



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**AGENDA  
(Public Document)**

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

**18 April 2012**

# **AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 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 18 April 2012 at RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 3:00 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

Hamid Mohsenzadah	Regional Manager, Department Water
Kerrie Chapman	Regional Manager, Water Corporation
Yasmine Hajlovac	Project Manager, Dampier Port Authority
Peter King	Port Development Manager, Dampier Port Authority
Tim Williams	Chief Operating Officer, Dragon Energy Ltd
Norman Daffen	Consultant, Dragon Energy Ltd

### 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
Mr F Ludovico	Executive Manager, Corporate Services
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr G Brayford	Executive Manager, Technical Services
Ms D Wilkes	Executive Manager, Community Development
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Assistant CEO
Ms J Brayford	CEO & Councillor Support Officer

#### 3.2 APOLOGIES

Ms F Keneally	A/Executive Manager, Operations
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#### 3.3 APPROVED LEAVE OF ABSENCE

There were no approved Leave of Absence.

### 4. QUESTION TIME

#### 4.1 PUBLIC QUESTION TIME

#### 4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 21 March 2012, the following questions were taken on notice and a written response has been provided.

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Steele and Jasmin McDermott from Paraburdoo tabled the following questions:

**Q1a. In regards to the Sporting Complex on the main oval we would like to know where and what planning stage are we at.**

**Response:**

Community consultation has been carried out and Council's architects have been briefed to develop concept plans. It is expected that concept plans will be available in late May for community and Council endorsement with construction to commence in late 2102 assuming that funding is available.

**Q1b. Questions around town suggest that Shire is questioning Qantas fares to Paraburdoo. Any truth to that?**

**Response:**

Airfares between Perth and Paraburdoo are set at a level the operator believes is commercially acceptable. The Shire and others have advised the operator that the cost of fares is too high.

Recent advice from the operator is that the prices have been reviewed and that an adjustment will be made to make them more comparable with fares from similar airports (eg Newman). A general decrease in fares is expected.

Binnie O'Dwyer – Occupational Therapist tabled the following question:

**Q2a. I would like a correction from previous minutes that it is agreed to have a total of 6 disabled car parks not 5 in the shopping complex at Tom Price.**

**Response:**

Note: The Agenda for the Ordinary Meeting of Council 21 March 2011 was rectified in the Agenda Item 7.1 Confirmation of Minutes of Previous Meeting.

There will be a total of six disabled car parking spots in the Tom Price shopping complex. Two being located at the western end near the Westpac Bank and four at the eastern end (two near Muzzy's Hardware and a further two near the Bakery).

**Q2b. I would like to ask as to when the Paraburdoo car park outside the shops will have the disabled parking updated to current AS2890.**

**Response:**

There are extensive works to be completed in the Paraburdoo car parks in the coming months, this includes sewer works by Rio Tinto and storm water works by the Shire of Ashburton. These works have to be carried out prior to resurfacing of the car parks, the standards are only applicable to newly designed car parks and are not intended that old car parks are retrofitted. Once the car park have been resurfaced it will then be redesigned and will include disabled spaces that reflect the new standard (AS/NZS 2890.6:2009). It is hard to give a definite date on this because it

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involves work which is outside the Shire's control (Rio Tinto Sewer relay) but we are striving to complete these upgrades as soon as possible.

**Q2c. Is it possible to know who owns the buildings in Tom Price Video store, Hairdresser and private car park?**

**Response:**

This information is available from the Executive Manager, Technical Services at the Shire of Ashburton. Enquires can be made at the Shire offices.

Peter Foster tabled the following emailed question on behalf of Michelle Dudfield:

**Q3. "Thank you for providing the opportunity to contact you directly about community issues/concerns.**

*I am emailing you in relation to the lack of adequate pathways in the central area of town, particularly behind the main oval. I live in Hibiscus St and have two boys under the age of 4. We go for daily walks/bike rides and cannot safely get out of the street and then make our way to the pool, shops or parks as there are no consistent pathways to follow.*

*I would like the Council to strongly consider pathways at the following locations.*

*East Rd and around the corner of Willow Rd (traffic has got significantly busier, particularly with the very large buses going to and from the camp and the RIO busses). The corner is very dangerous.*

*Along the front of the pool car park (we have to go through the car park)*

*Jacaranda Drive*

*Stadium Rd behind the Moon Palace Chinese car park and alongside the village green area.*

*Thank you in anticipation!"*

**Response:**

Refer to the response in Question 4 below.

Cr Foster tabled the following question on behalf of Michelle Laylan:

**Q4. "I have lived in Palm Street for just over 4 years now and in this time I have seen many footpaths put around town, even the road that leads to nowhere has a footpath. I would like to know if there are any plans to extend a footpath along South Street all the way to the end. There are many children who walk/ride to school and they are faced with danger every day with busses, cars and trucks. As a parent I walk with my child to school but when we reach the blind corner it is very daunting as we have to watch what is coming and find ourselves**

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*walking on the loose gravel to avoid contact with cars, which is common sense but a footpath would make it so much easier and safer. After that there, there is the Shire's parking bays to cross as well. It does seem that the further you are away from the town centre the less gets done; there is plenty of room for a footpath along the side of the road. Many people run this road in the late afternoon as it leads to the lookout for an extra challenge at that time of day there are buses, people returning home from work and everyone is in a rush, a footpath/cycleway would make the pedestrians, young and old using this road a lot safer"*

**Response:**

The Shire has a forward capital works program for footpaths and shared bike pathways.

Construction of many of the inner town footpaths, particularly along Stadium Road and Jacaranda Road, will be delayed pending the completion of a number of major projects over the next few years.

Exact projects need to be confirmed for next year, however part of Willow Road is included with high priority. East Road and South Road have been prioritised towards the latter part of the 5 year program. Cul-de-sacs or dead end roads are not currently within the footpath priorities.

In South Road particularly, however, a drainage design is being considered that will review the adjacent open drain. When this work has been completed some rationalisation of the drain, the recreation area and the parking bays on South Road may enable the priority of this work to be lifted.

Cr Foster tabled the following question from Nahdene Sealey:

**Q5. "I would like to bring your attention to the lack of a safe playground area for children who live in Area W.**

*Presently all outdoor free activities for the children of Tom Price are located in Central. The only available place for children to play in Area W is on the North Tom Price PS playgrounds which not only is a liability issue for the school, but is a safety and vandalism risk.*

*Sure there are places available to play in Central. But to put it plainly Central is too far from Area W for a child to be afforded some independence and responsibility safely. These are virtues that can easily and safely developed in our children through the accessibility of a safe playground within their immediate neighbourhood, where they can be monitored in a shared manner among residents.*

*In addition to teaching our children to cross the bridge and roads safely, there is the concern of drivers not paying attention. The current underpass is dark, smelly and uninviting to the average adult let alone a child.*

*Therefore I propose that Council look into the possibility of a combined project possibly incorporating companies such as Rio*



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*Tinto, Lotteries West, FMG, Royalties for Regions and other local businesses and the Shire of Ashburton. There are many alternatives available today to create a fun and safe play environment for the children as per the children in Perth. I understand that Rio Tinto has recently contributed a large amount of funds and manpower to build an alternative playground in Kings Park. Wouldn't it be fantastic if we could create a smaller version of that here in Tom Price, in the space available around the Area W community oval?"*

**Response:**

Refer to the response in Question 6 below.

Cr Foster tabled the following letter on behalf of Anne Gordon:

- Q6.** *"I want to ask you or the Council if a playground or something similar can be added to the Area 'W' oval. My son got a warning at school today that the police will be called if he and his friends play on the school playground again out of school hours. I have spoken to the school and apparently it is trespassing, although in the past (and I have been here for 13 years it has never been a problem. I am not blaming the school, they are having a lot of issues with damage to school property at the moment, but where do the Area 'W' Primary school children go to play?"*

*My children are 8 and 11 and old enough to go to the playground by themselves, but we live in Pindari Place and I don't want my children going over the bridge to the Lyons Park, which I believe is too far away from our house.*

*I have spoken to other parents in this area, and they feel the same way. They have mentioned that all the towns play areas are in the Central area; the Bird Park, Lions Park, Main Oval playground, cricket nets, Swimming pool and the Skate Park.*

*If we wrote a letter to the council and had the Area 'W' families sign it, would that help? Or what do you suggest.*

*I spoke to Michelle McGregor (who also has a child that was warned today) and she told me that the Early Years Group applied to the Shire to put a playground on the grassed area in front of the Civic Centre, but they were denied when the Area 'W' oval redevelopment plan was on the drawing board.*

*I know that kids today should be able to entertain themselves or take a cricket bat and ball to the oval, but the weather here is not very inviting for that type of sport and a covered playground is much more inviting. This is the 21<sup>st</sup> century and electronic toys are in every home. I do not like seeing my kids at home on electronic toys and insist that they go down to the park, but if there is nothing for them to play on, they get bored very quickly and come back home.*

*I feel very strongly about this issue and would like your help and support on this matter. Thankyou."*

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### **Response:**

The Education Minister has publicly supported sharing of education department facilities. The Executive Manager, Community Development has a proposal for the North Tom Price School to upgrade and maintain playground facilities on a share basis. Failing this, the Area W master plan identifies a number of enhancements around the oval and Civic centre for community use including a small playground, seating and BBQ facilities.

A final decision and plans are expected by June 2012 for community and council endorsement.

Cr Foster tabled the following question from Jay Elkind:

**Q7. *"I do a lot of driving round this town and have noticed the very sad state of street signs in some areas. This is the older out of the way signs, with the green sticker. They are peeling off the signs and looking very sad and there are some that have actually lost all the stickers (yiluk). So I was wondering if with this town upgrade there is a chance that they could also be looked at"***

### **Response:**

Replacement signs are on order and works will commence in early May.

Cr Fernandez tabled the following questions:

**Q8a. I was appointed by Council as representative to the P.D.C. Can I be informed on why I have not received any information of when to start or what is the process in this matter?**

### **Response:**

Nominations towards a number of committees was resolved at the Ordinary Meeting of Council held on the 19 October 2011. Your nomination was received by the Pilbara Development Commission in November 2011.

The Pilbara Development Commission has advised that the Minister for Regional Development, Hon Brendon Grylls MLA, will make the final appointments which will then be endorsed by state cabinet.

Once a candidate's nomination has been accepted and approved by state cabinet the Pilbara Development Commission will notify applicants.

**Q8b. Can Shire tell me what is the position of Keith Pearson, as in the Aboriginal Forum he was having a tag as CEO of Ashburton Shire. What is his salary? What is his Job description or duties if he is in a contract with the Shire when this is to expire?**

**The previous CEO – Mr Keith Pearson never has an advisor, therefore we do not need or why we need one? Is the CEO (actual) not capable by himself why?**

### **Response:**

This question contravenes policy ELM04, Code of Conduct for Councillors and Staff, Clause 5.1(a)iv *"Make no allegations that are improper or derogatory ....."*

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This question is at odds with Clause 5.7(b)i policy ELM04, Code of Conduct for Councillors and Staff *“Accept that their role is a leadership, not a management or administrative one;”*

This question contravenes policy ELM07, Procedure for the Conduct of Public Question Time and Deputations, Inappropriate Questions, *“The question relates to the competency of elected members or employees”*.

