That Council give Statewide public notice that it intends to make the Shire of Ashburton Local Government Property Local Law 2012, as contained in the **ATTACHMENT 11.2B**.

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

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

11.3 POLICY AND PROCEDURE REVIEW AND DEVELOPMENT PROJECT

FILE REFERENCE:	OR.CM.01.00
AUTHOR'S NAME AND POSITION:	Lisa Hannagan Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Nil

Summary

As the Shire of Ashburton progresses with implementing Integrated Strategic Planning, the new Intranet system and generally moving towards a modern and well managed business, Council was informed at a risk management and integrated planning presentation at the Council briefing held 14 December 2011, that there was a need to review the Shire of Ashburton Policies and Procedures against governance best practice to determine review and approval responsibilities. This not only improves clarity and accountability for ownership of each level of policy, but provides Council with a strong focus on strategic governance while maintaining management oversight.

Background

Over time and without the benefit of a strong set of guidelines, a number of Policies have been created under the banner of "Council Policies" which are not of a governance nature but of an operational or procedural nature. This is the first stage of a major review of the Shire's Policy and Procedure management. It is vital that each policy is correctly realigned to the appropriate category. Once this step is completed, work can proceed in further reviewing these policies for currency and relevance.

ATTACHMENT 11.3

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Comment

The Policy/Standards Hierarchy outlined in the attachment to the Agenda Item show policies being classified for review and approval to demonstrate best practice in effective governance.

The realignment is in line with the implementation of Integrated Strategic Planning and will see existing Council and Management Policies classified into three main categories:

Governance Policies	These policies are based around Laws, Regulations and Requirements For Council to review and adopt – examples are Code of Conduct, Delegated Authority, Protocol & Procedures, Order of Business.
Organisational Policies	These policies are about the core direction of our organisation which has been set by Council. For Council to review and adopt – examples are Media Policy, Occupational Health & Safety, Risk Management.
Management Policies	These policies are about the day to day operational matters. For Executive Team to review and communicate – examples are Corporate Uniform, Use of Shire Vehicles, Training and Development.

Consultation

Chief Executive Officer
Executive Managers
Marg Hemsley - Consultant

Statutory Environment

Local Government Act (1995)
Occupational Safety and Health Act 1984
Equal Opportunity Act 1984

Financial Implications

Nil

Strategic Implications

Living Well – 10 Year Community Strategic Plan – Goal 5, Objective 3 – Provide a functional workplace and infrastructure.

Policy Implications

Current and future policies will be reviewed and / or adopted using the principles of the Policy / Standards Hierarchy diagram included in the Policy Content and Approval Matrix.

Voting Requirement

Simple Majority Required

Recommendation

That Council adopts the proposed Policy Content and Approval Matrix.

Author: Lisa Hannagan	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

11.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF AUGUST & SEPTEMBER 2012

FILE REFERENCE:	FI.RE.00.00
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 October 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:

August 2012

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

ATTACHMENT 11.4A

September 2012

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

ATTACHMENT 11.4B

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council receives the Financial Reports for August 2012 and Schedule of Accounts and Credit Card Statements for September 2012.

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

12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

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

FILE REFERENCE:	ON.BD.555
AUTHOR'S NAME AND POSITION:	Anika Serer Economic & Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Beston Parks Land Co Pty Ltd
DATE REPORT WRITTEN:	8 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.10 Ordinary Meeting of Council 20 June 2012 Agenda Item 13.6 Ordinary Meeting of Council 16 November 2011

Summary

The Shire has received an offer from Beston Parks Land Co Pty Ltd (trading as Discovery Holiday Parks) to purchase Lot 555 & Lot 556 at Beadon Creek Road, Onslow.

The land is owned freehold by the Shire and if the proposed purchase conditions are acceptable to Council, a business plan will be prepared for endorsement by Council and circulated publicly as required by the Local Government Act 1995.

Council endorsement of the proposed sale of land is recommended.

Background

The Shire of Ashburton is the owner of Lot 555 Beadon Creek Road (Volume 2704, Folio 19) and Lot 556 Beadon Creek Road (Volume 2704, Folio 20) located in Onslow. Both lots are vacant land zoned "Tourism" within the Onslow townsite and are undeveloped. Lot 555 has an area of 10,851 square metres, and was independently valued in February 2012 at \$2,150,000 (excl GST). Lot 556 has an area of 13,062 square metres and was independently valued in February 2012 at \$2,500,000 (excl GST).

**ATTACHMENT 12.1A
ATTACHMENT 12.1B**

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

These lots were acquired in December 2008 for \$360,000 from the Crown through an arrangement that resulted in the freeholding of the Beadon Bay Caravan Park.

Discovery Holiday Parks own and operate Beadon Bay Village, a caravan park and accommodation facility, on the adjoining site (lots 563 & 557) A Concept Plan for the upgrade and expansion of Beadon Bay Village was presented to Council at the Ordinary Meeting held on 20 June 2012 which included future expansion onto Lots 555 and 556.

ATTACHMENT 12.1C

Comment

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

ATTACHMENT 12.1D

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 –

- (a) Its expected effect on the provision of facilities and services by the local government;
- (b) Its expected effect on other persons providing facilities and services in the district;
- (c) Its expected financial effect on the local government;
- (d) Its expected effect on matters referred to in the local government's forward plan;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection

The business plan is to be issued 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 website and placed on Shire notice boards, with a copy of the business plan available for inspection at the Tom Price Shire Office, Paraburdoo Library and Onslow Shire Office.

A business plan concerning the proposed sale of Lot 555 & Lot 556 Beadon Creek Road to Best Parks Land Co Pty Ltd has been prepared and is attached for Council's endorsement pending approval of the terms of Offer to Purchase. Following the expiration of the 6 week public advertising period Council is to consider any submissions received and may decide (by absolute majority) to proceed with the undertaking or transaction as proposed, or with an amended proposal if it is not significantly different from the original proposal.

ATTACHMENT 12.1E

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In summary, the Offer remains open for acceptance by Council until such time as Council has satisfied the requirements of Section 3.59 of the Local Government Act 1995 (ie business plan is issued for public comment and submissions considered) and resolved to accept the Offer. Upon acceptance of the Offer, the transaction is subject to the following conditions:

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 (the interest to be accrued to the buyer)
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)

Consultation

Chief Executive Officer

Shire President

Executive Manager, Strategic and Economic Development

Haynes Robinson Lawyers - Peter Kyle

Statutory Environment

Local Government Act 1995 – Section 3.58 “ Disposing of Property”

Local Government Act 1995 – Section 3.59 “Commercial Enterprises by Local Government”

Financial Implications

Council will receive a net return of \$4,117,000 for investment into the Councils Infrastructure Reserve. The land is undeveloped and whilst a significant asset of Council no income is generated by it. Not only will council receive the sale income if the sale was to proceed, the development will also incur rates.

Strategic Implications

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

- Economic Prosperity
- Vibrant and Active Communities
- Distinctive and Well Serviced places

“This item, will impact on these three key result areas for Council. If the sale was successful the proposed development will impact positively and most significantly on the economic prosperity and diversity of the community of Onslow. The investment of the net profit will also see Council in a position to facilitate many of the infrastructure projects that require Council's investment in order to leverage further funding from other funding providers.”

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Endorse the Offer to Purchase Lot 555 & Lot 556 Beadon Bay Road, Onslow by Beston Parks Land Co Pty Ltd and instruct the Chief Executive Officer to fulfill the requirements of Section 3.59 of the Local Government Act 1995 by publishing the business plan for public submission for a period of 6 weeks; and
2. Consider any public submissions received in response to the business plan at the conclusion of the advertising period 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.

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

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

12.2 CONCEPT DESIGN FOR PROPOSED SUBDIVISION AT ONSLOW AERODROME

FILE REFERENCE:	ON.OA.16
AUTHOR'S NAME AND POSITION:	Anika Serer Economic & Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	8 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 13.03.15 Ordinary Meeting of Council 16 March 2011

Summary

As part of the Onslow Aerodrome Redevelopment Project, and to address the shortage of appropriate land available in Onslow for business purposes, it is proposed to undertake a subdivision at Lot 16 Onslow Road, Onslow (current aerodrome site). The land is owned by the Shire and will enable the release of approximately 80 lots, the proceeds of which will fund other community and infrastructure projects. Endorsement of the concept plan of the overall subdivision and proposed staged development is sought to enable the necessary applications to Western Australian Planning Commission (WAPC) and other regulatory authorities for subdivision approval.

Background

Lot 16 Onslow Road, Onslow Lot 16 Mount Stuart-Onslow Road is located on over 520 hectares of land, approximately 4 kilometres from the Onslow town centre.

The Onslow Airport is located on this site and has an operating runway but no formal terminal facilities. Minor development is constructed on the western side of Lot 16 and consists of three general aviation sheds and fuel supply. There is also a dilapidated house which is earmarked for demolition. The land to the east and north is low-lying and not suitable for development.

The Onslow Aerodrome Redevelopment Project has now commenced which will provide a new 1900 metre airstrip capable of handling F100 jets, terminal, fuel and airside facilities and carparking with the intention of supporting Regular Passenger Transport (RPT). The land to the west of the aerodrome has the potential to not only provide lots for businesses to service the aerodrome (eg air freight, logistics, car hire) but also meet the needs of other local and new businesses requiring appropriate land.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

The lot is currently zoned 'Public Purposes – Airport' however proposed Amendment 15 to the Shire of Ashburton Town Planning Scheme No 7 seeks to change the land in the north-western sector to 'Mixed Business'. The amendment was endorsed by Council at the Ordinary Meeting held on 16 March 2011 and is currently being referred to the EPA for assessment. This area forms Stage 1 of the proposed subdivision.

Comment

The concept design for the overall subdivision provides for a yield of approximately 80 lots zoned 'Mixed Business'. A staged approach to the subdivision is recommended to enable the first release of approximately 40 lots to the public and airport service providers as quickly as possible. Stage 2 would follow around 12-18 months later and encompass the area to the south of Stage 1 (subject to gazettal of proposed Amendment 16 to the Town Planning Scheme to change zoning to 'Mixed Business'). A later stage, if appropriate, may enable the release of another 6 – 8 lots pending the realignment of Onslow Road for the new entry to town.

ATTACHMENT 12.2

The design provides for a range of lot sizes and has been informed by an Expression of Interest process undertaken in 2011 to obtain information from potential buyers for proposed land uses. Special consideration has been given to the need for haulage access roads, entry from Onslow Road and interface with the aerodrome. The design does require further refinement to address restrictions imposed by aerodrome operations, location of utilities such as transformers, etc but provides an overview of the intention for the development.

The design for Stage 1 must be submitted to West Australian Planning Commission (WAPC) for review, who will also provide it to local government and public utility providers (Horizon Power & Water Corporation) for comment on the availability of services to the subdivision and other impacts. The approval process takes approximately 90 days and will inform the conditions that must be complied with to undertake the subdivision (or if it can be undertaken at all). Once this has been completed, engineering designs can be prepared and the cost of each stage of development can be estimated.

Upon approval from WAPC and completion of engineering designs, a Business Plan will be presented to Council outlining the expected cost of development, profit and proposed method of disposal of new lots along with relevant timelines. The Business Plan is required in accordance with Section 3.59 of the Local Government Act 1995 ("Commercial Enterprises by Local Government") as the subdivision work will be part of a 'major land transaction' where the eventual disposal will be worth more than \$2 million. The Business Plan will need to be endorsed by Council and then advertised for a period of not less than 6 weeks for public submissions before the works can commence.

Consultation

Principal Town Planner
The Planning Group (Consultants)
Whelans
David Wills & Associates

Statutory Environment

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

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Financial Implications

Financial implications of the cost and expected profits from the subdivision will be addressed in the proposed Business Plan

Costs associated with the design of the subdivision and application fees (approx \$20,000) have been allocated in the 2012/13 budget

Strategic Implications

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

Goal 02 'Enduring Partnerships': Objective 01 'Strong Local Economies': Facilitate timely release of land to support the local economy

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

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

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

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12.3 SHIRE OF ASHBURTON LAND AND PROPERTY STRATEGY

FILE REFERENCE:	PS.PS.1
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Nil
DATE REPORT WRITTEN:	5 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Nil

Summary

A number of Councillors have requested information on the land and property holdings of the Shire. The Strategic and Economic Development Department has undertaken to complete a Shire of Ashburton Land and Property Strategy. The Strategy is intended to be a broad policy document that will facilitate and manage change, growth and development within the Shire of Ashburton over the next 25 years. This Agenda item is very preliminary and is intended to inform Council of the process and the most recent land tenure listing only.

Background

Council has a substantial land and property portfolio comprising community, operational and commercial properties with a value in excess of \$80 million. As stewards of this significant property portfolio, Council has a duty to manage its property effectively on behalf of the community.

The Strategic and Economic Development Department would like to commission a review of Council's property management practices and assist Council in the development of a Land and Property Strategy.

It is proposed that the following questions be answered –

- What benefit do we want the land and property portfolio to deliver to the community?
- How do we best develop the portfolio over time to maximise the community benefit?
- Is land and property being used as a Strategic resource?

ATTACHMENT 12.3A
ATTACHMENT 12.3B
ATTACHMENT 12.3C
ATTACHMENT 12.3D
ATTACHMENT 12.3E
ATTACHMENT 12.3F

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Comment

Given the scale of Council's property assets, buying and managing property is an integral part of the functions of Council and involves a large allocation of money and resources. Good management of all types of property within the Shire of Ashburton is just as important as the management of other resources. For the effective, efficient and economic delivery of services, Council must make the best use of its property.

It is important to note that Council's land and property portfolio consists of freehold, leasehold and management order holdings.

Most land is used for various municipal purposes including, offices, libraries, daycare, drainage reserves, road reserves, foreshores, ovals and car parks to name a few.

Because stewardship of public money is involved, there is a particular responsibility on Council to approach property dealings in a more strategic manner, involving the following elements:

- Economic Stimulation
- Making the right choices – are we buying/ selling the right property for the right purpose at the right time and price?
- Evaluating alternatives, including non-property outcomes
- Good stewardship – are we managing our property as well as we can?
- Efficient use of public money and assets
- Transparency and accountability
- Anticipating the future – if we don't know where we are going, how will we know when we get there?
- Managing resources – is the land and property we have matched to current and future needs?
- Achieving a vision – how does land and property support our strategic policy goals?

Commitment to providing value for money services to the community is of primary importance and a fit for purpose land and property portfolio is fundamental to the delivery of services.

More broadly, Council has a duty to provide for the social, economic, environmental and cultural wellbeing of its community. This means, among other things, ensuring that property decisions and development contribute to the betterment of the community. In some cases, the only way to achieve this is through strategic ownership.

Within this context, it is important that the Council regularly reviews its approach to Land and Property management. The Property Strategy is:

- Forward looking
- Develops a coordinated strategic approach to the use of Council owned or controlled property
- Helps in the assessment of how property can meet the existing and emerging community needs and in its contribution to Council's quadruple bottom line.

Consultation

Land Development Manager
Project Support Officer

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Department of Regional Development and Lands

Statutory Environment

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

Financial Implications

Nil at this stage – information only

Strategic Implications

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

Goal 02 'Enduring Partnerships': Objective 01 'Strong Local Economies': Facilitate timely release of land to support the local economy

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Accept the report and endorse the Strategic and Economic development departments plan to undertake a Land and Property Strategy.
2. Further endorse the decision of Council in the 2012/ 2013 budget process to sell Lot 307 First Ave and Lot 578 Hedditch Street for the development of staff accommodation at Second Avenue.

Author: Amanda O'Halloran	Signature:
Manager: Jeff Breen	Signature:

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12.4 SKYWEST TERMINAL LEASE

FILE REFERENCE:	TR.AT.01.01
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Nil
DATE REPORT WRITTEN:	5 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Nil

Summary

Skywest Airlines (Australia) Pty Ltd has requested to utilize a portion of the Onslow temporary terminal for their airline operations out of Onslow. In accordance with Section 3.58 of the Local Government Act 1995 the proposal has been advertised for public submissions for a period of 14 days. No submissions have been received and endorsement from Council is now sought to proceed with executing a License.

Background

Onslow is undergoing considerable change and development with the construction of the Wheatstone LNG and the Macedon Domestic Gas plants underway. Skywest is currently supplying Charter Services to both Macedon and Wheatstone Construction Crews.

Skywest is requesting terminal space to support its operations and ticketing capacity. Skywest has agreements direct with the Resource companies and therefore requires a License in order to provide adequate arrival and departure services.

