

**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING  
MINUTES**

**PUBLIC DOCUMENT**

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

**19 September 2012**

# MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 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 19 September 2012 at RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

<b>1.</b>	<b>DECLARATION OF OPENING.....</b>	<b>5</b>
<b>2.</b>	<b>ANNOUNCEMENT OF VISITORS.....</b>	<b>5</b>
<b>3.</b>	<b>ATTENDANCE .....</b>	<b>5</b>
3.1	PRESENT.....	5
3.2	APOLOGIES.....	5
3.3	APPROVED LEAVE OF ABSENCE.....	5
<b>4.</b>	<b>QUESTION TIME .....</b>	<b>6</b>
4.1	PUBLIC QUESTION TIME .....	6
4.2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	9
<b>5.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>18</b>
<b>6.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS.....</b>	<b>19</b>
6.1	PETITIONS.....	19
6.2	DEPUTATIONS .....	19
6.3	PRESENTATIONS .....	20
<b>7.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>20</b>
7.1	ORDINARY MEETING OF COUNCIL HELD ON 15 AUGUST 2012.....	20
<b>8.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION .....</b>	<b>20</b>
<b>9.</b>	<b>DECLARATION BY MEMBERS.....</b>	<b>20</b>
9.1	DECLARATION OF INTEREST .....	21
<b>15.</b>	<b>COMMUNITY DEVELOPMENT REPORTS.....</b>	<b>23</b>
15.1	CSRFF FUNDING APPLICATION .....	23
15.2	FREE OVAL USAGE FOR TOM PRICE SPORTING GROUPS AFFECTED BY THE REDEVELOPMENT OF CLEM THOMPSON OVAL.....	26
15.3	UPDATE ON THE PARABURDOO SPORTING AND COMMUNITY HUB .....	29
<b>10.</b>	<b>CHIEF EXECUTIVE OFFICER REPORTS .....</b>	<b>33</b>
10.1	COUNCILLOR PORTFOLIOS POLICY AND PORTFOLIO LEADER'S PERSONAL PERFORMANCE AGREEMENT.....	33
<b>11.</b>	<b>CORPORATE SERVICES REPORTS.....</b>	<b>37</b>
11.2	SHIRE OF ASHBURTON PARKING AND PARKING FACILITIES LOCAL LAW 2012.....	37
11.3	SHIRE OF ASHBURTON ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAWS 2012.....	40
11.4	SHIRE OF ASHBURTON EXTRACTIVE INDUSTRIES LOCAL LAW 2012 .....	43
11.5	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JULY AND AUGUST 2012 .....	46
11.6	GRV RATING OF WORKER ACCOMMODATION FACILITIES AND OTHER SELECTED CAPITAL IMPROVEMENTS ON MINING AND PETROLEUM LEASES .....	48
<b>12.</b>	<b>STRATEGIC &amp; ECONOMIC DEVELOPMENT REPORTS .....</b>	<b>55</b>
<b>13.</b>	<b>TECHNICAL SERVICES REPORTS .....</b>	<b>55</b>
13.1	REQUEST TO MODIFY PLANNING APPROVAL CONDITION - DRY MESS, OFFICES, STORAGE AND ABLUTIONS ON LOT 54 SOUTHERN CORNER OF PANNAWONICA ROAD AND DEEPDALE ROAD, PANNAWONICA.....	56
13.2	RESPONSE TO HARDY BOWEN LAWYERS - CHEVRON AUSTRALIA WORKFORCE MANAGEMENT PLAN AND DEED.....	59
13.3	ZONING ANOMALY - LOT 1 AND LOT 986 CENTRAL ROAD, TOM PRICE.....	67
13.4	ALTERNATE ACCESS TO HOOLEY CREEK - DEPARTMENT OF STATE DEVELOPMENT RESPONSE .....	70
13.5	PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION, THEVENARD ISLAND .....	76
13.6	PLANNING APPLICATION - NINE (9) TWO STOREY GROUP DWELLINGS AT LOTS 936 & 937 WARARA STREET, TOM PRICE .....	92
13.7	PLANNING APPLICATION - SIX (6) TWO STOREY GROUP DWELLINGS AT LOT 969 CAMERON AVENUE, ONSLOW .....	105
13.8	REVISED WORDING AND LOCATION OF 'ONSLow AIRPORT HEIGHT RESTRICTIONS AREA - SPECIAL CONTROL AREA' - SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO - REQUEST TO INITIATE.....	115
13.10	AUTHORISATION OF OFFICER - RANGER .....	121
13.11	TOM PRICE SPORTS PAVILION - TENDER NO. RFT 05/12 .....	123

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

<b>14.</b>	<b>OPERATIONS REPORTS</b> .....	<b>126</b>
<b>18.</b>	<b>COUNCILLOR AGENDA ITEMS</b> .....	<b>126</b>
18.1	NAMELESS FESTIVAL PUBLIC HOLIDAY - TOM PRICE.....	126
18.2	PARABURDOO CARAVAN PARK - SPECIAL APPROVAL FOR LONG TERM STAY .....	131
18.3	REVIEW OF OCEAN VIEW CARAVAN PARK FEE .....	135
<b>17.</b>	<b>CONFIDENTIAL REPORTS</b> .....	<b>140</b>
17.1	CONFIDENTIAL ITEM - CODE OF CONDUCT COMMITTEE REPORT .....	142
<b>16.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b> .....	<b>143</b>
16.1	SHIRE OF ASHBURTON FIVE (5) FORWARD CAPITAL WORKS PLAN 2010/2011 TO 2014/2015 - AMENDMENT .....	144
16.2	DIGITAL TELEVISION SWITCHOVER.....	147
16.3	DRAFT LOCAL PLANNING POLICY - CONSIDERATION OF GROUP HOUSING DEVELOPMENT AND BEDROOMS.....	153
<b>19.</b>	<b>PILBARA REGIONAL COUNCIL REPORT</b> .....	<b>155</b>
<b>20.</b>	<b>NEXT MEETING</b> .....	<b>155</b>
<b>21.</b>	<b>CLOSURE OF MEETING</b> .....	<b>155</b>