**Q8c. Why Councillors can not write articles in our newsletter especially if we want to give information to our residents about issues of their interest**

**Response:**

There is no exclusion on providing articles for the Inside Ashburton, however as with all publications there is a deadline and there may be editing for reasons of accuracy of content, space available, etc.

**8d. Can Shire tell me if Council sell a property or land, or approve a project to be developed. What time frame can the Shire give to the applicant to complete the project or to build.**

**If this is not achieved does the Shire claim or close the negotiation? If not why not?**

**Response:**

Depending on the nature of the project or type of land transaction a timeframe may be negotiated into the contract.

With regard to the residential and industrial subdivisions in Tom Price that were auctioned in February & March 2011, settlement of these sales is subject to the issue of titles upon completion of the subdivisions. No development clauses were included in the sale contracts requiring purchasers to build within a certain timeframe as this was not perceived to be an issue (ie the purchasers have all indicated their intent to build on their lots as soon as possible in order to meet their accommodation and business needs). Generally the sale of vacant land does not have a deadline for development attached unless there is a concern that the purchaser may be ‘landbanking’ or the proposed project and its delivery is vital to the Shire.

Other projects or developments that are approved by Council via a planning or development application all have a timeframe attached to this approval. The developer is normally given a deadline to apply for the relevant building licence, and a date by which the development must have substantially commenced. The Planning Approval may be extended by application to the Shire.

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- 8e. Can Shire tell me of any action taken from Shire towards the sealing of the road to Karratha. Can the Shire give me an estimation of the cost they consider realistic of the sealing of the Karratha Tom Price road?**

**Response:**

As previously advised a report is being prepared by Pracsys. In order to present a compelling business case the collection of data needs to be comprehensive. Data has been sought from government agencies, the resource sector and the public via traveller interviews.

Information regarding patient numbers, accident statistics, maintenance costs, etc are being assembled.

Interviews have been conducted with the travelling public in Tom Price, Paraburdoo and Karratha.

The report is slowly coming together as there is reliance on third party information. It is expected that a well constructed cost-benefit business case will be available by the end of May 2012.

- 8f. Aboriginal T.P. Kids Playgroup - Can Shire approve the installation of 2 water drinking fountains in Lions Park ASAP? I have quotes if required.**

**Response:**

The Shire will put this into the plan of works for action of installing one water fountain at Lions Park. It is difficult to give time estimation but the Shire will strive to complete as soon as it is possible.

### **5. APPLICATIONS FOR LEAVE OF ABSENCE**

### **6. PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **6.1 PETITIONS**

#### **6.2 DEPUTATIONS**

#### **6.3 PRESENTATIONS**

Hamid Mohsenzadah, Regional Manager, Department of Water and Kerrie Chapman, Northwest Regional Manager, Water Corporation will present a Waterwise Certificate to Council.

Yasmine Hajlovac, Project Manager, Dampier Port Authority and Peter King, Port Development Manager, Dampier Port Authority will be giving a presentation on the Dampier Port Authority role within the Port of Ashburton. They will also be advising on their Community Engagement Forum.

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.1 ORDINARY MEETING OF COUNCIL HELD ON 21 March 2012**

**Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held on 21 March 2012, as previously circulated on 2 April 2012, be confirmed as a true and accurate record with the following correction:

Agenda Item No 16.1 Donation to North Tom Price and Paraburdoo Primary School for the Purchase of IT Equipment change the wording from "*Crs Fernandez, Dias and Thomas voted against the motion*" to "*Crs Fernandez, Dias and Thomas voted for the motion*".

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

**9. DECLARATION BY MEMBERS**

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

**9.1 DECLARATION OF INTEREST**

**Councillors to Note**

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

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

or;

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

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

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

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

**NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in

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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 AFFORDABLE HOUSING - NATIONAL AUSTRALIA BANK PROPOSAL

**FILE REFERENCE:** OR.IG.03.08

**AUTHOR'S NAME AND POSITION:** Jeff Breen  
Chief Executive Officer

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

**DATE REPORT WRITTEN:** 6 April 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Pilbara Regional Council, on behalf of its member council's, has been liaising with the National Australia Bank over the past 18 months to provide affordable housing in the Pilbara. A business case has been produced by the NAB and its endorsement is recommended.

#### **Background**

A significant limiting factor to the development of the Pilbara is the availability of affordable housing. This is particularly evident in the service industry sector which cannot compete with the resource sector in the housing rental market.

This lack of affordable housing results in a much lower than the state average number of small businesses in the Pilbara and therefore a lack of services found in "normal" communities.

To date, no solution has been available.

This proposal is to build 180 affordable beds in Tom Price and Onslow.

Land is to be made available at no cost to the developer; a 30 year concession is to be provided.

This land may be serviced or unserviced and will likely come from the "lazy lands" project being undertaken with the Department of Regional Development and Lands or from land held under lease by Council.

Disposal of property requirements of the Local Government Act will need to be observed. The housing will be constructed, managed and maintained by the developer, and on completion of the concession period, will be returned to the Council either as a cleared site

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or with housing intact.

Rents will be set at a maximum of 30% of the income of the tenant.

### **ATTACHMENT 10.1**

#### **Comment**

The affordable housing project is a large project in terms of the number of residential dwellings that will be constructed, and in terms of the impact of allocating these houses to essential workers will have on the community.

One of Australia's largest banks, the National Australia Bank, has been secured as the financier, and a consortium of the Pilbara's mining companies have agreed to underwrite the project as part of their commitment to the sustainability of the community. The particular features of the business case are:

- No upfront cost to Councils (except approvals)
- No requirement to provide serviced land if it is not available
- Almost all other risk is transferred to the private sector
- Councils retain control over rents to ensure affordability for essential workers
- Councils retain ownership of the land under a concession arrangement

The investment consortium has assembled a broad array of financiers, underwriters, developers, facilities managers and others to present this business case. Each of these faces their own commercial pressures in an uncertain global economic environment. Each of these is continuously evaluating their cost and allocation of capital. This situation will not be able to be sustained for a lengthy period. If the business case is not endorsed, then there will not necessarily be an opportunity to revisit it at a later date.

The PRC have presented a similar business case to each of the other member Councils (with individualised budgets/beds) for consideration.

Councils that endorse the business case will be introduced to the National Australia Bank consortium team and the project will commence with a full Information Memorandum and capital raising proposal.

The responsibility for final development and building approvals remains with Council; no construction can proceed without these approvals being in place.

The proposal is risk free to Council and provides an opportunity to establish housing stock for the service sector and lower income earners in the Shire of Ashburton.

#### **Consultation**

The proposal has been considered by the Pilbara Regional Council  
Executive Managers

#### **Statutory Environment**

Local Government Act 1995 Section 3.58

#### **Financial Implications**

None apparent



## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### Strategic Implications

Nil

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Endorses the business case proposed by the National Australia Bank for the construction of affordable housing in Onslow and Tom Price.
2. Directs the CEO to negotiate minor changes to the business case.
3. Directs the CEO to negotiate the provision of land with relevant government agencies.
4. Directs the CEO to report back to Council for final approval of the project.

<b>Author: Jeff Breen</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 10.2 MoU BETWEEN THE SHIRE OF ASHBURTON AND THE PILBARA IRON COMPANY (RIO)

<b>FILE REFERENCE:</b>	CORP4
<b>AUTHOR'S NAME AND POSITION:</b>	Jeff Breen Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	10 April 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

RTIO and the Shire of Ashburton have been negotiating a Partnership Agreement which will provide an opportunity to jointly improve and sustain the liveability of the Communities of Tom Price, Paraburdoo and Pannawonica.

The Community Infrastructure and Services Partnership establish the relationship and is recommended for endorsement by Council.

#### Background

In March 2011 an Engagement Framework was formulated between the Shire and RTIO.

This framework has been the impetus for a much closer and fruitful relationship between the parties and has enabled the delivery of a number of solutions to issues including the development of the townsite strategies for Tom Price, Paraburdoo and Pannawonica.

The Community Infrastructure and Services Partnership derives from, and is an extension of, this process.

#### ATTACHMENT 10.2

#### Comment

The Community Infrastructure and Services Partnership and the associated Community Infrastructure and Services Plan provide a platform for the provision of improved, sustainable facilities for Paraburdoo, Tom Price and Pannawonica.

Coupled with the recent Town Strategy documents the MoU and accompanying plan will enable a clear direction for the towns.

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Following endorsement of the MoU, terms of reference will be established for the Partnership Governing Committee and the Partnership Management Team. The team members will endorse the terms of reference.

Endorsement of the MoU by the Council will also trigger the immediate funding of a Partnership Manager and a Communications Officer (0.5FTE) to assist with the process and ensuing projects.

The Partnership will recognise not only the need for new facilities, but also maintenance and operational costs that accrue. It is expected that funding will be provided on a project by project basis and may be direct, contributory to the Shire, leveraged through the Shire for third party funding, etc.

### **Consultation**

Developed through partnership meetings.

### **Statutory Environment**

Not applicable

### **Financial Implications**

Outcomes will have an unquantifiable, but positive effect on Council's finances through provision of contributory funding for capital projects and operational costs.

### **Strategic Implications**

Include and Engage our Community 2007-2011 Strategic Plan.  
Project 2

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council:

1. Approves the Community Infrastructure and Services Partnership Memorandum of Understanding with the Pilbara Iron Company; and
2. Delegates the CEO to negotiate any minor changes, if necessary, to the MoU prior to sign off.

<b>Author: Jeff Breen</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 11. CORPORATE SERVICES REPORTS

#### 11.1 DEBTORS RIGHT OFF - HAMERSLEY IRON PTY/ PILBARA IRON COMPANY (SERVICES)

**FILE REFERENCE:** FI.RE.00.00

**AUTHOR'S NAME AND POSITION:** Frank Ludovico  
Executive Manager, Corporate Services

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

**DATE REPORT WRITTEN:** 3 April 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda item 16.12.18 Ordinary Meeting of Council  
16 December 2008

##### **Summary**

Staff has been reviewing outstanding debtors and a number of items associated with Normalisation Agreements now need to be written off

##### **Background**

Finance staff have slowly been reviewing debtors and clarifying outstanding debts applicable to various debtors. With the change over from the Authority to Quickbooks (2005) and the transfer of Quickbooks to Synergy (2007) a number of debtor balance were simply transferred to the new system without detailed review.