The Shire maintains two temporary (donga-style) terminals at the airport which Skywest is seeking permission to use.

Comment

The proposed Licence to Skywest Airlines (Australia) Pty Ltd is in accordance general Licence conditions and provides the following:

- Lease a portion of the Onslow aerodrome temporary terminal to Skywest Airlines Pty Ltd for airline check in and passenger processing services.
- The term of the License is 10 months
- Proposed License Fee is \$650.00 per week (inclusive of power and cleaning), paid a month in advance.

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A copy of the proposed Licence is attached.

ATTACHMENT 12.4

As per the conditions of the Local Government Act 1995 S3.58 "Disposing of Property", Council advertised a "Notice of Proposed Disposition of Land" on 21 September 2012 with a 14 day submission timeframe. This notice was also advertised Shire wide on Notice Boards.

No submissions were received.

Consultation

Land Development Manager
Aerodrome Services Project Manager
Business Development Executive Skywest Airlines

Statutory Environment

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

Financial Implications

The total value of the License is likely to net Council \$ 19,000.00.

Strategic Implications

'Living Life' Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:
Goal 02 'Economic Prosperity': Objective 01 'Strong Local Economies': Facilitate timely release of land to support the local economy.

Voting Requirement

Absolute Majority Required

Recommendation

That Council endorses the proposed Licence to Skywest Airlines (Australia) Pty Ltd as provided in this report and authorizes the Chief Executive Officer to execute the agreement on the Shire's behalf.

Author: Amanda O'Halloran	Signature:
Manager: Jeff Breen	Signature:

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13. TECHNICAL SERVICES REPORTS

13.1 PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION AT MINING TENEMENT M08/273 OFF NORTH WEST COASTAL HIGHWAY AND ONSLOW ROAD, CANE RIVER (80KM NORTH WEST OF ONSLOW).

FILE REFERENCE:	RD.MI.00.00 20120632
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Greg Rowe & Associates
DATE REPORT WRITTEN:	5 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire is in receipt of an Application for Planning Approval for a 56 person transient workers accommodation facility on Mining Tenement M08/273 (off North West Coastal Highway and Onslow Road, Cane River some 80km north west of Onslow). This proposal essentially is a temporary facility (for 5 years) to service the extractive activities on the site. Access is proposed from North West Coastal Highway and Onslow Road.

It is understood that Onslow Metals quarry operators has entered into an agreement with SJ Crushing Pty Ltd to commence and operate a basalt quarry to supply crushed materials to the Wheatstone LNG Project.

Chevron Australia (as proponent for the Wheatstone LNG Project) prepared a Workforce Management Plan and has an agreement with the Shire that Chevron is responsible for providing accommodation for their "... *own direct construction employees, along with their contractors, subcontractors and authorised visitors.*"

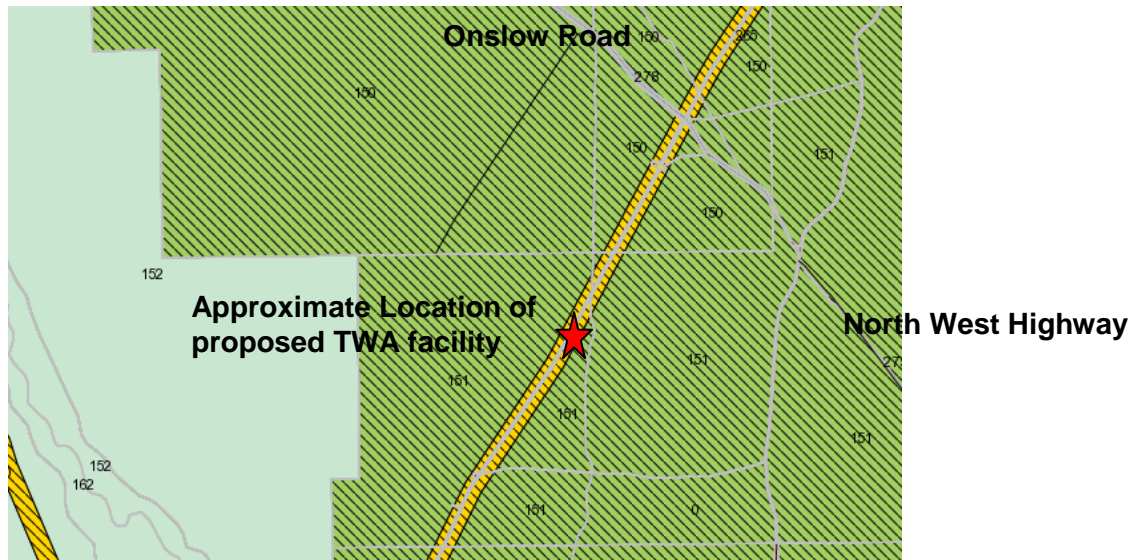
Under this arrangement, Council could seek to ensure that the accommodation associated with the quarry operations be housed at the Ashburton North Strategic Industrial Area (ANSIA). However, accommodation is directly associated with the quarry and reasonably remote from the ANSIA and Onslow.

The proposal has been assessed against the provisions of the Scheme and Local Planning Policy "Transient Workforce Accommodation". Subject to conditions associated with limiting the time of occupation and fire safety, it is recommended that Planning Approval issue.

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Proposal

The Shire is in receipt of an Application for Planning Approval for a 56 person transient workers accommodation facility on Mining Tenement M08/273 (off North West Coastal Highway and Onslow Road, Cane River some 80km north west of Onslow). This proposal essentially is a temporary facility (for 5 years) to service the extractive activities on the site. Access is proposed from North West Coastal Highway and Onslow Road.



It is understood that Onslow Metals quarry operators has entered into an agreement with SJ Crushing Pty Ltd to commence and operate a basalt quarry to supply crushed materials to the Wheatstone LNG Project. The transient workforce accommodation proposal is outlined below.

- 14 accommodation 'pods', each consisting of four (4) single bedroom units with en suite bathroom (equating to 56 units in total)
- A kitchen/diner
- A gym/recreation room
- A gazebo
- Two (2) laundry units
- An ice room
- Large vehicle and delivery car parking areas

ATTACHMENT 13.1

With respect to access, SJ Crushing advises as follows:

“ Access is proposed via Onslow Road and Gazetted Road 7912. We do have access to North West Coastal Highway at present as we have an agreement with Dampier Bunbury Gas Pipeline people to use their road MLV22 that intersects Gazetted road 7912 which then intersects our Misc Licence.”

Background

The Ashburton North Strategic Industrial Area (ANSIA) Structure Plan (adopted by the Shire on 5 October 2011) includes the following condition:

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“Housing of Employees, Contractors, Subcontractors and Itinerant Workers

Proponents within the ANSIA will be totally responsible for housing their own direct construction employees, along with their contractors, subcontractors and authorised visitors who have direct involvement with their respective proposals. This will be addressed and demonstrated in Development Plan(s) and in a Workforce Management Plan (WMP). A condition of any Planning Approval(s) will require that prior to the commencement of development the proponent will enter into binding legal agreements to enforce the above restrictions.”

Chevron Australia prepared a Workforce Management Plan (endorsed by Council at its meeting of 20 June 2012) and has an agreement with the Shire that Chevron is responsible for providing accommodation for their “... own direct construction employees, along with their contractors, subcontractors and authorised visitors.”

The Workforce Management Plan and agreement is directly related to the Application before Council.

Comment

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

The land is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Conservation, Recreation and Nature Landscape' and planning approval is required from the Shire for the 'transient workforce accommodation'.

The following clauses provided for in the Scheme are relevant:

- Clause 2.1 Local Planning Policies
- Clause 3.1 (Reserve) Categories
- Clause 3.2 Use and Development of Reserves
- Clause 5.1 Requirement for Planning Approval
- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application

Reserved Land:

The Scheme provision relevant to 'reserves' is as follows:

“Use and Development of Reserves

- 3.2.1 *A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.*
- 3.2.2 *Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.*

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- 3.2.3 *The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.*
- 3.2.4 *The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve.*
- 3.2.5 *The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.*
- 3.2.6 *The Local Government may prepare or require to be prepared an assessment of environmental values of the “Conservation, Recreation and Natural Landscapes” reserves prior to considering a planning application on this reserve.*
- 3.2.7 *In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.”*

In this regard, the Shire would normally refer the Application to the Department of Environment and Conservation (DEC), however the Applicant provided the Shire with Works Approval from the DEC dated 10 May 2012 for the quarry project and in this regard, referral to the DEC was not considered to be necessary. No other referrals were undertaken by the Shire.

Clause 5.9 Matters to be Considered

Matters considered relevant to the application are as follows:

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

- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,
- (j) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (l) the compatibility of a use or development with its setting;
- (m) any social issues that have an effect on the amenity of the locality;
- (u) the potential loss of any community service or benefit resulting from the planning approval;

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- (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.

Under the Scheme, the proposal is primarily defined as 'Transient Workforce Accommodation' which means:

"... dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas".

Clause 6.9 'Transient Workforce Accommodation' applies when considering the Application:

"6.9.1 All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.

6.9.2 Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning Codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.

6.9.3 Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the site.

6.9.4 Local Government may require, by signed agreement, a commitment to the date and details of rehabilitation and conversion the subject of subclause 6.9.3."

A 'Transient Workforce Accommodation' is a permissible use within the 'Conservation, Recreation and Nature Landscape' reservation.

Local Planning Policy - Transient Workforce Accommodation

The proposal has been assessed against the provisions of the Scheme and "Local Planning Policy - Transient Workforce Accommodation" where the Policy States:

"TYPE B Camps ... are more remote from existing urban or resident populations, typically on land zoned rural or pastoral uses. These camps include exploration and fly camps, remote construction camps and remote operational villages. By their nature and location, these camps operate largely independently of existing permanent urban settlements."

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The closest definition of the proposal under the Policy would be a Type B camp.

“4.5 Location of Camps

4.5.1 The particular location of any proposed camp is at the discretion of the Shire and will depend on the capability, suitability and appropriateness of the site for the proposal. The Shire does not support transient workforce accommodation camps located:

- in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction;*
- adjacent to recognised tourist routes, unless suitably screened or designed for permanent use;*
- within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones:*
 - Rural Residential;*
 - Industrial and Mixed Business/Development;*
 - Industry; or*
 - Mixed Business.*

4.6 Density of Development

4.6.2 Type B camps shall provide the necessary number of accommodation rooms associated with the relevant operation.

4.6.3 The overall density of development of the camp should not exceed 100 persons per hectare.

4.6.4 The Shire may consider variations to the above requirements, subject to the proponent providing adequate justification for the proposed variation(s) to the satisfaction of the Shire.”

“4.16 Emergency Services, Fire, First Aid

4.16.2 Type B camps will be required to make adequate provisions for emergency fire services, including fire breaks, fire fighting equipment and water supplies in accordance with the relevant legislation.

4.16.3 The Shire will require that the proponent prepare emergency fire and cyclone procedures plan.

4.16.4 The proponent will be required to make suitable provisions for first aid facilities in accordance with Health Department regulations.

4.16.5 All emergency services shall be adequately marked and located to ensure emergency vehicle access.”

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In addressing the Application against the Policy, the following comparisons can be made:

Policy Provisions	Application	Comment
Is the Application in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction?	The TWA development site is approximately 12 km west of the North West Highway and 21 km south of Onslow Road. Onslow is located approximately 80 km to the northwest of the subject site.	The development is unlikely to detract from the visual attraction of the locality.
Is the Application adjacent to recognised tourist routes, unless suitably screened or designed for permanent use?	Onslow Road and North West Highway are recognised tourist routes.	The distance of the development from Onslow Road and North West Highway will ensure that it will not be visible from either roads.
Is the Application within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones: <ul style="list-style-type: none"> • Rural Residential; • Industrial and mixed Business/Development • Industry; or • Mixed Business. 	TWA development site is located within the Cane River Conservation Park.	Although located within the Cane River Conservation Park, the DEC has issued Works Approval for the quarry operations.

The proposal has been assessed against the provisions of the Scheme and *Local Planning Policy "Transient Workforce Accommodation."* The area of possible non-compliance with the *Policy* relates to addressing bushfire, cyclone and emergency management which can be addressed as a condition of any planning approval.

Conclusions

Under arrangements with Chevron Australia, Council could seek to ensure that the accommodation associated with the quarry operations should be housed at the Ashburton North Strategic Industrial Area (ANSIA). However, accommodation is directly associated with the quarry and reasonably remote from both the ANSIA and Onslow.

With respect to Clause 6.9.4 of the Scheme and the opportunity for Council to require an agreement with the operator to cease operations and rehabilitate the land, it is considered that this is a relatively minor proposal and something more appropriate as part of the normal Mining Lease arrangements with the State Government

Subject to conditions associated with limiting the time of occupation and fire safety, it is recommended that Planning Approval issue.

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Consultation

Chief Executive Officer
A/Executive Manager Technical Services

Due to the remoteness of the land, the Application was not advertised.

Statutory Environment

Shire of Ashburton Local Planning Scheme No.7.

Financial Implications

The Shire is able to recoup costs associated with this process from the proponent.

Strategic Implications

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

Policy Implications

Local Planning Policy-Transient Workforce Accommodation.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Approve the Planning Application for a 56 person transient workers accommodation facility on Mining Tenement M08/273 (off North West Coastal Highway and Onslow Road, Cane River some 80km north west of Onslow), Shire of Ashburton in accordance with the endorsed plans, subject to the following conditions:
 1. This Planning Approval lapses if the development is not substantially commenced by 17 October 2013.
 2. The transient workers accommodation facility and associated structure shall cease by 17 October 2017 or other period as agreed by the Chief Executive Officer and the structures be removed on or before 17 October 2017.
 3. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy – "*Transient Workforce Accommodation*", the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
 4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the Shire and when endorsed by the responsible authority shall become the amended plans. The matters shall include the preparation of a:

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- a) bushfire management plan;
- b) cyclone warning and evacuation plan;
- c) storm water management plan showing details of the drainage layout, direction, invert levels, grade size and the locations of any pits;
- d) mosquito management; and
- e) comprehensive effluent disposal plan.

The requirements of these plans are to be observed at all times and all works identified are to be constructed/established prior to occupation.

5. The use when established shall at all times comply with the definition of "transient workforce accommodation" as contained within Town Planning Scheme No. 7, as follows:

"...dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas."

Advise the applicant as follows:

- i. In relation to Conditions 4 (a and b), it is recommended that prior to the submission of the Fire Management Plan the Applicant discuss the proposal with FESA.
- ii. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Permit.
- iii. Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- iv. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage 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>.

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- v. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- vi. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or on <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

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13.2 RETROSPECTIVE PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION AT MINING TENEMENT M47/1462 BINGARN ROAD, TOM PRICE.

FILE REFERENCE:	RD.MI.01.00 20120644
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Greg Rowe and Associates
DATE REPORT WRITTEN:	5 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire is in receipt of a retrospective Application for Planning Approval for a 14 person transient workers accommodation facility on Mining Tenement M47/1462 Bingarn Road, Tom Price (approximately 10 km north of Tom Price). This proposal essentially is a temporary facility (for 5 years) to service the extractive activities on the site. It is understood that the facility has been in operation for over 6 months.

The proposal has been assessed against the provisions of the Scheme and Local Planning Policy "Transient Workforce Accommodation". Subject to conditions associated with limiting the time of occupation and bush fire safety, it is recommended that Planning Approval be issued.

Background

The Shire is in receipt of a retrospective Application for Planning Approval for a 14 person transient workers accommodation facility on Mining Tenement M47/1462 Bingarn Road, Tom Price (approximately 10 km north of Tom Price). This proposal essentially is a temporary facility (for 5 years) to service the extractive activities on the site. The subject site is approximately 10 km north of Tom Price along Bingarn Road and adjacent to the Paraburdoo - Dampier railway line.