There were a number of balances transferred from Pilbara Iron Co (Services) Pty Ltd (Debtor 185) and Hamersley Iron Pty Ltd (Debtor 91)

Debtor	Date	Invoice	Description	Amount
185	17/06/05	40397	New Bin at 1101 Eungella Place, TP	120.00
	6/08/05	36688	One Third Costs of Re-surfacing TP Tennis Courts	19,999.46
	7/06/05	40319	Purchase Order:4300472667	240.00
	24/05/05	40244	Purchase Order: 4300467490	360.00
	28/01/05	39505	Purchase Order: 4300410399	120.00
	21/01/05	39446	TP Waste Site Dumping	60.00
	8/11/04	39050	2004/2005 Normalisation Payment	38,500.00
	7/10/04	38786	Purchase Order:4500108388	194.00
	7/10/04	38787	Purchase Order: 4700182302	130.00

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	7/10/04	38785	Purchase Order: 4700177004	492.00
	7/10/04	38784	Purchase Order - Greg Willis	1,147.11
			LESS Unallocated payments totalling \$	(5,256.96)
91	4/9/04	2677	Building Fees #20080355	2,616.15
	4/3/08	1670	Building Fees #20080204	(41.83)
<b>Total Outstanding</b>				<b>58,679.93</b>

As can be see a number of the transaction associated with Debtor 185 are extremely old and the unallocated credit more than cancels most of the invoices (except those associated with Normalisation and Tennis Courts resurfacing).

At Councils 16 December 2008 meeting at item 16.12.18 Council agreed to the Final Transitional Agreement between Hamersley Iron Pty Ltd and the Shire of Ashburton concerning the Tom Price and Paraburdoo Normalisation Agreement.

That Agreement said in part:

*“notwithstanding any outstanding credit amounts owed..... on or from this letter the outstanding obligation under the agreement will be satisfied by Hamersley Iron providing funds for mutually agreed projects in Tom Price and Paraburdoo by way of reimbursement to the Shire for expenditure occurred in relation to services to an aggregate amount of \$750,000 on the terms set out in this letter”.*

In effect this means that any outstanding obligations concerning Normalisation issues were cleared. Council now needs to formally write off these amounts, putting into action the terms of the agreement made in 2008.

In respect to Debtor 91 the amounts are made up of an outstanding Building License Fee from 24 September 2008 and an overpayment on a Building License Fee from 14 March 2008. A payment was mis-receipted to this outstanding amount. This error was not picked up until 2009. In the meantime approval was given to proceed with the building. Subsequent efforts to recover this amount have proven fruitless.

### **Comment**

If staff apply the credits associated with both Debtors and excluding the Normalisation payments the net write off requested is \$180.47.

As we need to seek Councils approval for the write off for Normalisation payments all the issues have been brought before Council.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Section 6.12 Local Government Act 1995 enables a local government to make write offs

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### Financial Implications

It is important that outstanding balances fairly represent the funds payable to Shire of Ashburton. It is also important that we review all our outstanding balances thoroughly to ensure they are collectable or not, or whether subsequent events have affected their collectability. In this case negotiations outside the financial process, that are of greater benefit to the Council occurred. The consequential adjustments now need to be made.

Council has provide at account 040042 "Sundry Debtors Write Offs" an amount of \$50,000 to accommodate this write off.

### Strategic Implications

Strategic Objective 6 applies. A well managed and contemporary corporation (action 6 implement a transparent equitable and financially sustainable finance and rates strategy).

### Policy Implications

FIN3 - Accounts Receivable Recovery applies

The requested write off exceeds staff's Delegated authority - DA008 Writing off Debts

### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. Write off Invoice 39050 "2004/2005 Normalisation payment" \$38,500 and Invoice 36388 "One third cost of resurface Tom Price Tennis Courts" \$19,999.46 with funds coming from account 040042 "Sundry Debtors Write Offs"; and
2. Apply the unallocated credits associated with Debtor 185 and Debtor 91 to the other amounts outstanding within those debtors and writing off the remaining \$180.47.

<b>Author: Frank Ludovico</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 11.2 2010/2011 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS

<b>FILE REFERENCE:</b>	FI.RE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager, Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not applicable
<b>DATE REPORT WRITTEN:</b>	4 April 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Local Government Act requires that Council accept the draft Annual Report for 2010/2011, including the Financial and Auditors Reports within two months of the Auditor's Report becoming available.

The Audit Committee has reviewed the Annual Report and has met with the Auditors.

The Council is also required to select a date, time and venue for the Annual General Meeting of Electors.

#### Background

Under Section 5.53 of the *Local Government Act* 1995, the Shire is required to prepare an Annual Report for each financial year. The report is to contain:

- A report from the Shire President and Chief Executive Officer;
- An overview of the plan for the future, including any major initiatives that are proposed to commence or continue in the next financial year;
- The 2010/2011 Financial Report;
- The 2010/2011 Auditor Report;
- Prescribed information in relation to payments made to employees; and
- Any other prescribed information.

The draft Annual Report for 2010/2011 is attached.

**ATTACHMENT 11.2A**

Council is also requested to give consideration to determining the date, time and location of the Annual General Meeting. The meeting must be held within 56 days from the date

## **AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012**

Council accepts the Annual Report and Financial Statements. If Council accepts the Annual Report at this meeting, the latest date for the next meeting is 13 June 2012.

### **Comment**

The Audit Committee meeting will be held on Wednesday 11 April 2012 and a report from that Committee is attached.

### **ATTACHMENT 11.2B**

Last year the Annual Electors meeting was held on Wednesday 16 March 2011 at the Ashburton Hall in Paraburdoo in conjunction with the Ordinary Meeting of Council.

It is recommended that the Annual Report be considered by the electors of the Shire at the Annual General Meeting to be held in the Tom Price Council Chambers on 16 May 2012 commencing at 7.00pm, which is within the 56 day period from the date of Council adopting the draft Annual Report.

### **Consultation**

Internal consultation between the CEO and Executive Management Team.

### **Statutory Environment**

Sections 5.27, 5.53 and 5.54 of the *Local Government Act* 1995.

### **Financial Implications**

There is a governance cost associated with travel and accommodation for Councillors to attend the Annual General Meeting and possibly for the subsequent Elector Information meeting.

### **Strategic Implications**

Strategic Plan 2007-2011 (Plan for the Future)

Objective 6 – A Well Managed and Contemporary Corporation: Deliver effective and accountable governance, widely recognisable for high calibre staff, services, processes and interactions with key stakeholders.

### **Policy Implications**

There is no Council Policy relative to this issue.

### **Voting Requirement**

Absolute Majority required for the acceptance of the Annual Report.

Simple Majority required for the selection of date, times and venue for the Annual General Meeting of Electors.



## **AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012**

### **Recommendation**

That Council:

1. Accepts the Shire of Ashburton Annual Report for 2010/2011 as tabled; and
2. Council hold an Annual General Meeting of Electors at the Tom Price Council Chambers on 16 May 2012 commencing at 7.00pm.

<b>Author: Frank Ludovico</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 11.3 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF FEBRUARY AND MARCH 2012

<b>FILE REFERENCE:</b>	FI.RE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Leah M John A/Finance Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 April 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	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:

##### February 2012

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

##### ATTACHMENT 11.3A

##### March 2012

- Credit Card Statements for Chief Executive Officer, Executive Managers of Engineering Services, Corporate Services, Community Development, Strategic & Economic Development, and Managers of Building Services and Human Resources.

##### ATTACHMENT 11.3B

- Schedule of Accounts paid under delegated authority.

##### ATTACHMENT 11.3C

## **AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012**

### **Consultation**

Executive Manager Corporate Service  
Other Executive managers  
A/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**

There are no strategic implications relevant to this issue.

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council receive the Financial Reports for February 2012 and Schedule of Accounts and Credit Card Statements for March 2012.

<b>Author:</b> Leah M John	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

**12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS**

**12.1 PROPOSAL TO CHANGE PURPOSE OF LOTS 394, 396, 397 ON RESERVE 41970 THIRD AVENUE ONSLOW, TO STAFF ACCOMMODATION**

**FILE REFERENCE:** ON.TH.0394.00

**AUTHOR'S NAME AND POSITION:** Megan Walsh  
Project Manager

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

**DATE REPORT WRITTEN:** 2 April 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

Lots 394, 396 and 397 on Reserve 41970 Third Ave Onslow are currently vested in the Shire of Ashburton for the purpose of Emergency Services Centre. Council support is sought to change the purpose of the reserve to Staff Accommodation.

**Background**

Lots 394, 396 and 397 make up the Reserve 41970. It is noted that lot 395 which houses the St John Ambulance Service does not form part of the reserve and is not part of this application.

Any future emergency services land requirements will and are being catered for at the proposed sporting precinct site, FESA building and Multi Purpose Centre.

Reserve 41970 is situated in an attractive location for staff accommodation as it is close to the Shire office, town centre and recreational facilities.

The reserve has been vacant for many years and is zoned under the Shire's planning scheme and would be immediately suitable for a residential dwelling/s. It is proposed to build 6 villa-style residences within this area for staff accommodation.

**ATTACHMENT 12.1**

## **AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012**

### **Comment**

Development in Onslow has and will triggered the need for increased Shire housing.

In Onslow the Shire currently has a housing stock of eight dwellings which are occupied and six private rentals at an approximate cost of \$6000 each per month.

The current shortage of rental accommodation in Onslow has dramatically increased the rental rates the shire is required to pay. It is economically cheaper in the future for Council to build more staff accommodation as budgets allow.

Changing the purpose of the Reserve to Staff Accommodation will alleviate the need for Council to purchase any land.

Council's endorsement of the proposed change is required so that it can be advertised for 14 days and signage placed on the lot advertising this intention. Following the consultative period any submissions must be considered by Council. If approved by Council the resolution will then be forwarded to Department of Regional Development and Lands (RDL) for approval and amendment of the Management Order.

Prior to any development taking place the appropriate planning and building approvals will be required.

### **Consultation**

CEO

Land Development and Marketing Manager

Executive Manager, Strategic & Economic Development

Manager, Organisational Development

### **Statutory Environment**

Local Government Act 1995 s3.55

Land Administration Act

### **Financial Implications**

Capital expenditure and maintenance of proposed dwellings will be dealt with through the budget process. This item incurs no direct cost.

### **Strategic Implications**

Strategic Plan 2007-2011:

*"6. A well managed and Contemporary Corporation – 1. Implement Strategy to optimise leadership, performance and staff retention: Develop a staff accommodation strategy to aid recruitment and retention; plan for future housing needs and upgrades as required;"*

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

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### Recommendation

That Council endorses the change of purpose of lots 394, 396 and 397 on Reserve 41970 from *'Emergency Services Centre'* to *'Staff Accommodation'* and advertise the proposal.

<b>Author:</b> Megan Walsh	<b>Signature:</b>
<b>Manager:</b> Amanda O'Halloran	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 12.2 APPLICATION BY SHIRE OF ASHBURTON TO VEST RESERVE 42094 WATSON DRIVE ONSLOW FOR THE PURPOSE OF AFFORDABLE HOUSING

**FILE REFERENCE:** RE.WS.R.42094

**AUTHOR'S NAME AND POSITION:** Megan Walsh  
Project Manager

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

**DATE REPORT WRITTEN:** 3 April 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Reserve 42094 located on Watson Drive Onslow is currently reserved for 'Drainage' purposes and is an unmanaged reserve. Council support is sought to obtain a management order over the land and change the purpose of the reserve to affordable housing.