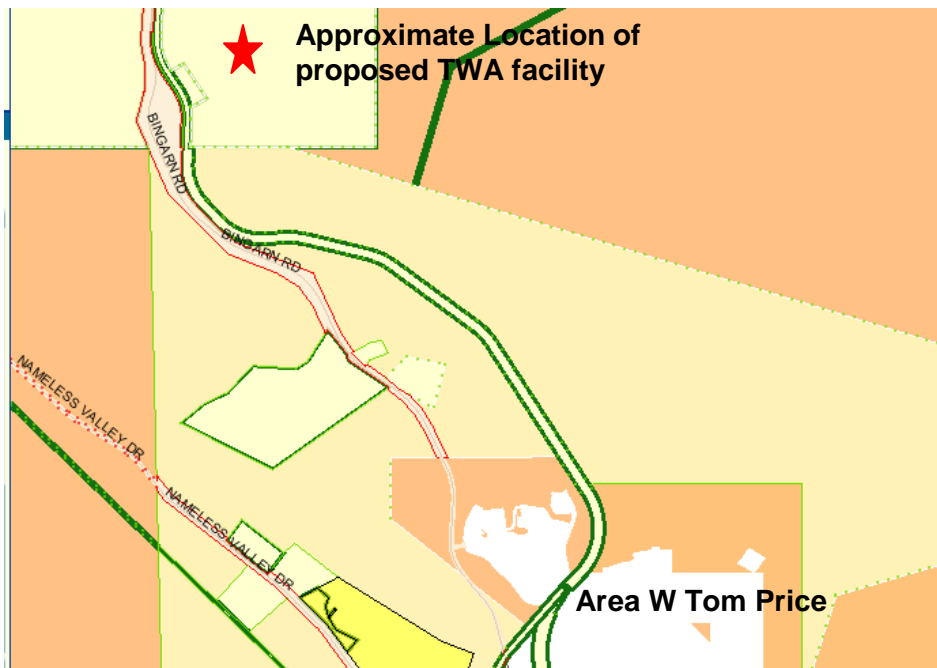
The transient workforce accommodation proposal consists of the following:

- 6 single bedroom accommodation units
- 8 single bedroom accommodation units with en suite bathroom
- A shower block/laundry facility
- A kitchen/diner (mess room)
- A gazebo
- Large vehicle and delivery car parking areas
- An office
- 3 workshops with an associated toilet facility

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It is understood that the facility has been in operation for over 6 months.

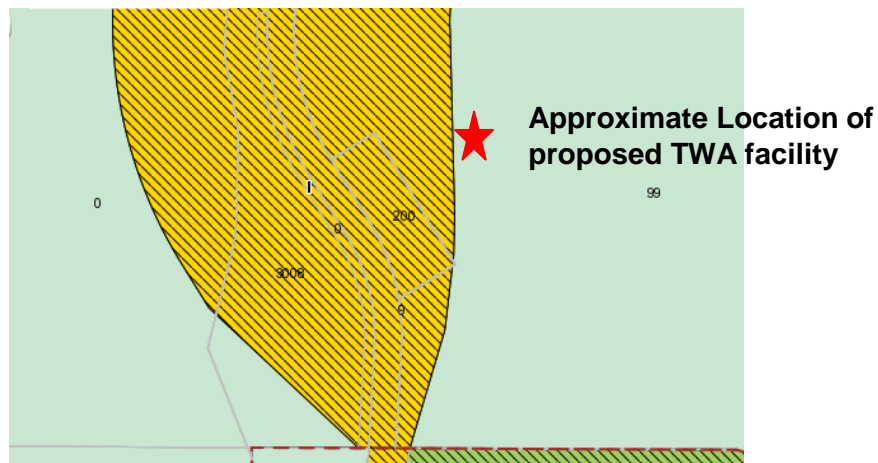
ATTACHMENT 13.2



Comment

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

The land is part zoned 'Rural' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and reserved as 'Public Purposes-Other' and planning approval is required from the Shire for the 'transient workforce accommodation'.



The following clauses provided for in the Scheme are relevant:

- Clause 2.1 Local Planning Policies
- Clause 3.1 (Reserve) Categories
- Clause 3.2 Use and Development of Reserves
- Clause 4.2 Zoning Table
- Clause 5.1 Requirement for Planning Approval
- Clause 5.4 Unauthorised Existing Development

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- Clause 5.7 Advertising of Applications
- Clause 5.8 Consultation with Other Authorities
- Clause 5.9 Matters to be Considered
- Clause 5.10 Determination of Application

Reserved Land:

The Scheme provision relevant to 'reserves' is as follows:

"Use and Development of Reserves

- 3.2.1 *A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.*
- 3.2.2 *Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.*
- 3.2.3 *The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.*
- 3.2.4 *The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve.*

In this regard, it is not clear which State agency would be responsible for the reserved land but given the site has been through the works approval and statutory referral process under the Mining Act, it is considered that referral under Clause 3.2.2 is not necessary. No other referrals were undertaken by the Shire.

Clause 5.9 Matters to be Considered

Matters considered relevant to the application are as follows:

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

- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,
- (j) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (l) the compatibility of a use or development with its setting;

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- (m) any social issues that have an effect on the amenity of the locality;
- (u) the potential loss of any community service or benefit resulting from the planning approval;
- (v) any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6, and
- (w) any relevant submissions or objections received or sought on the application;
- (x) any other planning consideration that Local Government considers relevant.

Under the Scheme, the proposal is primarily defined as 'Transient Workforce Accommodation' which means:

"... dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas".

Clause 6.9 'Transient Workforce Accommodation' applies when considering the Application:

- "6.9.1 All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.*
- 6.9.2 Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning Codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.*
- 6.9.3 Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the site.*
- 6.9.4 Local Government may require, by signed agreement, a commitment to the date and details of rehabilitation and conversion the subject of subclause 6.9.3."*

A 'Transient Workforce Accommodation' is a permissible use within the 'Rural zone' and the 'Public Purposes-Other' reservation.

Local Planning Policy - Transient Workforce Accommodation

The proposal has been assessed against the provisions of the Scheme and "Local Planning Policy - Transient Workforce Accommodation" where the Policy States:

"TYPE B Camps ... are more remote from existing urban or resident populations, typically on land zoned rural or pastoral uses. These camps include exploration and fly camps, remote construction camps and remote operational villages. By

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their nature and location, these camps operate largely independently of existing permanent urban settlements.”

The closest definition of the proposal under the Policy would be a Type B camp.

“4.5 Location of Camps

4.5.1 The particular location of any proposed camp is at the discretion of the Shire and will depend on the capability, suitability and appropriateness of the site for the proposal. The Shire does not support transient workforce accommodation camps located:

- in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction;*
- adjacent to recognised tourist routes, unless suitably screened or designed for permanent use;*
- within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones:*
 - Rural Residential;*
 - Industrial and Mixed Business/Development;*
 - Industry; or*
 - Mixed Business.*

4.6 Density of Development

4.6.2 Type B camps shall provide the necessary number of accommodation rooms associated with the relevant operation.

4.6.3 The overall density of development of the camp should not exceed 100 persons per hectare.

4.6.4 The Shire may consider variations to the above requirements, subject to the proponent providing adequate justification for the proposed variation(s) to the satisfaction of the Shire.”

“4.16 Emergency Services, Fire, First Aid

4.16.2 Type B camps will be required to make adequate provisions for emergency fire services, including fire breaks, fire fighting equipment and water supplies in accordance with the relevant legislation.

4.16.3 The Shire will require that the proponent prepare emergency fire and cyclone procedures plan.

4.16.4 The proponent will be required to make suitable provisions for first aid facilities in accordance with Health Department regulations.

4.16.5 All emergency services shall be adequately marked and located to ensure emergency vehicle access.”

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In addressing the Application against the Policy, the following comparisons can be made:

Policy Provisions	Application	Comment
Is the Application in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction?	The TWA development site is approximately 10 km north of Tom Price and approximately 500m from Bingarn Road (separated by the rail line).	The development is unlikely to detract from the visual attraction of the locality.
Is the Application adjacent to recognised tourist routes, unless suitably screened or designed for permanent use?	Due to the mining activities in the locality, Bingarn Road would not normally be regarded as a 'recognised' tourist route.	The distance of the development from Bingarn Road will ensure that it will not be visible from either roads.
Is the Application within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones: <ul style="list-style-type: none"> • Rural Residential; • Industrial and mixed Business/Development • Industry; or • Mixed Business. 	The site is approximately 3.5km from the Shire's tip.	The proposal is unlikely to be affected by any sensitive land uses.

The proposal has been assessed against the provisions of the Scheme and *Local Planning Policy "Transient Workforce Accommodation"*. The area of possible non-compliance with the *Policy* relates to addressing bushfire management which can be addressed as a condition of any planning approval.

As the proposal is retrospective and the need for bushfire management to be immediately addressed, it is appropriate that a time limit of 30 days be placed on the preparation of a 'bushfire management plan' and 21 days to implement it.

Conclusions

With respect to Clause 6.9.4 of the Scheme and the opportunity for Council to require an agreement with the operator to cease operations and rehabilitate the land, it is considered that this is a relatively minor proposal and something more appropriate as part of the normal Mining Lease arrangements with the State Government

Subject to conditions associated with limiting the time of occupation and fire safety, it is recommended that Planning Approval issue.

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Consultation

Chief Executive Officer
A/Executive Manager Technical Services

Due to the remoteness of the land, the Application was not advertised.

Statutory Environment

Shire of Ashburton Local Planning Scheme No.7.

Financial Implications

The Shire is able to recoup costs associated with this process from the proponent.

Strategic Implications

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

Policy Implications

“Local Planning Policy-Transient Workforce Accommodation.”

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Approve the retrospective Application for Planning Approval for a 14 person transient workers accommodation facility on Mining Tenement M47/1462 Bingarn Road, Tom Price (approximately 10 km north of Tom Price), Shire of Ashburton in accordance with the endorsed plans, subject to the following conditions:
 1. This Planning Approval lapses if the development is not substantially commenced by 17 October 2013.
 2. The transient workers accommodation facility and associated structure shall cease by 17 October 2017 or other period as agreed by the Chief Executive Officer and the structures be removed on or before 17 October 2017.
 3. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy – "Transient Workforce Accommodation", the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
 4. Within 30 days from the date of this Planning Approval, a bushfire management plan shall be submitted to the requirements and approval of the Shire and when endorsed by the responsible authority shall become the amended plans. The requirements of the endorsed plan is to be undertaken not less than 21 days from the date of endorsement and shall be observed at all times.
 5. The use when established shall at all times comply with the definition of "transient workforce accommodation" as contained within Town Planning Scheme No. 7, as follows:

"...dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas."

Advise the applicant as follows:

- i. In relation to Condition 4, it is recommended that prior to the submission of the Fire Management Plan the Applicant discuss the proposal with FESA.
- ii. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building Permit.
- iii. Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- iv. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations

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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>.

- v. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- vi. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or on <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

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13.3 OBJECTION TO MISCELLANEOUS LICENCE 08/77 APPLICATION MADE BY QUARRY PARK PTY LTD AT THE ASHBURTON RIVER, ASHBURTON NORTH.

FILE REFERENCE:	RD.MI.00.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire is in receipt of an application under the Mining Act 1978 for a 'Miscellaneous Licence 08/77' on land generally located at the Ashburton River and its environs and lacks any detailed information on what is specifically proposed. However the Shire understands that the Applicant (Quarry Park Pty Ltd) is seeking to establish a new port facility with direct access and use of the Ashburton River. Quarry Park Pty Ltd would store and ultimately ship aggregate and stone material from its various mining and quarry activities in the region from the port facility.

The Shire has lodged an objection to the Application with Wardens Court and the matter has initially been heard in order to establish the details of the objection and Applicant's response. Shire representatives have also informally met with the Applicant to express the concerns of the Shire to the Application. The Shire's objection is largely based on the inappropriate use of the Ashburton River and environs for a port, the environmental implications of such a proposal and the alienation of the community to the locality. A date of a formal hearing is yet to be determined.

In addition to the above, State Land Services has sought the views of the Shire with respect to the Miscellaneous Licence 08/77. This referral is an important step as up until now, the Shire has been solely responsible in addressing the implications of approving the Miscellaneous Licence 08/77. This has resulted in significant time and financial costs to the Shire. From discussions with officers from State agencies, it is anticipated that the Department of State Development, Department of Mines and Petroleum and Department of Transport will also not support the Application.

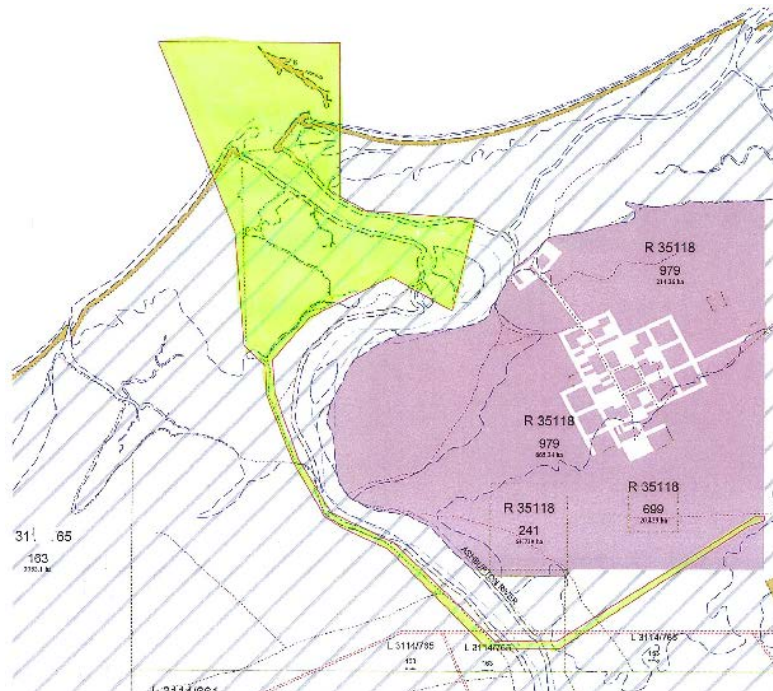
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However, the Shire understands that irrespective of Shire and agency objections, the matter will still need to be heard by the Wardens Court. The Shire will continue to follow objection through the Wardens Court process until such time the Application is withdrawn or the State advises the Court of its opposition to Miscellaneous Licence 08/77.

It is recommended that Council endorse the Shire's objection to Miscellaneous Licence 08/77 and request the Chief Executive Officer to monitor the position of State agencies to the application with a view to withdraw the matter from the Wardens Court when it is appropriate to do so. In addition, it is considered appropriate for Council to notify State Land Services of Council's opposition to Miscellaneous Licence 08/77.

Background

The Shire is in receipt of an application under the Mining Act 1978 for a 'Miscellaneous Licence' on land generally located at the Ashburton River and its environs. The 'Miscellaneous Licence' is referenced as 08/77 and lacks any detailed information on what is specifically proposed. However the Shire understands that the Applicant (Quarry Park Pty Ltd) is seeking to establish a new port facility with direct access and use of the Ashburton River. Quarry Park Pty Ltd would store and ultimately ship aggregate and stone material from its various mining and quarry activities in the region from the port facility.



The Shire has lodged an objection to the Application with Wardens Court and the matter has initially been heard in order to establish the details of the objection and Applicant's response. Shire representatives have also informally met with the Applicant to express the concerns of the Shire the Application. A date of a formal hearing is yet to be determined.

In addition to the above, State Land Services has sought the views of the Shire with respect to the proposal.

ATTACHMENT 13.3

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Comment

The State Lands referral is an important step as up until now, the Shire has been solely responsible in addressing the implications of approving the Miscellaneous Licence 08/77. This has resulted in significant time and financial costs to the Shire. From discussions with officers from State agencies, it is anticipated that the Department of State Development, DMP and DOT will also not support the Application.