#### **Background**

Reserve 42094 currently has no Management order over it.

The reserve is located on the corner of Watson Drive and Lapthorn Ave and has an area of 2123m<sup>2</sup>. The reserve has never been developed or utilised and carries a residential zoning under the Shire's planning scheme and would be immediately suitable for a residential dwelling/s.

#### **ATTACHMENT 12.2**

#### **Comment**

The development in Onslow has triggered the need for increased Shire housing and affordable housing for service workers. The current shortage of rental accommodation in Onslow has dramatically increased the rental rates the Shire and service workers are required to pay. The Pilbara Regional Council is working with the National Australia Bank to facilitate affordable workers accommodation in the Shire and this land is seen as a significant opportunity with positive outcomes for both the Community and the Shire.

Reserve 42094 is situated in an attractive location and provides many development opportunities due to the size of the lot and location. It is proposed that a minimum of 7 mixed dwellings could be accommodated on the lot with the option of the power to lease.

Obtaining a Management Order over the reserve with a power to lease and changing the purpose to Affordable Housing will alleviate the need for Council to purchase any land.

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Council's endorsement of the application by the Shire of Ashburton to obtain a Management Order and change the purpose of Reserve 42094 is required by the Department of Regional Development and Lands. Once this is received the Proposal can be advertised for 14 days and signage placed on the Lot advertising this intention. Following the consultative period any objections must be considered by Council and resolution to proceed endorsed.

The resolution will then be forwarded to Department of Regional Development and Lands (RDL) for approval and vesting of the Management Order.

### Consultation

CEO

Land Development and Marketing Manager

Executive Manager, Strategic and Economic Development

Executive Manager, Technical Services

### Statutory Environment

Local Government Act 1995 s3.55

Land Administration Act

### Financial Implications

Advertising and administration costs - \$3,500.00 which has been allocated for under Residential Development in the 2011/12 budget.

### Strategic Implications

Strategic Plan 2007-2011

*"Diversify and Strengthen the Economy: Facilitate Land Development throughout the region; Facilitate the land for accommodation and housing to support economic development."*

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Recommendation

That Council agrees to proceed with the application to obtain a Management Order Reserve 42094 and endorses the change of purpose from 'Drainage' to Affordable Housing and advertise the proposal.

<b>Author:</b> Megan Walsh	<b>Signature:</b>
<b>Manager:</b> Amanda O'Halloran	<b>Signature:</b>



## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 13. TECHNICAL SERVICES REPORTS

#### 13.1 STATE COASTAL PLANNING POLICY DECISION STATEMENT TO DETERMINE SHIRE RESPONSE DRAFT SPP 2.6.

<b>FILE REFERENCE:</b>	PS.TP.07.00
<b>AUTHOR'S NAME AND POSITION:</b>	Geoffrey Brayford Executive Manager, Technical Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 March 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The Western Australian Planning Commission (WAPC) has prepared a draft revised SPP 2.6 - State Coastal Planning Policy. It replaces an earlier policy gazetted in 2003 and amended in 2006. The draft has been released for comment by the 31st May 2012. There are serious impacts for Onslow in this revision and it is appropriate and necessary that Council make comment on the draft.

#### **Background**

Society cannot afford to be risk averse, nor risk ignorant. Risk evaluation and acceptance is the key to any society making informed decisions and moving forward. Any risk to loss of life must be carefully considered, however there is always a level of residual risk that must be accepted. Not everyone however is able to make informed risk decisions. Gambling that an event will not occur is not the same as risk acceptance.

In the area of natural hazard risk it is generally accepted that decisions must involve a level of "parental control" or oversight. Some people must be protected from themselves, particularly where the public purse is expected to be used to aid in recovery or compensation. Councils also have a duty of care to meet reasonable public expectations with regard to risk, when setting planning controls. Where loss of life is not the main driver however investment risks against future loss can be considered relative to the benefits that may be enjoyed by a development that might otherwise be prohibited.

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These decisions should be and can be financial considerations of the proponent providing:

- Financial risk is accepted by the proponent.
- No one is ambushed by any unknown risks.
- There is continual transparency of the risk to any particular property, for the benefit of future purchasers.
- The public purse is not required to bail out any person who has taken a financial risk and suffered loss.
- There is intergenerational equity in any risk acceptance and future communities are not unnecessarily burdened by costs or risks, whilst benefits are only enjoyed today.

### STATUS OF A STATE POLICY

The review of the Coastal policy is comprehensive and has resulted in two documents: - the policy itself, and a separate guideline to aid in its interpretation.

Section 77 of the Planning and Development Act 2005, **requires** local governments, when **preparing or amending** a local planning scheme, to have regard to State Policies.

State policies themselves generally *“require that local and regional planning strategies, structure plans, subdivisions, strata subdivisions and **development applications** ..... should comply with the policy measures.”*

Councils own planning scheme also requires consideration of certain matters in planning applications, including (Clause 5.9) *“any approved statement of planning Policy of the commission, and 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.”*

A State Policy therefore has a significant bearing on any future planning decisions of the Shire and Council should take every opportunity to comment on its direction or content.

### THE POLICY

The Coastal policy addresses many issues associated with Coastal development across the State and applies to sandy and rocky shorelines coastal lowlands, tidal reaches, near shore marine waters, all islands within the State and land use and development abutting the coast. The objectives of the coastal policy are to ensure:

- The location of coastal facilities and developments take into account the coastal process, coastal hazards climate change and biophysical criteria.
- The identification of areas for sustainable use of coastal housing , tourism, recreation ocean and foreshore access, maritime industry, commercial and other activities.
- The protection, conservation and enhancement of coastal values, particularly landscape, nature conservation, indigenous and cultural significance.

The coastal policy requires that sound planning should be undertaken with a time frame of 100 years in mind. That means that the impacts from environmental changes, such as sea level rise, over the next 100 years must be allowed for.

The policy considers such matters as water resource and management, building height limits, coastal hazard management and adaptation planning, Coastal protection works, public interest, coastal foreshore reserves, coastal strategies and management plans.

The primary area of importance for the Shire resides in the area of coastal hazard management.

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### **COASTAL HAZARD MANAGEMENT**

Coastal hazards include the impacts from erosion and undermining of the coast edge to storm surge and inundation.

- Erosion is assessed by understanding the impacts of (in sandy locations such as Onslow) :
  - S1- Acute erosion from storms
  - S2 - chronic erosion trends
  - S3- erosion by sea level change

These figures result in a distance of coastal hazard set back distance within which development should not occur. Set back distances can be reduced by armouring of any fragile regions.

- Surge inundation is assessed by understanding the low pressure rise in sea level, together with the effects of wave set up and run up. A water level is determined above which development should be located. High water levels may be able to be dealt with by coastal levees which may provide some protection from inundation.

Both of these affects are normally examined by complex modelling of the storms that take into account the material properties and the topography of the coast line. This is an appropriate approach. The area open for discussion however is the storm event that should be considered, and guarded against, and how to deal with climate change and seal level rise. The storm event is the area where the draft policy manifestly differs from the current version.

### **STORM EVENTS**

Storms are more generally defined by describing the apparent frequency or interval between storm events of a certain size – an Average Return Interval in years or ARI. A regular, lower impact storm might be described as likely to occur as often as once in 20 years, on average. There is a 5% chance of this event in any one year. A less common, higher impact storm might be describes as likely to occur as often as once in 100 years. There is a 1% chance of this event in any one year.

These terms do not mean that there is a standard interval between events of the same size. The definition is talking about the average interval between occurrences. A 100 year ARI storm could, for instance, occur twice in one year, or not at all for 150 years. Generally however within any 70 year period there is a 50/50 or heads or tails chance of a 100 year ARI event occurring. More normally Australia has looked at the design storm event for mainstream flooding (and storm surge inundation) as being the 100 year ARI, unless special land uses need to be protected such as hospitals or evacuation centres or essential infrastructure. The 100 year ARI is often describes as a once in a life time experience.

The exceptions are where failure could be virtually instantaneous and catastrophic, rather than gradual, such as in retained water structures. The Australian National Committee on Large Dams (ANCOLD) will often look at the Probable Maximum Flood (PMF) which could have an ARI of up to 10,000 years. Similarly the design level of protection for flood levees is often up to a 200 year ARI because levees are high risk features and are prone to failure by a number of mechanisms. There is a trend to also require floor levels to be above the flood event, notwithstanding that levees may have been built to protect against inundation.

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### DEFINED STORM EVENTS

*The current coastal policy requires a “100 year planning time frame ..... to consider ocean forces and coastal processes which have a statistical recurrence interval of once in 100 years.” This is the defined storm event. Similarly an allied state policy SPP 3.4 – “NATURAL HAZARDS AND DISASTERS” states that the “100 year average recurrence interval flood should be used as the defined flood event.” And that “All habitable, commercial and industrial buildings should have their floor levels above the level of the defined flood event.”*

The Draft coastal policy however proposes that:

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

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

### RECENT MODELLING RESULTS

Recent modelling in Onslow has identified that a 100 year ARI storm would have a control level of RL 5.0 AHD today. We have no current modelling of a 500 year ARI storm event, but it could be expected to have a level of RL 6.25. Adding Sea level to rise to this figure could yield a level of RL 7.15 AHD. Ground levels in Second Avenue, in the main commercial area, are generally in the vicinity of RL 3.5. In Third Avenue they are as low as RL 2.0 – which would require a floor level to be over 5.0 metres above ground level to provide a 500 year ARI level of protection.

### HISTORICAL CYCLONE EVENTS – IN CONTEXT

The Bureau of meteorology records a number of significant cyclone events in Onslow. - [www.bom.gov.au/cyclone/history/wa/onslow.shtml](http://www.bom.gov.au/cyclone/history/wa/onslow.shtml)

Tropical cyclone Vance passed 80 km to the west of Onslow in 1999. Many members of the Onslow community may recall it. It was a 50 year ARI event with an estimated 4 m storm surge at Onslow and 5m surge further to the west near the centre. In 1965 a severe cyclone made landfall at Onslow. Hurricane force winds demolished several buildings and storm surge inundated the town with **1.8** metres of water. In 1880 a cyclone passed near Yammadery Creek, between Onslow and Fortescue River, where the tidal surge was **eight** metres over the high-water mark.

### HAZARD RESPONSE AND ADAPTATION

The draft Policy identifies the need to articulate any discovered Coastal Hazard through a notification on title:

*“VULNERABILITY COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.”*

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This must be contrasted against a section in Council's current Planning scheme which alludes to the potential for a notification on title (Clause 7.3.8(e)) saying:

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

It has generally been settled (in court) that regulatory authorities **can not** absolve themselves from the responsibility to provide effective planning decisions by seeking an indemnity from litigation from the applicant, future landowners, or others.