The Shire's objection is largely based on the inappropriate use of the Ashburton River and environs for a port, the environmental implications of such a proposal and the alienation of the community to the locality. Various documents have been exchanged with the Shire's solicitor and the Applicant's legal representatives however the grounds for the Shire's position can be summarised as follows:

- 1) *Shire of Ashburton Local Planning Scheme No 7 (TPS7) and Western Australian Planning Commission's State Planning Policies (SPP)*
 - a) TPS 7:
 - i) special control areas (Tidal Inundation Area, Ashburton North Strategic Industrial Area (ANSIA)); and
 - ii) reserve for Conservation/Recreation/Natural Landscapes (especially the Shire's ability to plan for the coastal environment at the Ashburton River mouth)
 - b) State Planning Policies (SPP 2.6 *State Coastal Planning* and SPP 3.4 *Natural Hazards and Disasters*)
 - c) Negative impacts on development of the ANSIA.
- 2) *Impacts on existing land uses*
 - a) Camping areas and tourist route along Ashburton river banks
 - b) Sand movement – impacts on the existing ports
 - c) Link road to ANSIA – unauthorised or unplanned access to the ANSIA by the Applicant
- 3) *Impacts on the local and regional environment*
 - a) Ashburton River – dredging will adversely affect the hydrology of the river
 - b) Ashburton River floodplain – adverse impact of the 'Proposed Activities' on the sensitive environment of this floodplain
 - c) Impacts on Old Onslow Townsite
 - d) Impact of the proposed road on Old Onslow Townsite (HWA Act place 03444)
 - e) No consultation (with Shire or Heritage Council) regarding heritage impacts
 - f) Impacts on community access to the coast
 - g) Alternative community access to the coast is a requirement of various planning instruments relating to ANSIA and Wheatstone (and is also a condition on existing development approvals)
 - h) The application is in the location of the proposed alternative access, and may prevent such access from being effected

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- 4) *Impacts on the provision of an ANSIA buffer area*
- a) ANSIA will include heavy industrial activity – uses/impacts not yet known (so required buffer cannot yet be delineated)
 - b) No consultation/assessment of impact of ANSIA activities on Applicant's 'Proposed Activities'
 - c) Impacts on the proposed (Wheatstone) Ashburton Port
 - d) Increase in shipping activity (from the Applicant's proposed loading facility) impacts on the proposed Ashburton Port
 - e) Sand movement (from west to east) caused by the 'Proposed Activities' requires planning for mitigation/management
 - f) Non-compliance with Mining Act
 - g) The issues raised by Department of Mines and Petroleum (DMP)/ Department of Transport (DOT) that the *"Mining Act is not the appropriate legislation with which to initiate the construction of such a facility"*

However, the Shire understands that irrespective of Shire and agency objections, the matter will still need to be heard by the Wardens Court. The Shire will continue to follow objection through the Wardens Court process until such time the Application is withdrawn or the State advises the Court of its opposition to Miscellaneous Licence 08/77.

It is recommended that Council endorse the Shire's objection to Miscellaneous Licence 08/77 and request the Chief Executive Officer to monitor the position of State agencies to the application, . In addition, it is appropriate for Council to notify State Land Services advising of its objection to Miscellaneous Licence 08/77.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services

Miscellaneous Licence 08/77 has advertised under the Mining Act which normally refers to a notice published in the Western Australian Newspaper along with notification to the local government. The Shire understands that there has been no community consultation on the proposal.

Statutory Environment

Mining Act 1978

Financial Implications

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

Due to the nature of applications such for mining and planning proposals objections/appeals are often lodged without direct reference to an individual line item in the Budget.

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Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

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

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

Policy Implications

In a policy sense, Miscellaneous Licence 08/77 is not in keeping with the strategic direction of the Shire as defined in the planning processes associated with the planning and development of Ashburton North or with the positioning of Council to seek to increase public access to the Urala Pastoral lease when it is to be reviewed in 2015.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Endorse the Shire's objection to Miscellaneous Licence 08/77.
2. Request the Chief Executive Officer to:
 - a) notify State Land Services of Council's opposition to Miscellaneous Licence 08/77;
and
 - b) continue monitoring the position of State agencies to the application.

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

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

FILE REFERENCE: PS.TP.7.20

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 October 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.2 (Minute: 11091), Ordinary Meeting of Council 14 December 2011.

Summary

At the December 2011 Ordinary meeting, Council considered a request from DB Hitchcock Transport lessee of Lot 50 Nameless Valley Drive, Tom Price to amend the Shire of Ashburton Local Planning Scheme No. 7 by rezoning the land from 'Rural Living' to 'Industry' to facilitate a transport depot. The land is owned by the State. Acceptance of the proposal from State Lands Services has now been provided.

The site is located approximately 2.5 km from the Tom Price townsite and within approximately 100 metres from the town's sewerage/effluent ponds. In the past the site has been used for purpose of an egg farm however it is now largely abandoned. It would appear that the site has been used for truck parking which is prohibited under the 'Rural Living' zone. The current 'Rural Living' zone provides the opportunity for a number of residential uses none of which are considered appropriate on land adjoining sewerage/effluent ponds.

The consultant for the proponent has provided the necessary information reflecting Council's December 2011 resolution and it is recommended that the Amendment No. 20 be initiated by the Shire and referred to the EPA before advertising the Amendment. Once the Agencies have responded, the Amendment would be advertised for 42 days and referred back to Council for consideration.

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Background

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

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



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

At the December 2011 Ordinary meeting, Council considered a request from DB Hitchcock Transport lessee of Lot 50 Nameless Valley Drive, Tom Price to amend the Scheme by rezoning the land from 'Rural Living' to 'Industry' to facilitate a transport depot. The land is owned by the State. Acceptance of the proposal from State Lands Services has been provided.

The request for the land to be zoned 'Industry' was not supported as the site is relatively small and uses such as abattoir, noxious, resource processing and general industries are either permitted or discretionary. At the December 2011 Council meeting, Council resolved as follows:

"That Council:

- 1. Request the Chief Executive Officer to advise the proponent that Council supports in principle a Scheme Amendment (No. 20) for the rezoning of Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' zone to 'Special Use – transport depot' subject to the following being addressed by the proponent:*

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- a) *Preparation of a development plan that to accompany rezoning of the land and which addresses the following:*
 - i. *necessary visual buffers to the land;*
 - ii. *fire protection measures for the land and for the protection of surrounding land;*
 - iii. *access arrangements to Nameless Valley Road;*
 - iv. *adequate guidance for future subdivision and development of the land; and*
 - v. *details of revegetation planting.*
- b) *The applicant to provide documentation (addressing issues highlighted in this Report) with an application for initiation of a Scheme Amendment for Lot 50 Nameless Valley Drive, Tom Price (as above).*
- c) *Formal Scheme Amendment documentation consistent with the requirements of the Town Planning Regulations.*
- d) *The proponent to liaise with the Shire staff through preparation of the formal documentation to determine the most appropriate wording for the 'Special Use – transport depot' zone and whereby no residential (including caretakers) use is permitted on the land.*
- e) *Provide written confirmation from State Lands that is supports the proposed rezoning and draft development plan.*
- f) *Request the Chief Executive Officer to advise the proponent that in-principle support is regarded as an informal/conceptual support to gain some indication as to whether or not a Town Planning Scheme Amendment (rezoning) is likely to be viewed favourably and it should not be construed that the amendment is initiated or will be finally adopted, or as support for the Amendment."*

Comment

The consultant for the proponent has provided the necessary information and a draft Development Plan detailing the proposed future use and development of the site.

ATTACHMENT 13.4

The draft Development Plan includes the following elements:

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

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Conditions for future potential development as defined in the draft Development Plan as follows:

- A 'No Development Area' of 1.35 ha (56%).
- A 'Potential Development Area' (subject to development approval) – 1.04 (43%).
- Primary Street Setback – min. 25 metres.
- Setback to Side and Rear Boundaries – min. 20 metres.
- Prospective future development to include storage sheds, warehouse, and hardstand.
- Landscaping proposed within front setback.
- No accommodation is to be provided on site.
- Access to be provided by left turn from Nameless Valley Drive and from existing Local Road on western boundary.
- All existing and proposed access points are to be upgraded and sealed.
- All future development areas subject to any sub-lease are to be fenced off.
- Prospective future uses within development area to include storage, truck parking, trailer laydown areas, staff amenities and minor maintenance.

Conclusions

Although the initial position of the Shire was to support a 'Special Use – transport depot' for the site, it is considered more practical to pursue a transport depot use as defined in the Scheme. In this case, the use 'facility/depot/laydown area' is defined as:

"...any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots, salvage yards and landscape suppliers."

The information provided is considered acceptable for the Shire to recommend to Council to initiate Scheme Amendment (No. 20) for the rezoning of Lot 50 Nameless Valley Drive, Tom Price. Once the Amendment documentation is prepared to the Shire's satisfaction, it will be referred to the EPA before advertising the Amendment. Once the EPA has favourably responded, the Amendment would be advertised for 42 days and referred back to Council for consideration.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services

Statutory Environment

Planning and Development Act 2005

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

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

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

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

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

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

Policy Implications

None anticipated

Voting Requirement

Simple Majority Required

Recommendation

That Council:

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

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

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No.	Description of Land	Special Use	Conditions
3	Lot 50 Nameless Valley Drive, Tom Price	Storage facility/depot/laydown area	<p>1. Land use and development shall generally be in accordance with a Development Plan approved by the local government and the Western Australian Planning Commission which addresses those matters defined in Clause 6.4 and Appendix 11 and specifically detailing the layout, staging, access, landscaping, management and environmental issues associated with the development and the use of the land.</p> <p>2. Storage facility/depot/laydown area' shall be considered a 'D' use under the Scheme.</p> <p>3. All development will be in accordance with the definition of 'storage facility/depot/laydown area' as in Appendix 2 of the Scheme.</p>

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

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

13.5 PLANNING APPLICATION - FOUR (4) SINGLE STOREY GROUP DWELLINGS AT LOTS 908 & 909 PILKENA STREET, TOM PRICE

FILE REFERENCE:	TP.PL.908 TP.PL.909 20120635 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	LMCD Holdings Pty Ltd
DATE REPORT WRITTEN:	7 October 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 comprises Lots 908 & 909 Pilkena Street Tom Price which has a combined area of 1,505m² and is zoned Residential R20. The application comprises four (single storey) group dwellings with double carports. Each unit is provided with external private recreational areas and no central open space is sought. Access to the two rear dwellings is via a central internal driveway with independent access for the two front dwellings directly from Pilkena Street.

Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7) enables discretion to consider planning approval for grouped dwellings at a maximum density of R30 on lots not less than 1,500m² within any area coded R20 (subject to advertising). Lots 908 & 909 (combined) reflect this provision. The Application was advertised for 14 days and at the end of the advertising period, no submissions were received.

The Application generally reflects the provisions of the 'Acceptable Development' standards of RCodes, however modifications to the plans will be required. For example, the minimum setback from the street frontage is 6m with an average to 3m. The design shows what appears to be a 4 metre setback and will need to be modified to provide the correct setback on any approved plans. Matters such as improving the development through variation of diversity of unit building materials (not being solely colorbond™) can be addressed as conditions.

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Background

The subject site comprises Lots 908 & 909 Pilkena Street Tom Price which has a combined area of 1,505m², with both lots sparsely vegetated. The land slopes from the north east to south west. Pilkena Street which is a sealed carriageway constructed to a good standard and in the form of a cul-de-sac.

The site is serviced with underground power, sewer and water. Vacant residential land adjoins to the west with lots opposite generally developed for single residential purposes. The subject lots and adjoining lots comprise a recently developed subdivision that was undertaken by the Shire of Ashburton. Land to the north is unvested Crown Land. The land is situated approximately 1.5km from the Tom Price commercial area and a similar distance from the Tom Price Primary school and Tom Price sports oval and recreation facilities.



Proposal

The application comprises four (single storey) group dwellings with double carports. Each unit is provided with an external private recreational area. Access to the two rear dwellings is via a central internal driveway with independent access for the two front dwellings directly from Pilkena Street.

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

Comment

The site is zoned Residential R20 under the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme'). Clause 6.6.2 of the *Scheme* enables discretion to consider planning approval for grouped dwellings at a maximum density of R30 where the lot/s is not less than 1,500m² within any area coded R20 (subject to advertising). However the setbacks are applied as per the R20 Code whereby the minimum setback from the street frontage is 6m with an average to 3m.

Clause 6.6.2 was introduced in Amendment No. 12 with the intent to encourage the consolidation of residential zoned lots and ensure that any such development is undertaken in a coordinated manner and achieves quality residential development. Accordingly, the Application is assessed under Clause 6.6.2 of the *Scheme*.

As the site area of Lots 908 & 909 (combined) is 1505m², it reflects the density provision of Clause 6.6.2. It is noted that it would be possible for the applicant to seek approval for five dwellings under the Clause and not four as reflected in the Application before Council.

In association with the Gazettal of Amendment No. 12 to the *Scheme*, "*Local Planning Policy - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme*

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No. 7", was introduced which was established in accordance with Clause 2.3 of the Scheme to provide guidelines for the consideration of Applications under Clause 6.6.2.

Other Scheme provisions relevant to group dwelling development include:

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

In relation to Clause 6.7.2, each dwelling is provided with a store room accessible from the carport or service court with a minimum area of 4m² and minimum dimension of 1.5m.

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

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

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

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

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,*
- (c) any approved Statement of Planning Policy of the Commission,*
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,*
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,*
- (g) the conservation and management of the natural environment including:
 - (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**

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

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

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

Local Planning Policy - Social Impact Assessment

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

- “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 13.5B

Local Planning Policy - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7

This Local Planning Policy (LPP) seeks to ensure high quality housing design and development. All applications lodged pursuant to Clause 6.6.2 need to address streetscape, setbacks and building

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design. The Shire's assessment of the Application in relation to the *LPP* is undertaken in association with the *Residential Design Codes (RCode)* review. The Shire's conclusion is that the application can, with conditions associated with modifications to the plan and appropriate conditions, reflect the intent and direction of this *LPP*.

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.

Draft Local Planning Policy - Consideration of Group Housing Development and Bedrooms

At the September 2012 Ordinary meeting, Council resolved to establish a new Local Planning Policy to ensure that rooms within group dwellings are not readily established by occupants for additional bedrooms which may impact car parking and result in amenity concerns both on and off the site.

In this regard, rooms within the group housing unit defined as 'store', 'home theatre', 'study' or the like will be counted as bedrooms. In addition, the maximum number of bedrooms the Shire will support for a group housing unit will be 4 bedrooms, unless the applicant can demonstrate that additional car parking is available on the site to cater for the use of these rooms for accommodation.

In relation to the Application, each unit has 4 bedrooms and does not include other habitable rooms that could reasonably be used for a bedroom.

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

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

ATTACHMENT 13.5C

The Application appears to reflect the provisions of the 'Acceptable Development' standards of *RCodes*, however modifications to the plans will be required. For example, the minimum setback from the street frontage is 6m with an average to 3m. The design shows what appears to be an average of a 4 metre setback. It is open to Council to refuse the Application on the basis of the setback, however given there were no objections, it is suggested that the plan can be reasonably modified to achieve the correct setback which is likely to result in a modified building design for Units 1 and 3.

The Shire notes that the building materials and colours are all proposed in the form of Colourbond™. In this regard, there is concern that the massing of similar materials will detract from the development and the locality.

Car Parking and access:

With respect to car parking, the proposed development provides 9 spaces and complies with Appendix 9 of the *Scheme* and the *RCodes*.

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Amenity/Miscellaneous

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

In addition to those matters outlined in this Report, it is also necessary for the plans to be modified to clarify the following:

- 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;
- Design refined to reflect statutory disabled access arrangements;
- All parking/access designed in accordance with the provisions of the *Scheme*, and reversing areas designed to avoid buildings and structures;

Fencing along the front boundary of the lot should be a 'feature fence' designed and constructed to promote the 'high quality' of the development.

Conclusions

From the information provided, the Application appears to reflect the provisions of the 'Acceptable Development' standards of *RCodes* with the exception of the front setbacks for Units 1 and 3. This can be addressed in modifications to the plans.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services

Public Consultation

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

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

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

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Statutory Environment

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

Under the *Scheme*, the land is zoned Residential R20.

Unique to the *Scheme* is Clause 6.6.2 which includes a provision that enables discretion to consider planning approval in Tom Price and Paraburdoo for:

- two grouped dwellings on a lot comprising not less than 874m², with a minimum site area of 437 m² per grouped dwelling, within any area coded R20 or greater subject to advertising;
- grouped dwellings at a maximum density of R30 on lots less than 1,500m² within any area coded R20, subject to advertising; and
- grouped dwellings at a maximum density of R40 on lots greater than 1,500m² within any area coded R30, subject to advertising;

where reticulated sewerage and water is available to the land.

Amendment No. 12 was Gazetted on 27 January 2012.

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 - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7

Local Planning Policy - Consultation for Planning Proposals

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20120635 (P) for group dwelling development (comprising 4 dwellings) at Lots 908 & 909 Pilkena Street, 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. 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. Unit 1 and Unit 3 modified to reflect the setback requirements of Table 1 to the Residential Planning Codes for R20;
 - ii. All units modified to provide a variation of building materials;

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- 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; and
- iv. Design refined to reflect statutory disabled access arrangements;

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

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

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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. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.
 - i. Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
 - ii. The landscaping and reticulation as identified this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
 - iii. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
 - iv. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.