The draft also identifies Hierarchy of Hazard responses. These are in order of preferential treatment.

- Avoid  
Define areas where there shall be no development.
- Planned or Managed Retreat  
Prevent further development and arrange to relocate or remove assets at intolerable risk over the course of the planning time frame.
- Accommodation  
Allow development, where justified, but require design or management strategies that render the risks acceptable.
- Protection  
Where necessary and justified, and where design or management strategies are insufficient then essential assets may have to be protected against damage or loss.

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

This is a normal hierarchy approach in response to Natural Hazard management, and is supported, although some modification is recommended. It is agreed that protective measures are a solution of last resort.

### INFILL

The guidelines attached to the draft policy acknowledge the need, at times, to continue with existing established developments and to not sterilise existing communities. However infill is tightly designated and applies to **minor gaps** or vacancies between existing developments. It does not apply to land adjacent to existing areas or fringing development, nor to major gaps or breaks between developments.

### EXEMPTIONS and VARIATIONS

The current policy has a section titled "Possible exemptions" and includes such facilities as public purposes with limited life (< 30 years), temporary and relocatable structures that are coastal dependent, maritime industries, etc. The draft does not directly deal with exemptions, although it does use the word "variations". Public recreation facilities with finite lifespans are discussed and a need for them to occur is acknowledged, but these are considered to be BBQ, ablutions and amenities, surf lifesaving clubs, pathways, etc.

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Temporary, easily relocatable structures need to be demonstrably coastal dependent, and are described as fencing, sun shade and facilities for public events. It should be noted that Caravan Parks may not fall into the general exemptions of either the current or the draft policy.

### NEW CLIMATE CHANGE – SEA LEVEL RISE IMPACTS

The Current SPP 2.6 (2003) considers a sea level rise of 0.38 m between the year 2000 and 2100.

The WAPC has subsequently produced two documents that address sea level rise. These are:

- an undated position statement ( not a policy) titled WAPC Position Statement – SPP 2.6 Sea Level Rise, and
- a Feb 2010 discussion document (also not a policy) titled *“Sea Level Change in Western Australia – Application to Coastal Planning”*.

Both of these documents discussed the inadequacy of the original projection of 0.38m for sea level rise to the year 2100 and recommended that an allowance of 0.9 m should be adopted for sea level rise between 2010 and 2110, and a rate of 0.010m/year thereafter.

The draft policy confirms the need to use a sea level rise of 0.9 m to the year 2110. The original value of 0.38m was based on the mean of the median models, whereas the new value of 0.9m refers to the upper envelope of the various climate change impact models.

The Shire is not able to comment on the appropriateness of either of these two values, except that it may note that the latter figure is conservative and this can be taken into consideration when assessing other parameters that may need to be used in establishing a coastal risk. There is an inherent risk of aggregating conservative parameters to arrive at a risk event more unlikely than originally intended and decision makers need to be mindful of this risk. Sea level change is therefore to be taken as 0.9 m up to 2110.

It must be noted that, generally, current Mean High Water Spring Tide (MHWS) at Onslow is RL 1.0 AHD and Highest Astronomical Tide (HAT) is RL 1.5 AHD. The lowest road levels in Onslow are at RL 1.9 (near Third Avenue and McGrath Avenue) which means that if 0.9 m is added to tidal levels then MHWS will be equal to some road levels in the year 2110. Some roads may then be almost flooded twice a day, every day, by high tide, depending upon the sand substrata permeability. This will be a significant planning constraint and an important consideration for the future. This will be the subject of a future report to Council.

### COMBINED EFFECTS OF SEA LEVEL CHANGE AND RECURRENCE INTERVAL

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

But generally:

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

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These are significant changes. The risk of the storm event starts out very low and gradually increases to the design event only in the last year of the 100 year planning horizon. It is very conservative, and has extreme impacts on Onslow, particularly for the required 500 year ARI design event.

However, in the alternative, if sea level change is not considered then the risk of a 100 year ARI control level today will increase to approximately a 60 year ARI event by 2040 and a 30 year ARI event by 2110. Those future levels of protection are very low.... too low for a perpetual suburb, but there may be solid planning reasons for the Shire to need to need to consider a different planning horizon, or different risk events, otherwise any Onslow development or redevelopment may become impractical or impossible.

### ASSESSMENT & CONCLUSION

Onslow is at risk to coastal hazards. The Coastal policy is a well thought out document but it is ideally targeted at perpetual communities, infrastructure and developments.

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

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

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

It is anticipated that a scheme adjustment is required to incorporate any response to the coastal hazard determined by the Shire. It is likely that SPP 2.6 may be in place before a scheme amendment can be presented to the Planning Commission. The content of SPP 2.6 and also SPP 3.4 is therefore critical to the planning decisions that need to be made by the Shire.

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It is recommended Council is encouraged to make the following representations to Draft SPP 2.6, but to similarly request the WAPC to consider modifying SPP 3.4 to align the two state policies.

OBJECTION	RATIONALE
Objecting to a universal prescribed 100 year planning time frame.	<p>A resource based nodal community may need to consider different land uses having different planning horizons.</p> <p>A different planning horizon may require exit or adaptation strategies for some future point in time.</p> <p>Flexibility in SPP 2.6 will be required to achieve this outcome.</p> <p>This may be best achieved by specific land use conditions or requirements embodied in the scheme, rather than simply by development condition.</p> <p>Notations on title would also make the development/ownership risk real and apparent to current and future land owners.</p> <p>A change in the planning horizon will allow the Shire to deal with sea level rise with a more reflective and accurate view as to the life of the development being considered in Onslow.</p>
Objecting to the hierarchy of adaptive measures not specifically considering a hybrid approach with ability to approve, but eventually require removal or adaptation of certain land uses.	The hierarchy of treatments does not specifically consider a hybrid approach wherein developments may be approved today, but are required to be removed or adapted by a certain date in the future. This flexibility is required.
Objecting to the need to consider the risk event and sea level rise immediately, but instead being able to deal with today's risk event <b>and</b> identifying a contingency or adaptation plan that must be applied in the future.	<p>The intention is to avoid excessive levels of protection today, but recognising that at some point in the future the risk may not be palatable.</p> <p>This may involve the need to identify protective measures to be applied in the future, rather than allow for all future risks today – notwithstanding that protective measures should be avoided as a general rule.</p> <p>Any protective contingency plan will need to be well founded and able to be delivered with certainty. This will not be an easy task; however the opportunity to allow the development of such a strategy must be available.</p>
Objecting to the prescribed minimum level of protection of 500 year ARI against storm surge inundation, for all land uses.	It is reasonable for the Commission to nominate a minimum level of protection for certain land uses, but it should not be the 500 year ARI. This is abnormal in the Australian environment.



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	<p>A 100 year ARI level is considered reasonable for habitable floor levels; especially in <b>resource based coastal development nodes</b> such as Onslow. This is especially the case where conservative sea levels rises are assumed.</p> <p>Non habitable development floor levels should also be able to be considered for different levels of protection based on a suitable risk evaluation and appropriate public awareness and title notifications.</p> <p>Some development and land uses may be able to be considered as sacrificial, in part, and able to be re-established should a hazard event occur. Providing mitigation controls are in place.</p>
Suggest that the risk events for erosion and loss of land compared to surge inundation are transposed in the draft, and counterintuitive.	<p>The loss of land and building is the greater consequence and should be assessed against the less frequent event.</p> <p>Inundation risk is of lesser impact on the community.</p>
Request that SPP 2.6 and SPP 3.4 should be aligned	To remove doubt about the design event to be considered.

### Consultation

Executive Managers

### Statutory Environment

Comment on SPP2.6 will influence the future statutory environment

### Financial Implications

Nil at this stage.

### Strategic Implications

Critical for the future of Onslow.

### Policy Implications

Development Policy will flow on from this decision.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council requests the Chief Executive Officer to prepare a submission on the Draft SPP 2.6 Coastal Hazard Policy to the Western Australian Planning Commission on the matters identified in this report.

<b>Author: Geoffrey Brayford</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

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### 13.2 NEW BUILDING ACT 2011 - NEW DELEGATIONS

<b>FILE REFERENCE:</b>	LE.AC.21.00
<b>AUTHOR'S NAME AND POSITION:</b>	Bernard Smith Manager, Building Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 April 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	Not Applicable
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The new Building Act 2011 (the Building Act) came into effect on 2 April 2012.

The new Building Act substantially replaces those provisions in the Local Government (Miscellaneous Provisions) Act 1960 which are concerned with the regulation of building and associated activities. As the new Building Act comes into effect, those provisions in the Local Government Miscellaneous Provisions Act will cease to have effect.

Accordingly, the delegations currently in place in line with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989 need to be replaced with new delegations made under the new Building Act and Building Regulations 2011.

#### Background

The Building Act is part of the State Government's Building Regulation Reform Package which replaces the existing building approvals process which was established under the *Local Government Act 1960* and the *Building Regulations 1989*.

The Act was passed by Parliament on 23 June 2011 and commenced operation on 2 April 2012. Historically, Western Australian building control has been administered wholly by local government. The new Building Act will allow this function (in part) to be undertaken by private organisations and practitioners.

The changes to the current building legislation are aimed at bringing WA building control in line with national reforms, to increase efficiency in the WA building system and to improve the standard of construction of buildings within the state.

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The key elements of reform include:

- All buildings are captured by the legislation, including those owned by the Crown;
- A competitive building assessment service may be offered by the private sector;
- Mandatory inspections of all classes of buildings may be required (either by the local government or the certifier);
- Owners will have to take prima facie responsibility for the design, construction and operation of buildings;
- Nominated Licence Issuing Authorities (local authorities, state government or special authorities) are to manage risk, audit processes, and issue building permits and occupancy approvals;
- A risk-based approach will be applied to assessment of applications and inspection requirements;
- Requirements for obtaining compliance certification for all types of buildings prior to occupancy will be introduced;
- Registration requirements for a range of industry practitioners will be introduced;
- A nationally agreed accreditation framework for building surveyors will be introduced; and
- A process for the assessment and approval of building works carried out without approval will be introduced.

Pursuant to section 127 of the new Building Act, a local government may delegate its powers under the Act to employees of the local government who are appropriately qualified to exercise those powers.

As with the existing delegations under the *Local Government (Miscellaneous Provisions) Act 1960*, the extent to which the power may be exercised is limited by position and is set out in a schedule attached to the instrument of delegation.

The proposed delegations under the provisions of the Building Act 2011 are no different to the existing delegations previously confirmed by Council when the same delegations were under the Local Government (Miscellaneous provisions) Act 1960.

### ATTACHMENT 13.2

The Building Act reforms the building approval process and will introduce significant changes for local governments. The major change is to separate the process of certifying compliance with building standards from the administrative process of issuing permits. Private certification having been introduced, removing the sole role of local government as the building licence assessor.

The provisions of the Building Act 2011 allow local governments to provide a building certification service [which it already carries out under the current Act] that is essentially a continuation of the building assessment role that has traditionally been undertaken by local governments. It is proposed that the Shire establishes a building certification service, in addition to its required role as a permit authority, so that this service can continue to be offered to ratepayers and the community.