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- v. 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.
- vi. All parking and manoeuvring areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.
- vii. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
- viii. Lots 908 & 909 Pilkena Street, Tom Price amalgamated into one single lot.

5. Compliance with definition of 'dwelling' of the Scheme as follows:

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

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

Advice Notes

- i. In relation to Condition 1(i), as the land is zoned Residential R20, the minimum setback from the street frontage under the RCodes is 6m, with the potential to achieve an average to 3m. The design shows what appears to be a 4 metre setback for Units 1 and 3 which will need to be modified on any approved plans to provide the correct setback.
- ii. In relation to Condition 1(ii), the Shire notes that the building materials and colours are all proposed in the form of colourbond™. In this regard, the Shire is concerned that the massing of similar materials will detract from the locality. In this regards, the Shire anticipates plans that show a mix of materials.
- iii. Consent from the Shire of Ashburton will be required for construction of crossovers.
- iv. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- v. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

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13.6 PLANNING APPLICATION - RESIDENTIAL BUILDING AT LOT 918 YARUGA STREET, TOM PRICE

FILE REFERENCE:	TP.YA.0000.000 20120537 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	LMCD Holdings Pty Ltd
DATE REPORT WRITTEN:	7 October 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 comprises Lots 918 Yaruga Street Tom Price which has a site area of 695.4m² and is zoned Residential R20. The application comprises a six (6) bedroom residential building with five parking spaces, two of which are tandem. Each bedroom is provided with an ensuite and the building has the appearance of single dwelling to the Yaruga Street frontage.

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

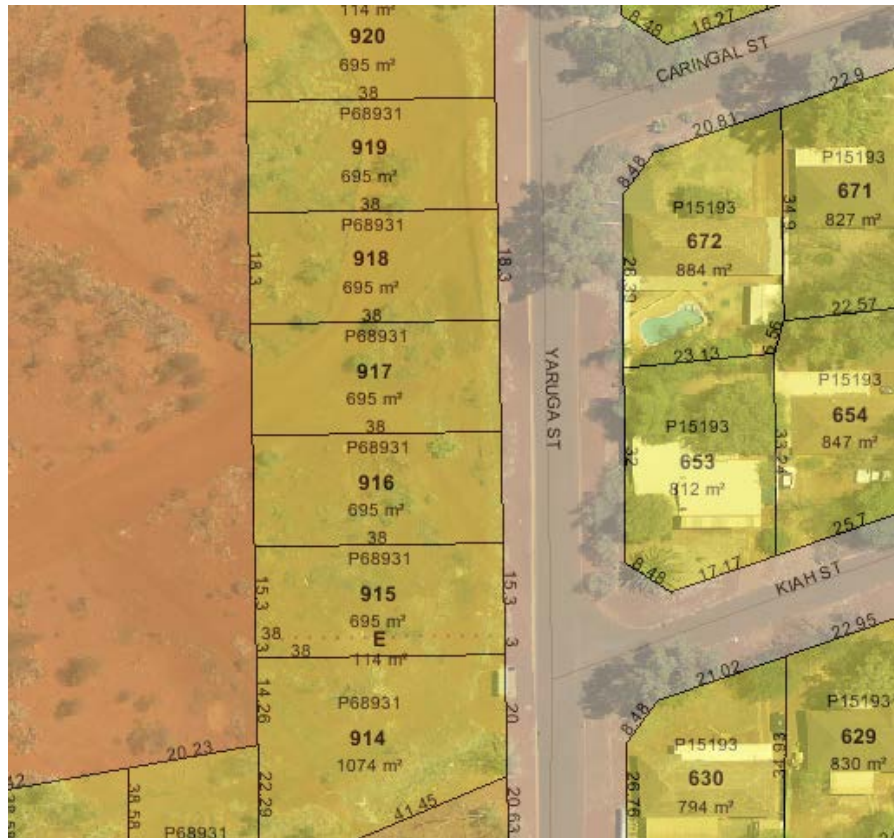
The Application generally reflects the provisions of the 'Acceptable Development' standards of RCodes although Council discretion is required with respect to the area of open space. It is considered that the development will require modification to achieve a minimum of 260m² open space area. This can be achieved as a condition of Approval and it is recommended that a Planning Approval issue.

Background

The subject site comprises Lots 918 Yaruga Street Tom Price which has an area of 695.4m² and is vacant. Yaruga Street is a sealed carriageway constructed to a good standard and links to both Central Road and North Road.

The site is serviced with underground power, sewer and water. Vacant residential land adjoins to the north and south with lots opposite generally developed for single residential purposes. The subject lot and adjoining lots comprise a recently developed subdivision that was undertaken by the Shire of Ashburton. Land to the north is unvested Crown Land. The land is situated approximately 1.5km from the Tom Price commercial area and a similar distance from the Tom Price Primary school and Tom Price sports oval and recreation facilities.

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Proposal

The application comprises a six (6) bedroom residential building with five parking spaces, two of which are tandem. Each bedroom is provided with an ensuite and the building has the appearance of single dwelling to the Yaruga Street frontage. The proposed building also has a single kitchen, meals and living area and laundry. The building is designed with a patio/verandah adjoining bedrooms 4 - 6. Four parking bays in tandem have been provided under the proposed carport area and an additional parking bay is provided at the front of the property.

ATTACHMENT 13.6A comprises the plans and elevations of the proposed development.

Comment

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

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

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

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

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

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

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

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

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

In relation to Clause 6.7.2, the plan does not show a store room, however if approved it could be included as a condition of a planning approval.

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

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

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

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

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,*
- (c) any approved Statement of Planning Policy of the Commission,*
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,*
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,*
- (g) the conservation and management of the natural environment including:
 - (i) likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena.**

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

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

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

Local Planning Policy - Social Impact Assessment

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

- *“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.”*

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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 13.6B

Local Planning Policy - Consultation for Planning Proposals

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

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

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

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

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

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

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

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

Location

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

Residential Amenity

The proposed dwelling has been designed to complement the residential neighbourhood. The proposal’s greatest potential for an adverse impact on the residential amenity of the

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surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below.

Noise Generation

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

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

Essential Services and Waste Disposal

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

Traffic Implications

The plans submitted with the Application depict five (5) car parking spaces although in accordance with the Scheme, only 3 spaces would be required. While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

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

Building Design

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

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

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

i) The proposed building has a total floor area of 339.6m² (excluding verandahs).

ii) Site Area: 695.4m²

iii) Setbacks: Yaruga Street – 7.0m.

North boundary – 1.5m to wall

South boundary – 1.5m to wall

West boundary – 1.7m to wall

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- iv) Gross floor area: 494.6m²
- v) Minimum open space required: 50%
Minimum open space provided 70% (does not comply)
- vi) Elevations: Single storey building to be constructed and externally clad.
- vii) Car Parking: Spaces required/provided:

One per every two sleeping units, plus two per every seven units for visitors and staff	3
Spaces provided	5 (two spaces are tandem)

- viii) Landscaping: Indicative only.

The Application appears to reflect the majority of the 'Acceptable Development' standards of RCodes, however the area of open space as sought is significantly less than the RCodes provide. Under S6.4 of the RCodes, the open space and outdoor living areas is calculated to require 260m² without permanent roof cover. The plans indicate only 200m² without permanent roof cover. The RCodes do provide 'performance criteria' that allows an Applicant to pursue an alternative to the 'acceptable development' provisions of the RCodes. However, the Application before Council will establish a precedent for assessing future 'residential building applications. The only other 'residential building' application which involved a purpose built development was for the Shire at the Corner of East Street and Willow Grove. This achieved a site coverage of 50%. In this regard, it is considered that the development at Lot 905 Yaruga Street can reasonably be modified to reflect a minimum open area requirements and that this can be achieved as a condition of any Approval.

Amenity/Miscellaneous

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

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

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

Conclusions

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

Consultation

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 in Warara Street (including purchasers of land within the Shire's subdivision).

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

Consultation with other Agencies

Hamersley Iron Infrastructure

Hamersley Iron Infrastructure (HII) is the service provider for reticulated water, power and sewer in Tom Price. The Shire advised HII of the application and sought comment on the provision of services to the site. At the time of preparing this Report, a response from HII had not been received. It should be noted that HII has not advised the Shire that servicing residential land in Tom Price is un-available. Should comment be provided, it will be made available to Council under separate cover.

Statutory Environment

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

Financial Implications

None anticipated

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Policy Implications

Local Planning Policy - Social Impact Assessment

Local Planning Policy - Consultation for Planning Proposals

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

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20120635 (P) for residential building development at Lots 918 Yaruga Street, Tom Price 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 development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:
 - i. Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes; and
 - ii. Clothesline/s.

Plans are to be reconfigured to the satisfaction of the responsible authority taking into the above requirements and when endorsed by the responsible authority shall become the amended plans.
 2. This Planning Approval lapses if the development is not substantially commenced by 17 October 2014.
 3. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
 - i. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.
 - iii. As part of the Stormwater Management Plan the following matters to be addressed:
 - (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
 - (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
 - iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.

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

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

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.

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

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

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4. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.
 - i. Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.
 - ii. The landscaping and reticulation as identified this Approval is to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of the responsible authority.
 - iii. All external fixtures and garbage bin pads, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street or negatively impact on the amenity of the locality.
 - iv. An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the development hereby approved, and thereafter maintained.
 - v. Details on mail boxes and fencing, including colour, texture and materials of the development. Any fencing along the front boundary of the lot shall be a 'feature fence', visually permeable, designed and constructed to the satisfaction of the responsible authority. All mail boxes and fencing is to be erected in accordance with the approved details and thereafter maintained.
 - vi. All parking and manoeuvring areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.
 - vii. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
 - viii. Prior to occupation of the residential building, smoke alarms along with emergency response plans (i.e. fire escape route maps, evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling.

5. Compliance with definition of 'residential building' of the Scheme as follows:

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

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

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6. All car parking generated by the use shall occur within the boundaries of the property.

Advice Notes

- i. Consent from the Shire of Ashburton will be required for construction of crossovers.
- ii. In relation to Condition 1(i), the Shire notes that the total site coverage equated to 70% of the site area. Under S6.4 of the RCodes, the open space and outdoor living areas is calculated to require 260m² without permanent roof cover. In this regard, the revised plans should provide for a minimum of 260m² actual open site area.
- 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).
- iv. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

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13.7 PLANNING APPLICATION - FIVE (5) TWO STOREY GROUP DWELLINGS AT LOT 905 PILKENA STREET, TOM PRICE

FILE REFERENCE:	TP.PL.905 20120508 (P)
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Mitie Constructions P/L (Applicant) RASP Solutions P/L
DATE REPORT WRITTEN:	7 October 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 comprises Lots 905 Pilkena Street Tom Price which has a combined area of 1539m² and is zoned Residential R20. The application comprises five (two storey) group dwellings with double carports. Each unit is provided with external private recreational areas and no central open space is sought. Access is via a central internal driveway directly from Pilkena Street.

The Application was advertised for 14 days and at the end of the advertising period, one submission (in the form of an objection) was received. The objection opposes the application on the basis of the density and there being two story development.

Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7) enables discretion to consider planning approval for grouped dwellings at a maximum density of R30 on lots not less than 1,500m² within any area coded R20 (subject to advertising). Lot 905 complies with this provision. The Application also reflects the provisions of the 'Acceptable Development' standards of RCodes. With respect to concerns raised about two storey development, the Scheme does not limit building height in the zone. The RCodes provides for up to 9m building height for residential development and the proposal is under 7m.

The proposed development provides a variation of building materials (not being solely colorbond™) which is supported. The development does seek to include one unit with 5 bedrooms. Council will recall that at the September 2012 Ordinary meeting, Council resolved to establish a new Local Planning Policy to ensure that rooms within group dwellings are not readily established by occupants for additional bedrooms which may impact car parking and result in amenity concerns both on and off the site. However, in this regard, the proposed development has additional parking that reasonably addresses the direction of the draft Local Planning Policy which should address any offsite parking issues.

It is recommended that conditional Planning Approval be issued.

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Background

The subject site comprises Lot 905 Pilkena Street Tom Price which has a combined area of 1,539m², with both lots sparsely vegetated.

The land slopes from the north east to south west. Pilkena Street which is a sealed carriageway constructed to a good standard and in the form of a cul-de-sac.

The site is serviced with underground power, sewer and water. Vacant residential land adjoins to the west with lots opposite generally developed for single residential purposes. The subject lots and adjoining lots comprise a recently developed subdivision that was undertaken by the Shire of Ashburton. Land to the north is unvested Crown Land. The land is situated approximately 1.5km from the Tom Price commercial area and a similar distance from the Tom Price Primary school and Tom Price sports oval and recreation facilities.

The Tom Price Senior High School is approximately 700m from the site



Proposal

The application comprises five (two storey) group dwellings with double carports. Each unit is provided with external private recreational areas and no central open space is sought. Units 2-5 comprise 4 bedrooms with Unit 1 providing 5 bedrooms. Access is via a central internal driveway directly from Pilkena Street.

ATTACHMENT 13.7Aa, ATTACHMENT 13.7Ab comprises the plans and elevations of the proposed development.

Comment

The site is zoned Residential R20 under the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme'). Clause 6.6.2 of the *Scheme* enables discretion to consider planning approval for grouped dwellings at a maximum density of R30 where the lot/s is not less than 1,500m² within any area coded R20 (subject to advertising). However the setbacks are applied as per the R20 Code whereby the minimum setback from the street frontage is 6m with an average to 3m.

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Clause 6.6.2 was introduced in Amendment No. 12 with the intent to encourage the consolidation of residential zoned lots and ensure that any such development is undertaken in a coordinated manner and achieves quality residential development. Accordingly, the Application is assessed under Clause 6.6.2 of the *Scheme*.

As the site area of Lots 905 (combined) is 1539m², it reflects the density provision of Clause 6.6.2.

In association with the Gazettal of Amendment No. 12 to the *Scheme*, "*Local Planning Policy - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7*", was introduced which was established in accordance with Clause 2.3 of the *Scheme* to provide guidelines for the consideration of Applications under Clause 6.6.2.

Other *Scheme* provisions relevant to group dwelling development include:

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

In relation to Clause 6.7.2, each dwelling is provided with a store room accessible from the carport or service court with a minimum area of 4m² and minimum dimension of 1.5m.

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

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

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

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

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme,*
- (c) any approved Statement of Planning Policy of the Commission,*
- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia,*
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme,*
- (g) the conservation and management of the natural environment including:
 - (ii) likely risk of the land being subject to flooding, tidal inundation, subsidence, landslip, bushfire or other natural phenomena.**

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

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

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

Local Planning Policy - Social Impact Assessment

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

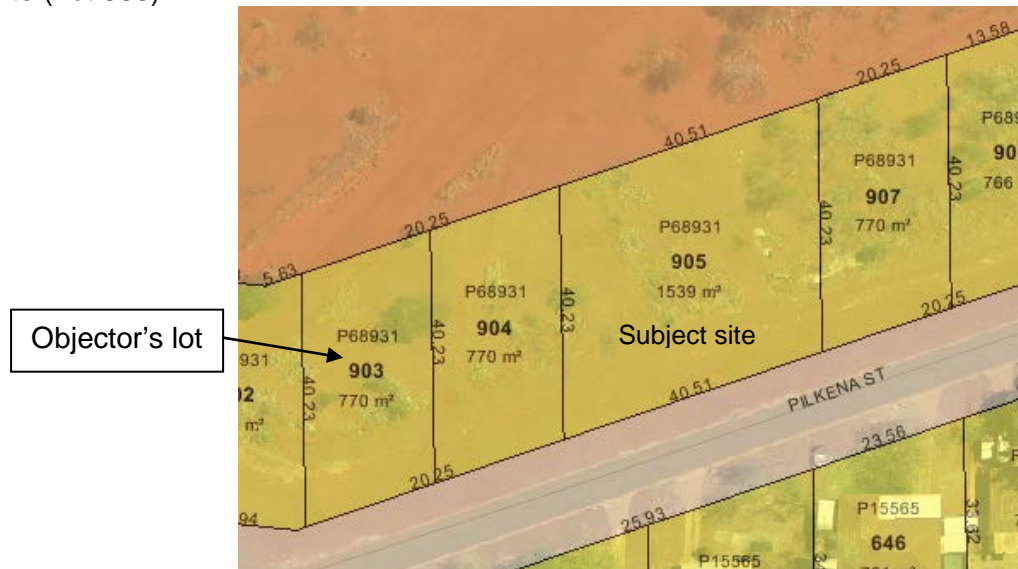
- *“All development proposals that are subject to community consultation or advertising processes, pursuant to the Zoning Table of the Scheme;*
- *All proposals for rezoning or amending the Scheme; and*
- *All proposals for strategic level development planning.”*

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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 13.7B

The application has resulted in an objection from the owner of a lot to the west of the Application site (Lot 903):



The Objector's submission is addressed as a Schedule to this Report.

ATTACHMENT 13.7Ca ATTACHMENT 13.7Cb ATTACHMENT 13.7Cc

The Applicant was provided with an extract of the submission (less the names and address) in order for them to respond. The Applicant's response is included as **ATTACHMENT 13.7D**. It is noted that the response prepared on behalf of the Applicant includes an incorrect statement which needs to be addressed. Point 18 of the response states:

“18. The Council need to be mindful of Amendment 12 and all those purchasers who have bought lots on that basis, and the legal implications that that could bring, should the objector's point of view prevail.”

Amendment No. 12 was not approved at the time of the sale. It was clearly represented by the Shire as responsible planning authority and as land developer that the land sale was not subject to Amendment 12 being approved. In fact, sale documentation never referred to the 'density bonus' of Amendment 12. In responding to the Application, it is appropriate to advise the Applicant of the facts associated with the sale of land.

Local Planning Policy - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7

This *Local Planning Policy (LPP)* seeks to ensure high quality housing design and development. All applications lodged pursuant to Clause 6.6.2 need to address streetscape, setbacks and building design. The Shire's assessment of the Application in relation to the *LPP* is undertaken in association with the *Residential Design Codes (RCode)* review. The Shire's conclusion is that the

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application can, with conditions associated with modifications to the plan and appropriate conditions, reflect the intent and direction of this *LPP*.

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.

Draft Local Planning Policy - Consideration of Group Housing Development and Bedrooms

At the September 2012 Ordinary meeting, Council resolved to establish a new Local Planning Policy to ensure that rooms within group dwellings are not readily established by occupants for additional bedrooms which may impact car parking and result in amenity concerns both on and off the site.

In this regard, rooms within the group housing unit defined as 'store', 'home theatre', 'study' or the like will be counted as bedrooms. In addition, the maximum number of bedrooms the Shire will support for a group housing unit will be 4 bedrooms, unless the applicant can demonstrate that additional car parking is available on the site to cater for the use of these rooms for accommodation. The development does seek to include one unit with 5 bedrooms. However, in this regard, the proposed development has additional parking that reasonably addresses the direction of the draft Local Planning Policy which should address any offsite parking issues. In relation to Units 2-5, each unit has 4 bedrooms and does not include other habitable rooms that could reasonably be used for a bedroom.

Key Planning Issues

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

RCode/ Multi Unit Housing Code requirements

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

ATTACHMENT 13.7E

The Application reflects the provisions of the 'Acceptable Development' standards of *RCodes*. With respect to concerns raised about two storey development, the Scheme does not limit building height in the zone. The *RCodes* provides for up to 9m building height for residential development and the proposal is under 7m.

The proposed development provides a variation of building materials (not being solely colorbond™) which is supported.

Car Parking and access:

With respect to car parking, the proposed development provides 20 spaces which is in excess of the 12 spaces required under Appendix 9 of the *Scheme* and the *RCodes*. However, the width of the car spaces for all units appears to have an obstruction from the carport posts. In these circumstances, the minimum width for these spaces under Appendix 9 of the *Scheme* is 3m per bay and will need to be modified to enable functional use of the car pays.

Amenity/Miscellaneous

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

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within the town. This should be addressed in a management plan by the Applicant and as a condition of planning approval. This would be reflected in a recommended condition to any strata proposal.

Should fencing along the front boundary of the lot be sought, it should be a 'feature fence' designed and constructed to promote the 'high quality' of the development.

Conclusions:

From the information provided, the Application appears to reflect the provisions of the 'Acceptable Development' standards of *RCodes* with the exception of the front setbacks for Units 1 and 3. This can be addressed in modifications to the plans.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services

Public Consultation

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

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

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

Consultation with other Agencies

Hamersley Iron Infrastructure

Hamersley Iron Infrastructure (HII) is the service provider for reticulated water, power and sewer in Tom Price. The Shire advised HII of the application and sought comment on the provision of services to the site. At the time of preparing this Report, a response from HII had not been received. It should be noted that HII has not advised the Shire that servicing residential land in Tom Price is un-available. Should comment be provided, it will be made available to Council under separate cover.

Statutory Environment

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

Under the *Scheme*, the land is zoned Residential R20.

Unique to the *Scheme* is Clause 6.6.2 which includes a provision that enables discretion to consider planning approval in Tom Price and Paraburdoo for:

- two grouped dwellings on a lot comprising not less than 874m², with a minimum site area of 437 m² per grouped dwelling, within any area coded R20 or greater subject to advertising;
- grouped dwellings at a maximum density of R30 on lots less than 1,500m² within any area coded R20, subject to advertising; and
- grouped dwellings at a maximum density of R40 on lots greater than 1,500m² within any area coded R30, subject to advertising;

where reticulated sewerage and water is available to the land.

Amendment No. 12 was Gazetted on 27 January 2012.

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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 - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton

Local Planning Scheme No. 7

Local Planning Policy - Consultation for Planning Proposals

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. **APPROVE** Planning Application Shire Ref: 20120635 (P) for group dwelling development (comprising 5 dwellings) at Lots 905 Pilkena Street, Tom Price generally in accordance with plans as provided in **ATTACHMENT 13.7A** to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:
 1. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:
 - i. All parking/access designed in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), and reversing areas designed to avoid buildings and structures; and
 - ii. Clotheslines for all units.

Plans are to be reconfigured to the satisfaction of the responsible authority taking into the above requirements and when endorsed by the responsible authority shall become the amended plans.
2. This Planning Approval lapses if the development is not substantially commenced by 17 October 2014.

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

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.
 - viii. The design, materials and colours of the proposed development.

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

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

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

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- vii. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
5. Compliance with definition of 'dwelling' of the Scheme as follows:
- "Dwelling means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:*
- *a single person,*
 - *a single family,*
 - *no more than six (6) persons who do not comprise a single family".*

Advice Notes

- i. In relation to Condition 1(i), carparking/carport spaces for all units, the majority of these parking areas appear to have an obstruction. In these circumstances, the minimum width for these spaces under Appendix 9 of the Scheme is 3m per bay.
- ii. Consent from the Shire of Ashburton will be required for construction of crossovers.
- 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).
- iv. 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>.
2. That Council directs the Chief Executive Officer to advise the Applicant as follows:
- a) That response prepared on behalf of the Applicant to the objection included an incorrect statement whereby point 18 of the response states:

"18. The Council need to be mindful of Amendment 12 and all those purchasers who have bought lots on that basis, and the legal implications that that could bring, should the objector's point of view prevail."

Amendment No. 12 was not approved at the time of the sale of the Pilkena/Yaruga/Warara Streets land. Importantly, it was clearly represented by the Shire both as land developer and responsible planning authority that the land sale was subject to the planning scheme at the time of sale. In fact, sale documentation never referred to Amendment 12.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

13.8 DRAFT LOCAL PLANNING POLICY - REGIONAL RESIDENTIAL DESIGN CODE VARIATIONS - FINAL APPROVAL

FILE REFERENCE:	PS.DV.21.00PS.DV.21.00
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	8 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4 (Minute: 11222), Ordinary Meeting of Council 20 June 2012

Summary

At the Ordinary meeting of 20 June 2012, Council resolved to advertise draft *Local Planning Policy – Regional Residential Design Code Variations* for 21 days in accordance with the Scheme. Should there be no objection, the Chief Executive Officer was authorised to forward the Local Planning Policy to the Western Australian Planning Commission for final approval. The draft Local Planning Policy sought to vary Part 6 of the R Codes in relation to single and group housing developments.

Advertising was carried out and one submission was received which sought to further modify the Policy by allowing variation to Part 7 (multiple dwellings) where it relates to covered open space areas of a multiple dwelling development. The submission is supported and it is recommended that *Local Planning Policy – Regional Residential Design Code Variations* be modified to reflect the submission and accordingly adopted.

Background

The Residential Design Codes (R Codes) provide the basis for controlling the siting and design of residential development throughout Western Australia. The R Codes came into effect on 4 October 2002 when they replaced the 1991 Residential Planning Codes of Western Australia (1991 Codes). The R Codes have since been amended on numerous occasions including a comprehensive review in April 2008.

The R Codes were automatically introduced by reference into all local government planning schemes that formerly included reference to the 1991 Codes (Section 6.5 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme')). The R Codes provide for 'Regional Exceptions' to some provisions subject to the adoption of a Local Planning Policy. In addition, any provision can be varied through a Local Planning Policy subject to Western Australian Planning Commission (WAPC) consent being obtained prior to adoption. Variations have been sought and approved for a number of local governments, including the Town of Port Hedland where some of the recommended variations addressed in this Report are derived.

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At the Ordinary meeting of 20 June 2012, Council resolved to advertise draft Local Planning Policy – Regional Residential Design Code Variations for 21 days in accordance with the Scheme. Should there be no objection, the Chief Executive Officer was authorised to forward the Local Planning Policy to the Western Australian Planning Commission for final approval. The draft Local Planning Policy sought to vary Part 6 of the R Codes in relation to single and group housing developments.

The draft Local Planning Policy as adopted for advertising is included as **ATTACHMENT 13.8A**.

Comment

Advertising was carried out and one submission was received which sought to further modify the Policy by allowing variation to Part 7 (multiple dwellings) where it relates to covered open space areas of a multiple dwelling development. The submission is addressed in the Schedule of Submissions.

ATTACHMENT 13.8B

Conclusions

The submission is supported and it is recommended that Local Planning Policy – Regional Residential Design Code Variations be modified to reflect the submission and accordingly adopted.

Consultation

Chief Executive Officer
A/Executive Manager, Technical Services

Advertising was carried out for 21 days in accordance with the Scheme. Once Council has determined the matter, it will then be referred to the WAPC for consent.

Statutory Environment

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

Financial Implications

In the event Council wish to proceed with the draft local planning policy, advertising costs will be involved.

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

Should the local planning policy be approved, variations to setbacks, open space, parking and to enable single bedroom ancillary accommodation to be used by any person and not be exclusive to family members of the occupiers of the main dwelling.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Notes the Schedule of Submissions as **ATTACHMENT 13.8B** to this Report.
2. Council adopts the draft Local Planning Policy – Regional Residential Design Code Variations as are recommended in **ATTACHMENT 13.8B** as a Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme').
3. Request the Chief Executive Officer is to:
 - i. Forward Local Planning Policy – Regional Residential Design Code Variations to the Western Australian Planning Commission (WAPC) for final approval;
 - ii. Upon receipt of the WAPC's decision, advertise the decision in accordance with the Scheme; and
 - iii. Advise the author of the submission of Council's decision.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

13.9 PROPOSED EASEMENT FOR ELECTRICITY TRANSFORMER, LOT 312, OCEAN VIEW CARAVAN PARK, ONSLOW.

FILE REFERENCE:	SE.R.04405.000
AUTHOR'S NAME AND POSITION:	Keith Pearson A/Manager, Technical Services
NAME OF APPLICANT/RESPONDENT:	Horizon Power
DATE REPORT WRITTEN:	2 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable.

Summary

Horizon Power wishes to locate an electrical transformer on Lot 312, Second Avenue, Onslow, as part of its upgrade of the electricity distribution network in Onslow. Lot 312 forms part of the Ocean View Caravan Park, which is owned by the Shire.

This site identified by Horizon Power measures 3.7 m x 4 m and is located at the rear of Lot 312, with access from the rear laneway.

In order to facilitate this upgrade of the town's electricity system, Horizon Power has requested that the Shire provide it with an easement over the land in question.

The granting of an easement over a part of Lot 312 has the potential to compromise the future use of the site as a "stand alone" residential lot.

For this reason it is recommended that Council agree to the granting of an easement to Horizon Power in order to facilitate the upgrade of Onslow's electricity distribution network advise Horizon Power that it does not support the granting of an easement on Lot 312, Second Ave as the electrical transformer would be more appropriately located on adjacent Lot 3001, (Reserve 24405) which is part of the main caravan park site.

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Background

Correspondence has been received from Horizon Power requesting that the Shire provide the electric supply authority with an easement over a portion of land measuring 3.7 x 4 m at the rear of Lot 312, Second Avenue, Onslow. This lot, which is separate to the main caravan park site (ie Lot 3001), forms a part of the Ocean View Caravan Park, which, in turn is owned by the Shire.

Horizon Power has advised that the site has been identified as the location for a new transformer, which is to be installed as a part of the upgrade of the electricity distribution network in Onslow.

The attached plans show the location of the easement proposed by Horizon Power

ATTACHMENT 13.9

Comment

The area of land, which site Horizon Power proposes for the easement is relatively small however it is desirable that a 3 metres buffer exist around the proposed facility, due to noise considerations. On this basis the proposed easement has the potential to significantly compromise the use of Lot 312, particularly if Council decides that the lot is surplus to the needs of the caravan park and therefore decides to develop or sell it as a traditional residential block.

In comparison to Lot 312, adjacent Lot 3001, which contains the main body of the Ocean View Caravan Park, would be less adversely impacted upon, in the event of the transformer (and associated easement) being located on that site.

Consultation

Chief Executive Officer

Statutory Environment

Section 3.58, "Disposal of Property", Local Government Act 1995

Financial Implications

The granting of an easement over a portion of Lot 312 has the potential to significantly and detrimentally impact on the market value of this Shire owned lot. There are significantly less financial implications in relation to this matter in the event of the transformer being located on adjacent Lot 3001.

Strategic Implications

There are no Strategic implications relative to this matter

Policy Implications

There are no policy implications relative to this matter

Voting Requirement

Absolute Majority Required

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Recommendation

That Council advise Horizon Power that it does not support the granting of an easement on Lot 312, Second Ave as the electrical transformer would be more appropriately located on adjacent Lot 3001.

Author: Keith Pearson	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

13.10 DRAFT 'LOCAL PLANNING POLICY - MOORING OF 'BOATEL'S AT BEADON CREEK AND IN WATERS OFF ONSLOW

FILE REFERENCE:	RE.BD.R.30711
AUTHOR'S NAME AND POSITION:	Rob Paull Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 June 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report relates to the preparation of a draft Local Planning Policy (LPP) to facilitate the direction of Council when commenting on the short and long term mooring of sea and Creek based accommodation within the Shire. In particular, it will establish a Council position on proposals for 'boatel's' to be moored at Beadon Creek Road, Onslow. A 'boatel' essentially represents floating accommodation which in the case of the Shire of Ashburton specifically relates to moorings at Beadon Creek or directly off Onslow. The Shire is aware that currently three (3) 'boatel's' are moored at Beadon Creek and at times, directly off the Onslow coast to serve as accommodation for the development of the Macedon domestic gas plant and Wheatstone gas project.

It is appropriate to establish a planning policy that positions Council with respect to 'boatels' for only a very short term use and that make clear preference for legacy' accommodation and commercial developments within Onslow. It is recommended that Council adopt draft *'Local Planning Policy - Mooring of 'Boatel's at Beadon Creek and waters off Onslow'* be advertised for 21 days in accordance with the Scheme and should there be no objection, the Chief Executive Officer be authorised to forward adopt for final approval.

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Background

Control of the waters of Beadon Creek and directly off Onslow is the direct responsibility of the Department of Transport. In the recent past, the Department has only once sought the views of the Shire to the mooring a 'boatel'. A 'boatel' is a boat or ship based accommodation. Specifically for the Shire of Ashburton, the issue currently relates to mooring of 'boatels' at Beadon creek or directly off the Onslow townsite. The Shire is aware that currently three (3) 'boatel's' are moored at Beadon Creek and at times have been anchored directly off the Onslow coast to serve as accommodation for the development of the Macedon domestic gas plant and Wheatstone gas project.

In the single instance when the Department of Transport sought comment on the mooring of a 30 bed 'boatel' for a 2 year period from the Shire from the Shire, it was not opposed, but since then two other 'boatel's' have been moored without any reference to the Shire.



Recent discussions with the Department has revealed that they have been informally requested to allow an unlimited number of 'boatel's' in Beadon Creek and directly associated with the resource industry for up to 5 years.