Pursuant to Section 3.18 of the Local Government Act 1995, a local government may provide services and facilities. In providing those services, a local government is to satisfy itself that services and facilities that it provides integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body, do not duplicate, to an extent that the local government considers inappropriate, services or

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facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and are managed efficiently and effectively.

The provision of a building certification service by the Shire under the Building Act 2011 will be a continuation of the current service that the Shire provides in assessing building applications and issuing approval for construction of, or occupation of buildings.

### **Comment**

It is recommended that Council delegates its powers under the Act to ensure the administrative efficacy of the Shire as a permit authority under the Act to allow for the continuation of the Shires service to the community.

### **Consultation**

Not Applicable

### **Statutory Environment**

*Local Government Act 1995, Building Act 2011 and Interpretation Act 1984.*

### **Financial Implications**

There is uncertainty at this stage in regard to the exact budgetary implications the new Building Act will have on the Shire. The provision of a building certification service will allow the Shire to charge a market rate for this service and these additional funds can be applied to support the building control function of the Shire.

### **Strategic Implications**

Not Applicable

### **Policy Implications**

If Council does not approve the delegations all building approvals would need to be sent out externally for certification.

*"Building Act 2011*

*127. Delegation: special permit authorities and local governments*

- 1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.*
- 2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.*
- 3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.*
- 4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.*

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- 5) *A person to whom a power or duty is delegated under this section cannot delegate that power or duty.*
- 6) *A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.*
- 7) *Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent."*

### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. In accordance with Section 127 of the *Building Act 2011* delegates the local government's powers as a permit authority under the *Building Act 2011* to those employees and to the extent set out in the instruments of delegation as detailed in **ATTACHMENT 13.2**; and
2. Council supports the Shire providing a Building Certification Service, in addition to its required role as a permit authority in accordance with the *Building Act 2011*.

<b>Author:</b> Bernard Smith	<b>Signature:</b>
<b>Manager:</b> Geoff Brayford	<b>Signature:</b>

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### 13.3 SHIRE OF ASHBURTON INLAND LEMC EMERGENCY MANAGEMENT ARRANGEMENTS

**FILE REFERENCE:** CS.ES.05.00

**AUTHOR'S NAME AND POSITION:** Morgwn Jones  
Senior Ranger

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

**DATE REPORT WRITTEN:** 3 April 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

The purpose of this report is to seek Councils endorsement of the Shire of Ashburton Inland LEMC Emergency Management Arrangements for the Inland parts of the Shire of Ashburton which includes the towns of Tom Price, Paraburdoo and the Indigenous Communities of Wakathuni, Bellary Springs, Youngaleena and Ngurrwanna.

#### Background

The purpose of this report is to seek Councils endorsement of the Shire of Ashburton Inland LEMC Emergency Management Arrangements for the Inland parts of the Shire of Ashburton which includes the towns of Tom Price, Paraburdoo and the Indigenous Communities of Wakathuni, Bellary Springs, Youngaleena and Ngurrwanna.

#### ATTACHMENT 13.3

#### Comment

Research of other Local Governments and communications with FESA Regional Director, WALGA EM and EMWA show that other Local Governments have adopted this approach to having the Local Emergency Management Arrangements endorsed by the relevant Council and that this is an acceptable practice until such time that community consultation is carried out. This is planned to occur by June 2013.

The plan has been reviewed and is supported by the Local Emergency Management Committee (LEMC), the District Emergency Management Committee (DEMC) and is written in consultation with Fire and Emergency Services Authority (FESA) and prepared in accordance with the *Emergency Management Act 2005*.

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### Consultation

Shire of Ashburton Inland LEMC members  
Local Emergency Coordinators WAPOL Tom Price and Paraburdoo  
Pilbara District Emergency Management Committee  
FESA Regional Director  
WALGA EM  
EMWA

### Statutory Environment

Emergency Management Act 2005  
SEMC Policy 2.5

### Policy Implications

Nil at this stage.

### Financial Implications

Nil at this stage.

### Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan

### Voting Requirement

Simple Majority Required

### Recommendation

That Council endorses the Shire of Ashburton Inland Local Emergency Management Committee, Local Emergency Management Arrangements and these Local Emergency Arrangements be submitted to the State Emergency Management Committee (SEMC).

<b>Author: Morgwn Jones</b>	<b>Signature:</b>
<b>Manager: Geoff Brayford</b>	<b>Signature:</b>

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### 13.4 SHIRE OF ASHBURTON INLAND LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) EVACUATION PLAN

FILE REFERENCE:	CS.ES.05.00
AUTHOR'S NAME AND POSITION:	Morgwn Jones Senior Ranger
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	March 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

#### Summary

The purpose of this report is to seek Councils endorsement of the Shire of Ashburton Inland LEMC Local Evacuation Plan for the Inland subdistricts of the Shire which encompasses the towns of Tom Price and Paraburdoo and the Indigenous Communities of Wakathuni, Bellary Springs, Youngaleena and Ngurrwana..

#### Background

The Shire of Ashburton is required under legislation to have an Evacuation Plan as part of the requirements of the *Emergency Management Act 2005* and the *State Emergency Management Policy 4.7 – Community Evacuation*. As the Shire had no such plan in place this document was produced. This plan is a sub plan under the Shire of Ashburton Inland LEMC Emergency Management Arrangements.

#### ATTACHMENT 13.4

#### Comment

The plan has been reviewed and is supported by the Local Emergency Management Committee (LEMC), the District Emergency Management Committee (DEMC) and is written in consultation with the Fire and Emergency Services Authority (FESA) and prepared in accordance with the Emergency Management Act 2005.

#### Consultation

Shire of Ashburton Inland LEMC members  
Local Emergency Coordinators WAPOL Tom Price and Paraburdoo  
Pilbara District Emergency Management Committee  
FESA Regional Director  
WALGA EM  
EMWA



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### **Statutory Environment**

Emergency Management Act 2005  
SEMC Policy 2.5

### **Financial Implications**

Nil at this stage, however, funding will be required in the 2012/13 Budget for community consultation.

### **Strategic Implications**

Nil at this stage.

### **Policy Implications**

Shire of Ashburton 10 year Strategic Community Plan

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council endorses the Shire of Ashburton Inland Local Emergency Management Committee, Local Emergency Management Arrangements and these Local Emergency Arrangements be submitted to the State Emergency Management Committee (SEMC).

<b>Author: Morgwn Jones</b>	<b>Signature:</b>
<b>Manager: Geoff Brayford</b>	<b>Signature:</b>

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### 13.5 DRAFT LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN AND DRAFT AMENDMENTS NO. 17 AND 18 TO PLANNING NO. 7 FOR ADVERTISING

**FILE REFERENCE:** PS.TP.7.17  
PS.TP.7.18

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

**NAME OF APPLICANT/RESPONDENT:** LandCorp

**DATE REPORT WRITTEN:** 9 April 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.01, Minute: 11090 Ordinary Meeting of Council 14 December 2011

In addition to Agenda Item 13.01 above, the following Items were associated with the ANSIA Strategic Industrial Area:

Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011

Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011

Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010

Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008

Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009

Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009

Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009

Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010

Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

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### Summary

At the Council meeting of 14 December 2011, Council resolved to:

- initiate draft Amendments No. 17 and No. 18 and to refer the Amendments to the EPA for assessment and once the EPA has responded, the matter be referred back to Council for consideration; and
- advise LandCorp that subject to the submission of a '*LandCorp ANSIA Industrial Development Plan*' (*Development Plan*) prepared to the satisfaction of the Chief Executive Officer that Council is willing to accept the draft ANSIA Industrial Development Plan as a draft structure plan pursuant to the provisions of the Scheme and more specifically, (draft) Amendments No. 17 and No. 18.

The two Scheme Amendments associated with the draft *Development Plan* are as follows:

- Draft Amendment No 17 seeks to zone land in accordance with the ANSIA Structure Plan to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (Stage 1B). Draft Amendment No. 17 provides an additional area for an additional LNG plant ('Scarborough') and a site for Transient Workforce Accommodation (TWA) in the ANSIA which adjoins the Chevron TWA. Under draft Amendment No. 17, the 'LandCorp' TWA site is proposed to be zoned 'Special Use 2', which is the same as Chevron's TWA site. The provision limiting the use of the site for constructions workers only would also apply. The draft Amendment also includes a statutory linkage to the draft *Development Plan* which ensures that any proponent that develops in Stage 1B must first achieve environmental approval and address social infrastructure contributions associated with Onslow.
- Draft Amendment No. 18 seeks to zone land (Stage 1C) to 'Industry' zone.

The draft *Development Plan* was prepared in accordance with the Council resolution and draft Amendments No. 17 and No. 18 were referred to the EPA. The EPA is yet to formally respond however LandCorp advise that it has been in discussion with EPA officers and that EPA approval is likely to issue shortly. LandCorp has requested that Council agree to move to advertising the *Development Plan* and draft Amendments No. 17 and No. 18 subject to EPA consent being received. This is to allow the opportunity to undertake the 42 day advertising period and community consultation process.

Also in accordance with the December 2011 Council resolution, LandCorp has prepared a draft Social Impact Assessment (SIA) that seeks to address the necessary community infrastructure arrangements for Onslow that proponents will need to undertake for Stage 1B. However, LandCorp suggest that Stage 1C in itself provides a community benefit for Onslow as it will provide much needed land for light industrial purposes. In addition, LandCorp commits to developing an expanded residential area for Onslow. In this regard, neither LandCorp nor proponents within Stage 1C would be required to contribute to community infrastructure for Onslow unless it was associated with a wide reaching Scheme Amendment for 'developer contributions'.

It would be appropriate for Council to consider an Amendment to the Scheme for 'developer contributions' specifically associated with community infrastructure for Onslow.

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It is also considered appropriate to review the Scheme Amendment Map for draft Amendment No 17 to delete the site included for the proposed 'Scarborough' LNG site. The Shire considers it appropriate to have the 'Scarborough' LNG addressed in a site specific amendment to the Scheme. This would ensure a consistent approach to the rezoning of LNG sites at the ANSIA.

It is recommended that subject to a formal response from the EPA as to the level of environmental assessment and modifications to the *Development Plan* and Amendment No. 17 as identified in this Report, that Council:

- adopt draft Amendments No. 17 and No. 18 and advertise the Amendment for 42 days in accordance with the in accordance with the Town Planning Regulations 1967; and
- adopt draft '*LandCorp ANSIA Industrial Development Plan*' in accordance with provisions of the Scheme and advertising it in concert with draft Amendments No. 17 and No. 18.

### Background

Council, at its Special Meeting of 5 October 2011 meeting gave final approval to the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and draft Amendment No. 10 to the Shire's Town Planning Scheme No 7 ('Scheme'). The ANSIA Structure Plan facilitates the development of an industrial hydro-carbon precinct south west of the town of Onslow and Amendment 10 essentially provides the opportunity to develop the Wheatstone LNG plant, access road and Chevron's Transient Workforce Accommodation (TWA) camp for the construction workforce (only). The ANSIA Structure Plan and Amendment No. 10 have been approved by the Western Australian Planning Commission (WAPC) and the Minister for Planning respectively.

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

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

Council has granted development approval for the first development within the ANSIA, being BHP-Billiton's Macedon Domestic Gas Plant, which has commenced construction. This project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow. It was however able to be assessed within the framework of the planning scheme, as it presently exists. Council placed conditions on BHP-Billiton's planning approvals to address the potential negative outcomes from the development. A requirement for Macedon as part of the Planning Approval was that the proponent would seek to have the land zoned accordingly.

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

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

Stage 1B comprises the potential development site of the Scarborough LNG and the Macedon Domestic Gas Projects, portions of land associated with the FIA and TWA. Stage 1C comprises the balance of Stage 1 identified for 'Industry' development.

### Comment

The draft Development Plan was prepared in accordance with the Council resolution and draft Amendments No. 17 and No. 18 were referred to the EPA. The EPA is yet to formally respond however LandCorp advise that it has been in discussion with EPA officers and that EPA approval is likely to issue shortly. LandCorp has requested that Council agree to move to advertising the Development Plan and draft Amendments No. 17 and No. 18 subject to EPA consent being received. This is to allow the opportunity to undertake the 42 day advertising period and community consultation process.

Also in accordance with the December 2011 Council resolution, LandCorp has prepared a draft Social Impact Assessment (SIA) that seeks to address the necessary community infrastructure arrangements for Onslow that proponents will need to undertake for Stage 1B. However, LandCorp suggest that Stage 1C in itself provides a community benefit for Onslow as it will provide much needed land for light industrial purposes. In addition, LandCorp commits to developing an expanded residential area for Onslow. Specifically, LandCorp in its draft Social Impact Statement has advised as follows:

*"Heavy Industry proponents locating in the Strategic Industrial Area (Stage 1B), are expected to engage with the Department of State Development in relation to negotiating a social infrastructure contribution.*

*Planning for the General Industrial Area is being undertaken with the intention to create freehold lots, to accommodate support service operators such as transport and logistics, and other relevant businesses for the construction and operation of the Strategic Industrial Area. Lot sizes in this area are anticipated to be between 2ha and 10ha however if the market demands a size more than or less than this range, adjustments will be made in lot sizes to accommodate this demand.*

*No contributions are required for the LandCorp General Industrial Area development due to the work LandCorp is undertaking in the town site for residential growth. The Shire of Ashburton would like to receive a social contribution from purchasers of freehold lots within the GIA. The Scheme Amendment to affect this will be submitted at some time in the future by the Shire of Ashburton."*

In this regard, neither LandCorp nor proponents within Stage 1C would be required to contribute to community infrastructure for Onslow unless it was associated with a wide reaching Scheme Amendment for 'developer contributions'. In any case, it would be appropriate for Council to consider an Amendment to the Scheme for 'developer contributions' specifically associated with community infrastructure for Onslow.

However, it is also considered appropriate to review the Scheme Amendment Map for draft Amendment No. 17 to delete the site included for the proposed 'Scarborough' LNG site. The Shire considers it appropriate to have the 'Scarborough' LNG, which is only other defined LNG site in the ANSIA (apart from Wheatstone) to be addressed in a site specific amendment to the Scheme. This would ensure a consistent approach to the rezoning of LNG sites at the ANSIA. In this regard, the draft *Development Plan* will need some modification to ensure that it makes

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reference to the 'Scarborough' LNG and that it will require a site specific amendment to the Scheme.

### Proposal

The development of land reflected by Amendments No. 17 and 18 has already been identified in the approved ANSIA Structure Plan.

The role of the '*LandCorp ANSIA Industrial Development Plan*' (*Development Plan*) is to provide detailed information associated with the development of the land associated with the above Amendments.

A draft *Development Plan* is proposed and provides the strategic planning direction and development provisions for Stages 1B and 1C.

### ATTACHMENT 13.5 A

The draft *Development Plan* shows potential development of Ammonia and Ammonia nitrate plants outside of the ANSIA, which potentially can be pursued. However, these two sites are located within a 'buffer' area and positioned closer to Old Onslow than originally intended. It is considered that these be removed from the draft *Development Plan*. LandCorp also seeks two Scheme Amendments associated with the draft *Development Plan*:

- Draft Amendment No 17 seeks to zone land in accordance with the ANSIA Structure Plan to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (Stage 1B). Draft Amendment No. 17 provides an additional area for an additional LNG plant ('Scarborough') and a site for Transient Workforce Accommodation (TWA) in the ANSIA which adjoins the Chevron TWA. Under draft Amendment No. 17, the 'LandCorp' TWA site is proposed to be zoned 'Special Use 2', which is the same as Chevron's TWA site. The provision limiting the use of the site for constructions workers only would also apply. The draft Amendment also includes a statutory linkage to the draft *Development Plan* which ensures that any proponent that develops in Stage 1B must first achieve environmental approval and address social infrastructure contributions associated with Onslow.

### ATTACHMENT 13.5 B

- Draft Amendment No. 18 seeks to zone land (Stage 1C) to 'Industry' zone.

### ATTACHMENT 13.5 C

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services  
Executive Manager, Western Operations

Referral of draft Amendments No. 17 and 18 along with draft *LandCorp ANSIA Industrial Development Plan* to the following Agencies:

Department of State Development  
Department of Planning  
Dampier Port Authority  
Department of Environment and Conservation  
Environment Protection Authority  
Main Roads WA

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Department of Water  
Department of Mines and Petroleum  
Department of Transport  
Water Corporation  
Horizon Power  
Department of Indigenous Affairs  
Department of Health  
Chevron Australia Pty Ltd

Advertising under the Planning and Development Act and Regulations is a minimum of 42 days. It is anticipated that the statutory advertising requirements would be as follows:

1. One notice in the Western Australian newspaper (the first day of advertising).
2. Three notices in the Pilbara News (the first day of advertising).
3. One notice in the Onslow Telegraph (preferably on the day advertising starts).
4. A3 notice in the Onslow and Tom Price Shire offices, with all reports etc made available (immediately before the day advertising starts).
5. Notice on the Shire's Website, including links to all documentation.
6. Correspondence to be prepared and then sent to all agencies and land owners/leaseholders (e.g. Pastoral Lease holders, Onslow Salt, Mining Lease holders etc) advising them of the draft Amendment and draft Development Plan along with a copy of the documentation (posted before the day advertising starts).

### **Statutory Environment**

*Planning and Development Act 2005*

*Shire of Ashburton Local Planning Scheme No. 7.*

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

### *Environmental Protection Act*

Referral to the Environmental Protection Authority (EPA) is required to determine the level of environmental assessment under Part IV Division 3 of the Environmental Protection Act 1986. The EPA can determine that proposed scheme amendments should not be assessed under (EP Act) but nevertheless provided advice and recommendations.

The intent of Amendment No. 17 is that the linkage to the draft LandCorp ANSIA Industrial Development Plan to provide the opportunity for EPA to have surety that the development of the land will be in accordance with the Development Plan even though the area to be zoned Strategic Industry is far greater than the developable area of the Development Plan. In addition, the proposed provisions of Amendment No 17 ensure that no proposed use and development can be considered for planning approval until EPA consent under Section 38 of the EP Act has been granted.

Under the Section 41 of EP Act, decision-making authorities (including the Shire or a JDAP) are not to make any decision that would allow the proposal to be implemented until the EPA's assessment of the proposal and the Minister for the Environment's decision making is complete.

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Section 41 of the EP Act would not prevent the advertising or referral of a planning application however it would prevent a decision on an application until the Minister for the Environment determines the environmental assessment. Advertising of Amendments No. 17 and 18 can only commence once the EPA has determined the level of environmental assessment. It is noted that should the EPA require modification to Amendment No's 17 or 18, this would require the matter to be referred back to Council for consideration.

### Financial Implications

The Shire has calculated the fees charged for assessing the planning scheme amendment and structure plan fees in accordance with those set out in the Planning Regulations, in order to meet the administrative and other costs it incurs as a result of it processing LandCorp's draft amendments and draft *Development Plan*.

### Strategic Implications

A new Strategic Industrial Area at Ashburton North will have significant impact upon the Shire and in particular, the strategic direction for Onslow. The Shire supports the direction of the Federal and State governments.

The Shire's Strategic Plan 2007-2011 (Incorporating Plan for the Future) seeks to:

- "1. Diversify & Strengthen the Economy*
- 2. Encourage new industry investment within the Shire."*

Also, under the heading "Diversify and Strengthen the Economy" of the Council's Strategic Plan, the following objective is noted:

#### *"New Industry*

#### *Measures and Targets*

- » Increase in major investment enquiries*
- » Increase in building activity*
- » Community satisfaction with economic development*
- » Increased employment opportunities."*

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

#### (A) LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN

1. Subject to:
  - i. the receipt of comments from the Environmental Protection Authority (EPA) whereby no objection is offered to the draft LandCorp ANSIA Industrial Development Plan; and
  - ii. modifications as addressed in the Report along with any other modifications identified by the Chief Executive Officer as being appropriate;



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Council adopts draft LandCorp ANSIA Industrial Development Plan for the purpose of advertising in accordance with sub clauses 5.7.3 and 5.7.4 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). Advertising will be for a minimum period of 42 days and reflect the advertising requirements as outlined in the 'Consultation' section of the Shire Report.

2. Request LandCorp to undertake the modifications as required in 1 (ii) above and that advertising will not commence until the modifications are provided to the Shire and are to the satisfaction of the Chief Executive Officer.

(B) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 17

3. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 17 ("draft Amendment") to Shire of Ashburton Local Planning Scheme No.7 ("Scheme") that proposes:

- a) Rezoning portion of Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 350, 505, 508, 518, 530, 535 and 536 and Lots 500, 506, 507, 520, 548 and 541 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (excluding the area identified in the draft LandCorp ANSIA Industrial Development Plan as 'Scarborough LNG plant').

- b) Rezoning Portion of Lot 152, Onslow Road from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.

- c) Insert after Clause 6.11.8 of the Scheme the following:

LandCorp ANSIA Industrial Development Plan

6.11.9 For Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 350, 505, 508, 518, 530, 535 and 536 and Lots 500, 506, 507, 520, 548 and 541 zoned 'Strategic Industry' within the Ashburton North Strategic Industrial Area, all development shall be in accordance with LandCorp ANSIA Industrial Development Plan. Works associated with the development of land shall only be undertaken with the written approval of the Local Government in accordance with Part 5 of this Scheme. All other use and development shall not be approved by the Local Government unless consent from the Minister for the Environment has been sought and received.

6.11.10 All use and development shall be in accordance with LandCorp ANSIA Industrial Development Plan.

- d) Amending the Scheme Maps accordingly (excluding the area identified in the draft LandCorp ANSIA Industrial Development Plan as 'Scarborough LNG plant').