Proposal

This report relates to the preparation of a draft Local Planning Policy (LPP) to facilitate the direction of Council when commenting on the short and long term mooring of sea and waterway based accommodation within the Shire. In particular, it establishes a Council position on proposals for 'boatel's' to be moored at Beadon Creek Road, Onslow.

ATTACHMENT 13.10

Comment

The mooring of 'boatel's' at Beadon Creek and off the coast of Onslow establishes land based issues of parking, traffic and access for users of the facility and within the port environs. In addition, water based accommodation has strategic implications on Onslow whereby it has the potential of reducing the incentive for developers to pursue 'legacy' accommodation and commercial developments within the town. It is also clear that the resource industry has shown little forward planning of its short and long term accommodation needs and that the use of 'boatels' is seen by some as an opportunity to quickly arrange for accommodation without any consideration of the longer term implications on the growth of the town.

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It is appropriate to establish a planning policy that positions Council with respect to only supporting the mooring or anchoring of 'boatels' for only a very short term use and where a proponent has reasonably demonstrated that there is no other option and where the proponent has demonstrated a longer term accommodation plan. In this regard, the policy would only support a mooring or anchoring period of 6 months.

Consultation

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

Clause 2.3.1 of the Scheme requires that draft Local Planning Policies be advertised for community consultation for a minimum of 21 days.

Statutory Environment

Planning and Development Act
Shire of Ashburton Town Planning Scheme No. 7
Transport Act

Financial Implications

In the event Council wish to proceed with the draft local planning policy, advertising costs will be involved.

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

If the local planning policy is approved, the Shire will have a policy direction to advise proponents and the Department of Transport of Council's position on the short and long term mooring of sea and Creek based accommodation within the Shire.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Adopts draft *'Local Planning Policy - Mooring of 'Boatels' at Beadon Creek and waters off Onslow'* **ATTACHMENT 13.10** as a draft Local Planning Policy under the provisions of clause. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 and for it to be advertised in accordance with clause 2.3.1 of the Scheme.
2. Subject to no objection being received during the consultation period, the the Chief Executive Officer be authorised to adopt the draft *'Local Planning Policy - Mooring of 'Boatels' at Beadon Creek and waters off Onslow'* for final approval and publish the adoption in accordance with the Scheme.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

14. OPERATIONS REPORTS

14.1 PROCUREMENT OF TENSAR GEOGRID FOR THE CONSTRUCTION OF THE ONSLOW AERODROME RUNWAY

FILE REFERENCE:	TR.AT.01.01
AUTHOR'S NAME AND POSITION:	Fiona Keneally Executive Manager, Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The designated location for the new Onslow Aerodrome Runway is situated on low lying tidal flats which require stability improvement by use of manufactured geogrid prior to embankment construction. The design provided by Chevron and Aerodrome Management Services specifies TX160 Triaxial Geogrid as the product for this application.

Geofabrics Australasia Pty Ltd is the sole distributor of TX160 in Australia.

Council is requested to support the procurement of TX160 from Geofabrics Australasia Pty Ltd without publicly inviting tenders.

Background

The new Onslow Aerodrome runway traverses low lying tidal flats over the central and northern sections, these tidal flats are subject to the influx of tidal flows. Geotechnical investigations have been conducted to assess subsurface soil and ground water conditions along the new runway alignment. Groundwater was encountered in all boreholes at depths ranging from 0.1m to 3.0m below ground level, generally with loose material below the water table underlain by medium dense sands.

The existing foundation requires improvement to reduce post construction settlement of the runway embankment to acceptable levels (<50mm post construction settlement).

Aerodrome Management Services were commissioned by Chevron to undertake the design of the new runway. The design recently issued for construction specifies Tensar TX160 Geogrid as the product application for foundation stabilization and improvement.

Geogrid is a geo-synthetic material used to reinforce sub-soils below roads or structures. Soils pull apart under tension. Compared to soil, geogrids are strong in tension. This fact allows them to transfer forces to a larger area of soil than would otherwise be the case.

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Geogrids are commonly made polymer materials, such poly-propylene and are heat-welded from strips of material, then stretched into a grid. Geogrid has traditionally provided stiffness in two directions (biaxial grid), however Tensar TX160 Triaxial provides stiffness in three directions and produces near isotropic properties.

Geofabrics Australasia Pty Ltd is the sole Australian distributor of the Tensar TX160 product. Please see Attachment 1 – Sole Distributor the estimated quantity of geogrid required for construction of the Onslow Aerodrome based on the approved design is 165,000m².

ATTACHMENT 14.1A
ATTACHMENT 14.1B

Comment

The estimated quantity of geogrid required for construction of the Onslow Aerodrome (based on the approved design) is 165,000m². Geofabrics Australasia Pty Ltd has provided a quotation of \$2.70 per square metre (Ex GST), equating to a total of \$445,000 (Ex GST) (See Attachment 2). This is less than the total calculated in the construction estimate.

According to Local Government Regulations 1996, Tenders are to be publicly invited if the supply of goods or services is expected to be more than \$100,000 unless subregulation (2) (below) applies –

CI 3.57 (1), (2) Tenders for providing goods or services Local Government Act 1995

Local Government (Functions and General) Regulations 1996
Part 4 Provision of Goods and Services

Division 2 — Tenders for providing goods or services (s. 3.57)

1.1.1.1.1.11. When tenders have to be publicly invited

(2) Tender do not have to be publicly invited according to the requirements of this Division if -

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

Consultation

Chief Executive Officer

Statutory Environment

Not Applicable

Financial Implications

Geofabrics Australasia Pty Ltd has provided a quotation of \$2.70 per square metre (Ex GST), equating to a total of \$445,000 (Ex GST). This total falls within the approved budget based on the construction estimate.

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Strategic Implications

Not Applicable

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Has good reason to believe that there is only one supplier of Tensar TX160
2. Endorses the purchase of TX160 from the sole supplier, Geofabrics Australia Pty Ltd without tendering for use on the construction of the Onslow Airport.

Author: Fiona Keneally	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

14.2 PRIVATE WORKS REPORT

FILE REFERENCE:	FI.DR.00.00
AUTHOR'S NAME AND POSITION:	Fiona Keneally Executive Manager, Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report outlines the Private Works carried out by the Shire of Ashburton since 2007/08 financial year.

It also provides an explanation of the different styles and agreements to undertake the work and the basis for pricing them.

Finally it outlines a mechanism for the approval of works.

Background

Since the 2007/08 financial year, private works have been undertaken by the Shire.

The Shire's reputation for being able to carry out work and deliver the client's scope of work in a timely and cost-effective manner has grown considerably since the first major project, Nameless Valley Road.

Comment

What is Private Works?

Private works is a catch-all term for any work done on behalf of and funded by others.

What we call private works includes;

- Contribution to work- this is where a client pays for upgrade work to a Shire asset eg Nameless Valley Road
- Work on a client's asset eg Paraburdoo Caravan Park
- Work on a government agencies asset eg Hamersley Gorge car park for DEC
- Operation of Nameless Valley and Onslow Accommodation Camps

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Basis Of Pricing Private Works and Agreements to Do Work

All works are priced in accordance with the rates set in the fees and charges. These rates are commercial rates and are not the internal cost to the Shire.

The agreement with the client to carry out work can be on the basis of;

Fixed price quotation – a fixed price is agreed for the work and apart from bona fide variations cannot be changed. Financial risk is medium as the job is generally well known, there is usually a close relationship with the client and jobs are reasonable small and uncomplicated

Tender – fixed price on a competitive tendering basis. Risk can be high as jobs are usually larger and more complicated with more unknowns.

Do-and-Charge - a cost estimate is provided to the client with a percentage mark-up (12% to 15% but may depend on how difficult the work is and whether it is a contribution to work on a Shire asset). The work is conducted on an open book basis with all financials available to the client. The client is charged for the cost of the work done plus an agreed margin. This arrangement is low risk to the Shire (may be medium to high for reputation) and is generally lower cost but higher risk to the client.

Schedule of Rates – Rates for components of work are quoted to the client and is paid for the quantity of work done multiplied by the rate quoted. This is most often used where the Shire is providing expert advice and managing sub-contractors to deliver the work.

Rates for accommodation at the Onslow and Nameless Valley Camp are as per the fees and charges approved by Council.

Works done for DEC have generally been at the base fee with no mark-up as it has a beneficial effect on tourism and until recently DEC paid for work in advance. This arrangement is being reconsidered.

Financial and Non-financial Benefits of Private Work

Financial Benefit (non-audited)

The Shire has a relatively small rate income compared to the total expenditure each year. Expenditure from most grant funding is tied to the purpose for which it has been provided and generally needs some contribution from the Shire.

The profit generated by Private Works has assisted the Shire to deliver additional services through the funds being untied and therefore able to be utilised at the discretion of Council.

ATTACHMENT 14.2A

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Non-financial Benefit

There are numerous benefits that derive from Private Works which aren't necessarily readily apparent. These include;

- Additional services to the community from untied funds
- Leveraging of grants
- Attracting and retaining more skilled staff
- Attracting contractors to establish in the region based on steady work from the Shire (eg Tuss Concrete, SJ Crushing, Jakamo, etc). This provides economic stimulus and competition
- Greater access to contractors through steady work, increased quantities resulting in lower establishment rate (eg Downer EDI has established an asphalt plant in Tom Price)
- Increases plant utilisation which increases plant income and turnover ensuring a modern fleet is maintained
- Increases the skills of employees through training
- Enhanced reputation – Shire is seen as a “can do” organisation
- Improved relationship with resource companies (Shire has assisted the companies (RTIO, BHP, API, Chevron, etc) through providing expert advice and services)
- Larger workforce provides greater flexibility
- Improved systems and processes
- WHSE system now meets Category 3 requirements for RTIO (this means the Shire can work on a RTIO site under own management system)
- Estimating and Project Management
- Work scheduling
- Provides source for distribution of overheads thus lowering costs across the board. This method of distribution of under allocated overheads to profitable jobs is currently under examination as it provides an unfair indication of outcomes for these jobs.

Impact on Shire Works

Increased requirement for internal services particularly human resources and financial (eg more invoices)

Extra management pressure to price and schedule works and provide expert advice

Distracting from Shire work – this is often cited as a reason for not being involved in private works. In reality the delays to in-house work can be mainly attributed to two reasons;

- Funding – funding conditions may result in delays in subsequent funding eg Paraburdoo footpaths
- Scoping – lack of a definite scope has been an issue in the past

These issues are being addressed through greater focus on work through the split of Technical Services (Specifier) and Operations (Provider). With a recent change in Technical Services personnel and the addition of experienced staff the scoping of work has already improved substantially.

The implementation of the Major Project Unit and the appointment of the Revitalisation Manager will provide a scoping and community consultation oversight and will result in increased monitoring of projects.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

Camps

Nameless Valley Road Camp

Nameless Valley Camp was established by the Shire in 2008 primarily to service the workforce for the construction of Nameless Valley Road with an initial 20 rooms.

The camp was extended in January 2011 to 40 rooms mainly resulting from the relocation of the units from Millstream (Roebourne - Wittenoom Road and flood damage works).

RTIO has provided funding (through reimbursement) to extend this by another 40 rooms plus 15 mobile caravan sites. Funding has been provided from operating income for this work.

With this expansion RTIO has also extended mains power at its own cost which is a significant saving and more reliable service compared with the current diesel generators. The cost in generator hire, fuel and labour (to fill the generator daily) is around \$35,000 per month. An estimated annual saving of \$180,000 for power supply is expected.

The camp has allowed the Shire to extend its workforce for town works including concrete supply and installation works, landscaping, drainage works, waste management/recycling, crack sealing, asphaltting, resealing and linemarking of streets, subdivisions, surveyors, etc in Tom Price and Paraburdoo.

The camp also houses our in-house construction workforce (Nameless Valley Road, Banjima Drive, Hamersley Gorge, Mine Road LIA and contractors for Shire work (TP town centre, TP Skate Park, Swimming Pool refurbishment, etc)

With the shortage of accommodation in Tom Price the camp has been made available to contractors on the basis that there is no other accommodation available.

The NV Camp has provided accommodation for personnel delivering community beneficial works such as the service station upgrade, RTIO housing refurbishment, power line upgrade, shopping centre facades, high school trade centre construction, main roads maintenance works, etc. RTIO contractors (RCR Resources, Monadelphous, NRW) also utilise the camp as a top up for shutdowns.

The Nameless Valley Camp provided an office to minimal Operational Staff until a recent expansion to provide much needed office accommodation for 6 staff.

Onslow Social Infrastructure Camp (Aerodrome)

The Onslow Social Infrastructure Camp will be operational in late October 2012.

The camp consists of 105 accommodation units plus kitchen, recreation room, laundry, offices, etc has been established initially for the construction of the Onslow airport but will serve as accommodation for the delivery of all social infrastructure projects in Onslow.

Funding for the construction of the camp has been sourced through a "loan" from the social infrastructure fund which will be recovered along with operational costs through the room rate.

ATTACHMENT 14.2B

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Process for Private Works

As previously outlined private works are delivered in a variety of ways.

By their nature, private works are not predictable and usual require quick decisions to be made.

It is proposed that the following process be followed to ensure good governance and compliance.

Tender for Work

(similar to the BHP Macedon Domgas proposal in 2011)

Council to approve the tendering of all work.

Turn-around time may be as little as 30 days for the tendering of work. Therefore a methodology needs to be devised to accommodate this.

Budgeted Specific Works

Approval of Council is implicit and can therefore proceed. However some private works will be unknown at budget approval time.

Unbudgeted Works

Need Council approval

Budgeted Non-specific Private Work

A catch-all private works budget is included in the budget approval. This is an in and out amount, so if works are not forthcoming the bottom line of the budget is unaffected. This process allows for compliance as work is budgeted and over and under expenditure/income is reported to Council.

This process also allows for the required flexibility and response times. It is a process that is not immediately transparent and needs refinement.

Consultation

Chief Executive Officer

Statutory Environment

Not Applicable

Financial Implications

In line with approved budget

Strategic Implications

There are no strategic implications relative to this matter

Policy Implications

There are no policy implications to this matter

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Receive the Private Works Report.
2. Directs the CEO to formulate a policy and process for private works with recommendations for Council decision at the Ordinary Meeting of Council, 12 December 2012.

Author: Fiona Keneally	Signature:
Manager: Jeff Breen	Signature:

15. COMMUNITY DEVELOPMENT REPORTS

15.1 GRAFFITI REMOVAL POLICY

FILE REFERENCE:	GOVN1
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	6 October 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton recognises to need to formalise its graffiti removal strategy with an underpinning policy. This policy outlines Shire responsibilities and response times to graffiti removal.

Background

While the Shire has always attempted to remove graffiti in a timely manner, the attached policy formalises that process and provides guidelines for its removal.

Comment

Graffiti, while relatively uncommon within the Shire, is a cause of community concern when it does occur. Staff currently attempt to remove graffiti as quickly and effectively as possible, and the recent purchase of a high pressure graffiti removal machine will assist with this process.

Currently no guidelines exist clarifying the Shire's level and extent of responsibility for the removal of graffiti. There are also no guidelines clarifying how the Shire can support in circumstances where the Shire does not have removal responsibilities.

The attached policy provides such guidance and clarity.

ATTACHMENT 15.1

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Consultation

Chief Executive Officer
Executive Managers

Statutory Environment

Nil

Financial Implications

Nil

The 2012 -2013 budget currently allows for building maintenance which includes the removal of graffiti

Strategic Implications

Strategic Plan 2012 – 2022

Goal 5 “Inspiring Governance”

Objective 2 “Community Ownership: Proactively manage community inquiries, concerns, and needs.”

Policy Implications

Creation of a new Graffiti Removal Policy

Voting Requirement

Simple Majority Required

Recommendation

That Council accepts the attached Graffiti Removal Policy.

Author: Deb Wilkes	Signature:
Manager: Jeff Breen	Signature:

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

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.*

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

17.1 CONFIDENTIAL ITEM - WITTENOOM LITIGATION

FILE REFERENCE: OR.MT.2

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 October 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, 20 June 2012
Confidential Agenda Item 17.3. Ordinary Meeting of Council, 18 April 2012

Please refer to Confidential Item Attachment under separate cover.

Author: Keith Pearson	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

17.2 CONFIDENTIAL ITEM - VETERINARY SERVICES IN TOM PRICE, PARABURDOO AND COMMUNITIES

FILE REFERENCE: OR.MT.2

AUTHOR'S NAME AND POSITION: Jeffrey Breen
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Dr Richard and Michelle Knight

DATE REPORT WRITTEN: 5 October 2012

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

PREVIOUS MEETING REFERENCE: Nil

Please refer to Confidential Item Attachment under separate cover.