4. 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 Amendment No. 17 be advertised for community consultation purposes for a period of 42 days, in accordance with the Town Planning Regulations 1967. The advertising is to reflect the requirements as outlined in the 'Consultation' section of the Shire Report.

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5. The commencement of the advertising as referred to in 4. above is subject to the modifications as addressed in the Shire Report.
6. Advise LandCorp that it should not be construed that further changes won't required as an outcome of advertising draft Amendment No.17 and submissions received.

**(C) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 18**

7. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 18 ("draft Amendment") to Shire of Ashburton Local Planning Scheme No.7 ("Scheme") that proposes:
  - a) Rezoning Portion of Lot 152, Onslow Road from 'Rural' zone to 'Industry' zone.
  - b) Amending the Scheme Maps accordingly.
8. 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 Amendment No. 18 be advertised for community consultation purposes for a period of 42 days, in accordance with the Town Planning Regulations 1967. The advertising is to reflect the requirements as outlined in the 'Consultation' section of the Shire Report.
9. Advise LandCorp that it should not be construed that further changes won't required as an outcome of advertising draft Amendment No.18 and submissions received.
10. Request the Chief Executive Officer to provide a further Report to Council after advertising in relation to finalising draft Amendments No. 17 and 18 and the draft LandCorp ANSIA Industrial Development Plan.
11. Request the Chief Executive Officer to prepare a further Report to Council addressing an Amendment to the Scheme for 'developer contributions' specifically associated with community infrastructure for Onslow.

<b>Author: Rob Paull</b>	<b>Signature:</b>
<b>Manager: Geoff Brayford</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 14. OPERATIONS REPORTS

There were no Operations reports for this Agenda.

### 15. COMMUNITY DEVELOPMENT REPORTS

#### 15.1 TOM PRICE COMMUNITY CENTRE - AUTOMATIC DOORS AND FLOOR PLANNING

**FILE REFERENCE:** RE.CX.C.42327

**AUTHOR'S NAME AND POSITION:** Mabel Gough  
Community Services Project Officer

**NAME OF APPLICANT/RESPONDENT:** Shire of Ashburton

**DATE REPORT WRITTEN:** 3 April 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Tom Price Community Centre has two (2) building maintenance requirements that require completion before June 2012 that were not budgeted for in the 2011/12 Annual Budget:

1. Installation of automatic doors (\$15 000.00)
2. Re-polishing of wooden floor boards (\$15 000.00)

It is requested that Council approve these building maintenance requirements/upgrades using funds that were allocated to the Tom Price Civic Centre in the 2011/12 budget.

#### **Background**

Staff are currently organising 'automatic doors' for the Tom Price Civic Centre and the Ashburton Hall, Paraburdoo, and we are also organising the re-polishing of the wooden floor boards in the Ashburton Hall, Paraburdoo and the RM Forrest Memorial Hall, Onslow.

There is a requirement to install automatic doors and re-polish floor boards at the Tom Price Community Centre.

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Utilising one contractor to undertake similar projects in all three halls is more effective and produces economies of scale (e.g. reduced airfare costs).

Funding is available from the Tom Price Civic Centre Budget.

### **Comment**

Automatic doors installed the Community Centre will improve access and increase security. It is the only hall in Tom Price without an automatic door.

The Community Centre has the highest amount of use within our Shire and the floor boards need re-polishing. Repolishing the floor boards will extend the life of the floor boards and provide a fresh look to the venue.

### **Consultation**

Consultation has taken place with:

- Shire of Ashburton - Executive Manager Community Development
- Shire of Ashburton - Maintenance Manager
- Shire of Ashburton – Building Maintenance Coordinator
- Shire of Ashburton – Executive Manager Corporate Services

### **Statutory Environment**

Section 6.2 Local Government Act 1995

### **Financial Implications**

The Tom Price Civic Centre has two capital expenditure accounts, Job BC327 \$40,000 and Job GE004 \$220,000.

GE004 is fully funded by a Royalties for Regions Grant and there are sufficient funds to complete the necessary works at the Civic Centre.

This means the funds from Job BC327 can be reallocated to Community Centre works. \$40 000.00 allocated to BC327 was allocated towards toilet plumbing at the Tom Price Civic Centre however these costs were consumed under GE004 and general building maintenance code B32

### **Strategic Implications**

Strategic Objective 2 – Include and Engage our Community, Project 5 – Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability.

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

### **Recommendation**

That Council reallocates \$30, 000.00 from Job BC327 to BC329 Tom Price Community Centre for the installation of automatic doors and floor re-polishing at the Tom Price Community Centre.

<b>Author:</b> Mabel Gough	<b>Signature:</b>
<b>Manager:</b> Deb Wilkes	<b>Signature:</b>

**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 18 APRIL 2012

### 17.1 CONFIDENTIAL ITEM - CEO CONTRACT CORRECTION

**FILE REFERENCE:** JA.002  
OR.MT.2

**AUTHOR'S NAME AND POSITION:** Jeffrey Breen  
Chief executive Officer

**NAME OF APPLICANT/RESPONDENT:** Jeffrey Breen

**DATE REPORT WRITTEN:** 12 March 2012

**DISCLOSURE OF FINANCIAL INTEREST:** The author has an interest in this agenda item being one party to the contract.

**PREVIOUS MEETING REFERENCE:** Agenda Item 16.07.08 Ordinary Meeting of Council 13 July 2010  
Agenda Item 16.12.15 Ordinary Meeting of Council 15 December 2010  
Agenda Item 16.03.05 Ordinary Meeting of Council 16 March 2011

Please refer to Confidential Item Attachment under separate cover.

<b>Author: Jeff Breen</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 17.2 CONFIDENTIAL ITEM - CEO PERFORMANCE REVIEW

**FILE REFERENCE:** OR.MT.2

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

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

**DATE REPORT WRITTEN:** 2 February 2012

**DISCLOSURE OF FINANCIAL INTEREST:** The author has financial interest in the agenda item.

**PREVIOUS MEETING REFERENCE:** Ordinary Meeting of Council 15 February 2012  
Ordinary Meeting of Council 15 December 2010  
Ordinary Meeting of Council 16 March 2011  
Ordinary Meeting of Council 19 October 2011

Please refer to Confidential Item Attachment under separate cover.

<b>Author: Jeff Breen</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 17.3 CONFIDENTIAL ITEM - WITTENOOM LITIGATION

**FILE REFERENCE:** OR.MT.2  
AS.WI.002.00

**AUTHOR'S NAME AND POSITION:** Keith Pearson  
Special Project Advisor

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

**DATE REPORT WRITTEN:** 9 April 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, 14 December 2011.

Please refer to Confidential Item Attachment under separate cover.

<b>Author: Keith Pearson</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>



## AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012

### 18. COUNCILLOR AGENDA ITEMS

#### 18.1 STRATEGIC ISSUES - PILBARA REGIONAL COUNCIL (P.R.C.) 2012/2013 OPERATIONAL PLAN

**FILE REFERENCE:** OR.IG.03.08

**COUNCILLOR'S NAME:** Cr L Thomas

**DATE REPORT WRITTEN:** 8 March 2012

**DISCLOSURE OF FINANCIAL INTEREST:** Cr Thomas has no financial interest in this matter.

##### **Issue**

Schedule for preparation of PRC 2012-13 Operational Plan has commenced in order to coincide with Member Councils 2012-13 budget preparation.

1. The 4 Loc. Gov. CEO's review the Regional Business Plan prepared by KPMG with their Executive team and identify projects from the Regional Business Plan, plus any additional projects which could be undertaken by P.R.C. The identified projects shall be workshopped with Councillors, and ideally should align with each Council's Operational Plan.
2. \*A workshop with PRC Councillors and member CEO's will be held from 11.30 am to 2 pm on Friday 30 March to review the PRC Strategic Plan and the projects suggested by the Member Councils.\*
3. A draft PRC Operational Plan and budget will be prepared following the workshop. Any changes to the draft plan will be made in April, prior to going to each Member Council for approval prior to 30 June 2012.
4. Once the project and budget have been approved by each Member Council the Operational Plan and Budget will be submitted for approval at the 27 August 2012 P.R.C. meeting in order to meeting compliance requirement.

##### PRC Project – Pilbara Connections

Cliff Winfield and Associates (CWA) have been appointed by P.R.C. to deliver the Royalties for Regions seed-funded enhancement of nature-based day visit, camping and overnight stops at a range of coastal and inland locations across four Pilbara municipalities.

Pilbara Connections stage one is mostly funded by a \$2.7 million grant from the WA Gov's Royalties for Regions program. However, to fully implement the project, that seed funding needs to grow by at least three-fold.

CWA have applied for funds for planning a boat trailer park at the current boat launch at Cleaverville and will be applying for funds to develop interpretive trails at Cape Keraudren, Cleaverville and 40 Mile.

Priority works for stage one, endorsed by the steering group. Port Hedland: De Grey station sites – Shellborough / Condon / Tichla. Shire of East Pilbara: Cape Keraudren. Shire of

## **AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012**

Roebourne: Cleaverville and possibly 40 Mile / Gnoorea Point. Shire of Ashburton: Information Bays at either end of Karijini Drive and Onslow turn off.

WA Planning Commission are advocating a regional coastal management strategy similar to Ningaloo, and see that P.R.C. is the ideal vehicle to seek funding.

The project steering group consist of representatives of the four LGA's plus MRWA and PDC. The representatives are:

Jenella Voitkevich – TOPH, Manager Infrastructure Development

David Pentz – Shire of Roebourne, Director Development Regulatory & Infrastructure Service

Allen Cooper – CEO SOEP

Amanda O'Halloran – SoA, Executive Manager, Strategic & Economic Development

Gary Player – Regional Manager MRWA, Pilbara

Felicity Gilbert – PDC, Assistant Direction Regional Development

Shelley Pike – PRC, CEO

Claire Ditri – Pilbara Cities, Principal Project Officer, Community Projects and Engagement.

It is an expectation that greater benefit to the Shire would result from simultaneous development of the Regions N.W. coastline. This would encourage future joint promotion of a Regional N.W. recreational / tourist attraction, which could prove popular with FI/FO employees.

### **Councillor Recommendation**

It is an expectation that greater benefit to the Shire would result from simultaneous development of the Regions N.W. coastline. This would encourage future joint promotion of a Regional N.W. recreational / tourist attraction, which could prove popular with FI/FO employees.

Towards that initiative it is proposed that Shire of Ashburton Representative on the project steering group nomination be Cr A Eyre replacing Amanda O'Halloran, Executive Manager, Strategic and Economic Development, and Cr L Thomas as deputy.

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council:

Shire of Ashburton Representative on the project steering group nomination be Cr A Eyre replacing Amanda O'Halloran, Executive Manager, Strategic and Economic Development, and Cr L Thomas as deputy.

**AGENDA - ORDINARY MEETING OF COUNCIL 18 APRIL 2012**

- 19. NEXT MEETING**
- 20. CLOSURE OF MEETING**