Author: Jeff Breen	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

17.3 CONFIDENTIAL ITEM - CONSIDERATION OF THE ONSLOW SUN CHALETS LEASE

FILE REFERENCE: SE.R.04405.000

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

NAME OF APPLICANT/RESPONDENT: Nil

DATE REPORT WRITTEN: 5 October 2012

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

PREVIOUS MEETING REFERENCE:

Confidential Agenda Item	16.02.01	Ordinary Meeting of Council	February 2008
Confidential Agenda Item	16.07.10	Ordinary Meeting of Council	18 December 2007
Confidential Agenda Item	16.07.10	Ordinary Meeting of Council	17 July 2007
Confidential Agenda Item	16.05.09	Ordinary Meeting of Council	22 May 2007

Please refer to Confidential Item Attachment under separate cover.

Author: Amanda O'Halloran	Signature:
Manager: Jeff Breen	Signature:

18. COUNCILLOR AGENDA ITEMS

18.1 TOM PRICE AND PARABURDOO HOSPITALS

COUNCILLOR'S NAME: Cr Peter Foster

DATE REPORT WRITTEN: 16 August 2012

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

Issue

Tom Price and Paraburdoe Hospitals.

Reason

Residents of Tom Price and Paraburdoe are concerned with their respective hospitals.

The buildings are quite old, is home to a lot of older medical equipment, and desperately needs attention.

The numbers of beds available for patient use in recent years has declined, and even though the population is growing within the township of Tom Price and Paraburdoe, the level of medical services being delivered from the both Hospitals hasn't expanded accordingly.

There is no mental health services being provided, no obstetrics, no elderly care.

Tom Price and Paraburdoe residents are seeking Council help in bringing the WA Government's attention to this hospital and seek information as to what are the future plans for this hospital and for the services being delivered.

There has been rumours circulating that Paraburdoe Hospital is expected to close, and that Tom Price Hospital won't be getting an upgrade any time soon.

Councillor Recommendation

That Council:

1. Direct the CEO to write to the WA Minister for Health, as soon as possible, outlining Council's concerns for both hospitals and seek assurances as to services provided, and information on the future of hospital services proposed for the residents of Tom Price and Paraburdoe.
2. Report back to Council any response received from the WA Minister for Health in respect of these issues.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

RESPONDING OFFICER

FILE REFERENCE: TP.HO.0863.000

AUTHOR'S NAME AND POSITION: Jeffrey Breen

NAME OF APPLICANT/RESPONDENT:

DATE REPORT WRITTEN: Insert date here

PREVIOUS MEETING REFERENCE:

Voting Requirement
Simple Majority Required

Recommendation
That Council:

1. Direct the CEO to write to the WA Minister for Health, as soon as possible, outlining Council's concerns for both hospitals and seek assurances as to services provided, and information on the future of hospital services proposed for the residents of Tom Price and Paraburdoo.
2. Report back to Council any response received from the WA Minister for Health in respect of these issues.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

18.2 ANZAC MEMORIAL PARK - PARABURDOO

COUNCILLOR'S NAME: Cr Ivan Dias

DATE REPORT WRITTEN: 2 October 2012

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

Issue

Design and build an appropriate monument for Memorial Park, Anzac Place, Paraburadoo.

Reason

A War Memorial is a central part of any town site where locals can gather on Remembrance Day and ANZAC Day to remember the sacrifices made by Australian Soldiers overseas.

The War Memorial in Paraburadoo, situated in Memorial Park, Anzac Place is a simple and beautiful site, yet it lacks a monument.

At the moment there are only a few plaques, a white cross, and flag pole.

Many War Memorials around Australia have appropriate statues to help commemorate relevant days.

As Onslow Beadon Point has been upgraded and there are plans being formulated for the upgrade of Tom Price Anzac Park, Paraburadoo residents would like their Anzac Park looked at also.

Councillors were made aware at a previous meeting that Commonwealth Funding has been made available for Anzac Park upgrades in readiness for the upcoming 100 year anniversary of Anzac Day which occurs in 2015.

Councillor Recommendation

That Council:

1. Support in principle the upgrading of the current Anzac Park facilities in Paraburadoo to include a statue or monument.
2. Direct the CEO, to conduct public consultation with the residents of Paraburadoo to determine what monument or otherwise would be appropriate for their Anzac Park.
3. Authorize the CEO, to investigation funding grants available for Anzac Park upgrades.
4. Direct the CEO to report back to Council once this has been done with some draft plans and ideas of what can be constructed in Memorial Park, Anzac Place in Paraburadoo.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

RESPONDING OFFICER

FILE REFERENCE: PA.AZ.2

AUTHOR'S NAME AND POSITION: Jeffrey Breen

NAME OF APPLICANT/RESPONDENT: Nil

DATE REPORT WRITTEN: Nil

PREVIOUS MEETING REFERENCE: Nil

Voting Requirement
Simple Majority Required

Recommendation
That Council:

1. Support in principle the upgrading of the current Anzac Park facilities in Paraburdoo to include a statue or monument.
2. Direct the CEO, to conduct public consultation with the residents of Paraburdoo to determine what monument or otherwise would be appropriate for their Anzac Park.
3. Authorize the CEO, to investigation funding grants available for Anzac Park upgrades.
4. Direct the CEO to report back to Council once this has been done with some draft plans and ideas of what can be constructed in Memorial Park, Anzac Place in Paraburdoo.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

18.3 TOM PRICE ROYAL FLYING DOCTOR AIR STRIP

COUNCILLOR'S NAME: Cr Peter Foster

DATE REPORT WRITTEN: 5 October 2012

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

Issue

After the 15th August 2012 Council Meeting, I've had many conversations with a variety of stakeholders and residents in the Tom Price Community unhappy at Council's decision to not accept ownership and responsibility of an air strip for the purposes of Royal Flying Doctor Service evacuations. It is with their support, I propose that the previous motions in this matter be revoked, and a new motion be considered by Councillors. I strongly believe that an Royal Flying Doctor Service Air Strip be owned by the Shire of Ashburton, as it is done in other Pilbara Shires, and authorize the CEO to source the relevant funding so that this project can be commenced.

Reason

At the 15th August 2012 Shire of Ashburton Council Meeting the following motion was considered:

1. The Council authorise the Chief Executive Office to source \$4.4M capital funding for the Royal Flying Doctor Service airstrip.
2. That should the capital funds be located then Council agree to accept the ownership responsibility of the airstrip and thereafter the operating costs required.

This motion was defeated 5/3.

Reasons considered by Councillors for the rejection included the following which I will attempt to address in turn.

Location

Councillors expressed concerns about the distance of the proposed strip from Tom Price town site, which was estimated at approximately 13kms. Tom Price is clearly situated on a hill, surrounded by hills, which present difficulties in locating a suitable landing area. The old airstrip situated at the Karijini Drive intersection was deemed unsuitable for RFDS airstrip as it is only 700 metres long, and the runway needs to be approximately 1800 metres long to accommodate changes in weather, and distance required to land the RFDS jet plane. The old airstrip situated at the rear of Tom Price Mine Site is only 1000m long, and again is unsuitable for plane landings. This airstrip also has the added hindrance of no roads, and crosses directly through Hamersley Iron Mining Operations. The suggested air strip location of 13kms north of Tom Price, off Bingarn Rd, is the closest, most suitable location.

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Fears of Tom Price RFDS Air Strip becoming an Air Port

To put it simply, it is now commercially unviable now to construct an Airport to service the community of Tom Price. Since our earlier Council decision in regard to not own and operate an Airport for Tom Price, local mining companies FMG and Rio Tinto have constructed their own airstrips to service their Solomon and Brockman 4 Mine Sites. Whilst the area located for an RFDS air strip was the same site as the proposed Airport, there would be no financial benefit now by constructing an airport as flights already operate to private mine sites. Rio Tinto are in the final stages of feasibility to perhaps fund an upgrade, or complete new terminal, for Paraburdoo Airport. The time for an airport to be built and ran in Tom Price has long passed.

Gravel -v- Bitumen surface

Royal Flying Doctor Service planes prefer to land on bitumen or sealed surfaces over gravel surfaces as that can cause damage to the plane, and possibly a patient. The RFDS possess a jet plane which is used in the more severe, more urgent cases. By sealing the air strip with gravel, it would prevent this plane from landing, as this plane will not land on gravel surfaces. In addition, over the longer term, bitumen or sealed surfaces are easier to maintain then gravel surfaces as gravel surfaces require constant monitoring and attention. Sealed surfaces have a longer life, and are easier and cheaper to maintain.

Why should the Shire of Ashburton own and operate a RFDS air strip?

As was discussed at our Shire of Ashburton Council Meeting in Onslow on 15 August, the Shire of Ashburton already own and operate an airstrip in Onslow, soon to become an airport to accommodate the gas plants off the coast of Onslow. This is seen as a must do project for Onslow and for the Shire of Ashburton. According to the Oxford Dictionary a local government "usually provides community facilities such as libraries, pools and parks, maintains local roads, manages town planning and development approvals and operates local services such as waste disposal". The key element to point out is "community facilities". An RFDS air strip will serve the community of Tom Price, and surrounding mining operations, as well as surrounding tourist operations. It is a community facility. Tom Price has a population of 5600 residents according to the 2011 CENSUS. It has been evidenced that Tom Price contribute 5 to 6 RFDS evacuations weekly. It has been described to Council that an RFDS evacuation can happen at any time of day or not, can affect any of us, currently involves a three hour round trip from Paraburdoo Airport, maybe even longer if the patient isn't stable. I strongly believe that we are doing the community of Tom Price, plus its' stakeholders, a great community service by building, owning and operating, an Royal Flying Doctor Air Strip to serve the local Tom Price community.

Cost?

I believe that the cost estimate provided to Council for consideration at the 15th August 2012 was a fair and equitable consideration of all the elements involved in building and constructing an air strip. As discussed above, sealing works out to be cheaper over the longer term. We need to consider the longer term legacies of the decisions that we are making today. We are creating an asset for the Shire of Ashburton, for the Community of Tom Price, for the benefit of others. It is my strong belief that this funding will be sourced from local and state sources. If Council is concerned about the running costs, this could be a matter discussed in future budgets. The running costs were estimated to be at \$100,000 per annum which I believe this Shire is more than capable of supporting. We have been supporting Onslow "Evacuation Strip" for a longer period at a higher running cost comfortably, and income received by the Shire of Ashburton has been on the steady increase over the past few years. I think this is a burden that the Shire of Ashburton can clearly cover and support.

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Who will run it?

As with Onslow Airport - we've had to step out of our comfort zone, and hire appropriately skilled staff to manage the various projects we have going. We've had to hire staff to manage a caravan park, we've had to hire staff to build a RPT air port for Onslow. I see no difference here in hiring a staff member to run and monitor Tom Price RFDS air strip - and might I add just as an important project for the Shire of Ashburton and communities of Tom Price. It isn't my place to comment on operational matters but I believe that Shire of Ashburton can comfortably run this RFDS airstrip and should run it for the benefit of the Tom Price Community. Perhaps funding applications to funding bodies could include consideration for running costs? I believe the Shire of Ashburton is in a strong financial position enough to run an air strip for the benefits of the rate payers for the Tom Price community and others.

Therefore,

I propose the following:

That motions agreed to at 15th August 2012 Shire of Ashburton Council Meeting be revoked.

I believe that I must have the support of two fellow Councillors. Cr Eyre, Cr Fernandez and Cr Shields have all pledged support for a revocation motion.

I would then propose the following recommendation in its' place.

1. Council supports, without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Air Strip, for which to service their needs.
2. Council authorizes the Chief Executive Officer to source the required \$4.4M capital funding for the Royal Flying Doctor Air Strip.
3. That should **capital funds** be located, then Council agree to accept ownership responsibility of the airstrip and potential future maintenance and operating costs.
4. Further authorizes the Chief Executive Officer to source funding for required maintenance and running costs from funding bodies. Should this not be found, then the Shire of Ashburton Council accepts that the financial burden of maintenance and running costs will fall to the Shire of Ashburton.

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Councillor Recommendation

That Council

1. Rescinds previous decision from August 2012 Meeting (Minute 11272)
 - i. Council will support the development of a RFDS air strip for Tom Price if owned and operated by others and;
 - ii. Direct the CEO to lobby resource companies, state government departments etc to construct own and operate an RFDS air strip in Tom Price"

Alternate Motion:

1. Council supports, without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Air Strip, for which to service their needs.
2. Council authorizes the Chief Executive Office to source the required \$4.4M capital funding for the Royal Flying Doctor Air Strip.
3. That should capital funds be located, then Council agree to accept ownership responsibility of the airstrip and potential future maintenance and operating costs.
4. Further authorizes the Chief Executive Officer to source funding for required maintenance and running costs from funding bodies. Should this not be found, then the Shire of Ashburton Council accepts that the financial burden of maintenance and running costs will fall to the Shire of Ashburton.

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RESPONDING OFFICER

FILE REFERENCE:	OR.MT.1
AUTHOR'S NAME AND POSITION:	Keith Pearson A/Executive Manager, Technical Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 October 2012
PREVIOUS MEETING REFERENCE:	Agenda Item 10.1 Ordinary Meeting of Council 15 August 2012

Background

Council, at its August 2012 council meeting, considered a report from the Administration proposing

- "1. That Council authorise the Chief Executive Officer to source \$ 4.4M capital funding for the (Tom Price) Royal Flying Doctor Service airstrip.*
- 2. That should the capital funds be located then Council agree to accept the ownership responsibility of the airstrip and thereafter finance the operating costs required."*

Following its deliberations in relation to this matter, Council resolved to reject the officer's recommendation and, instead, adopted the following resolution;

- "1. Council will support the development of a RFDS airport of Tom Price owned and operated by others.*
- 2. Direct the CEO to lobby resource companies, state government departments, etc. to construct own and operate an RFDS air strip in Tom Price"*

Comment

Since Council passed its resolution the Chief Executive Officer has raised the matter with a number of parties, however no organisation has made a firm commitment to either fund, or operate, the proposed airstrip.

Additional Comment

Nil

Consultation

Cr Peter Foster
Chief Executive Officer

Additional Consultation

Nil

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Statutory Implications

Various permits may be required but these are not considered onerous

Financial Implications

If Council takes ownership of the strip there will be ongoing operations and maintenance costs identified in the August 2012 report to Council. These costs were identified in the August 2012 report as being \$4.4M to design and construct the facility and an average annual ownership cost (excluding the initial capital outlay) of less than \$100,000 per annum

Strategic Implications

Community Strategic Plan 2012 – 2022;

Goal 1 “Vibrant and active communities”. Objective 03. Quality Education, Healthcare, Aged Care, and Youth Services..

Goal 4. “Distinctive and well serviced places”. Objective 02. Accessible and safe towns.

Policy Implications

Asset Management Policy AMP1

Voting Requirement

Section 5.25(1)(e) of the Local Government Act states

1. 5.25. Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to ...

i. (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and

The Local Government (Administration) Regulations 1996 go on to state;

“Reg 10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

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(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different."

In summary, three councillors (including the mover) are required to support the motion to revoke Council's original, August resolution and an absolute majority is required to change the original motion.

Recommendation

That Council:

That Council:

1. Rescinds previous decision from August 2012 Meeting (Minute 11272)
 - i. Council will support the development of a RFDS air strip for Tom Price if owned and operated by others and;
 - ii. Direct the CEO to lobby resource companies, state government departments etc to construct own and operate an RFDS air strip in Tom Price"

Alternate Motion:

1. Council supports, without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Air Strip, for which to service their needs.
2. Council authorizes the Chief Executive Office to source the required \$4.4M capital funding for the Royal Flying Doctor Air Strip.
3. That should capital funds be located, then Council agree to accept ownership responsibility of the airstrip and potential future maintenance and operating costs.
4. Further authorizes the Chief Executive Officer to source funding for required maintenance and running costs from funding bodies. Should this not be found, then the Shire of Ashburton Council accepts that the financial burden of maintenance and running costs will fall to the Shire of Ashburton.

AGENDA - ORDINARY MEETING OF COUNCIL 17 OCTOBER 2012

19. PILBARA REGIONAL COUNCIL REPORT

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 21 November 2012, at the Ashburton Hall Ashburton Avenue, Paraburdoo, commencing at 1.00 pm.

21. CLOSURE OF MEETING