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.06pm

### 2. **ANNOUNCEMENT OF VISITORS**

The Shire President welcomed David Juers - External Relations Manager, Water Corporation, Peter McAllister - Regional Manager, Water Corporation, Jacinta Harvey - Regional Manager, LandCorp, Ben Graham - Project Manager, LandCorp, Marnie Shields - Director, Mackerel Islands Pty Ltd and members of the public to the public gallery.

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr F Ludovico	A/Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Mr K Pearson	A/Executive Manager, Technical Services
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Assistant CEO
Miss K Cortesi	CEO & Councillor Support Officer

#### 3.2 **APOLOGIES**

##### **Council Decision**

**MOVED: Cr Wright**

**SECONDED: Cr Thomas**

**That Council accept apologies from:**

<b>Cr L Shields</b>	<b>Tom Price Ward</b>
<b>Mr J Breen</b>	<b>Chief Executive Officer</b>
<b>Ms F Keneally</b>	<b>Executive Manager, Operations.</b>

**CARRIED 7/0**

#### 3.3 **APPROVED LEAVE OF ABSENCE**

Cr L Rumble Deputy Shire President, Paraburdoo Ward

**4. QUESTION TIME**

**4.1 PUBLIC QUESTION TIME**

At the Ordinary Meeting of Council held on 19 September 2012, the following questions were taken on notice and a written response will be provided.

Cr Fernandez tabled the following questions.

- Q1a. On behalf of the Post Office Manager and staff. Two windows have been vandalised just in the Post Office and not sure how many in other shops at the Tom Price Shopping Centre. Therefore we ask, when is Shire going to set up the video cameras that are already approved and funded? Give us a priority and tell us when???**
- Q1b. When is the Shire going to put a drinking water fountain in Lions Park and at the Dogs Park, plus a barbeque, and dog's disposable bags? Do you think the Dogs Park is finished with no equipment for exercise? If it is not – why was it officially opened?**
- Q1c. Can the shire please put a notice board ASAP in the shopping centre to advertise all the Shire information, notifications, vacancies, Councillors information, etc. As well as to place space for Community residence information. Can Shire set up this as priority within a month?**

Cr Wright tabled the following question.

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

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

- Q3. As a resident of Paraburdoo and member of the Paraburdoo Tidy Towns Committee, I would be grateful if you could supply the following information to assist in our submissions for next year's Tidy Towns awards.**
- **Council Projects planned for Paraburdoo for the next 12 months**
  - **Timeframes for completion of the above projects**
  - **Details and timeframe for the footpath and Cycle path plan**
  - **Details and timeframe for the upgrading of the Tourist Information Bay**

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

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

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

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

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

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

Cr Foster tabled the following questions.

- Q5a. Is the Shire of Ashburton aware that the Tom Price Caravan Park enforces a no pet policy? Does the Shire know why this is the case?**
- Q5b. With the redevelopment of the Clem Thompson Oval imminent, what measures have been put in place to accommodate the sporting groups?**
- Q5c. Has the Shire investigated the costs of setting up temporary lighting to accommodate finding night & Saturday night games? Can funding be sourced in your opinion for these lights?**
- Q5d. Can the Shire advise as to the progress of the volunteer hub?**
- Q5e. Can the Shire advise when the Tom Price will host their first welcome BBQ to town?**

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

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

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

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

**Q7.**

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

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

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

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

**Express that nothing be considered too much in the needed healing process. It is no one else’s right to determine what is reasonable in the re-building of culture, family and place.**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

Pearse Herbert from Onslow tabled the following question.

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

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

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

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

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

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

At the Ordinary Meeting of Council held on 19 September 2012, the following questions were taken on notice and a written response will be provided.

Ann Dunn, on behalf of Onslow Ocean View Caravan Park residence tabled the following questions.

**Q1. As long term tourist to Onslow we have been enjoying your hospitality over many years.**

We enjoy the lifestyle that Onslow has provided us.

We would like to continue. And in view of this we would like to ask the following questions.

1. What proportion of sites at the Ocean View Caravan Park will be allocated to:
  - a) Workers?
  - b) Long Stay Tourists?
  - c) Casual Tourists?
2. Will consideration be given to long stay tourists who have been coming for up to 25 years will they be allocated the same sites next year?
3. When will we be advised of the policy so that we can make a booking?

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **4. Over the past 3 years the prices have more than doubled. Will this trend continue?**

#### **Response**

Council approved the following occupancy plan at the August 2012 Council Meeting -

1. The Ocean View Caravan Park occupancy plan which states –
  - i. 40 Permanents all year round.
  - ii. 45 tourist bays held for the “peak tourist” months of June, July and August.
  - iii. 15 bays that are for casual hire.
  - iv. all non-permanent bays being available to the resource sector or local business outside of the above listed “peak tourist” months.
2. As per the occupancy plan above – Council is committed to enabling Tourism in Onslow and the allocation of tourist bays ensures that long stay tourists will continue to be accommodated.
3. All long term tourists have been encouraged to leave their names at the office and Officers will be in touch as soon as we have worked through the handover process to get you booked in for the 2013 season. As discussed at the Council Meeting in Onslow in August 2012, sites will not be allocated until the power upgrade implications are known. The Council will be doing everything we can to support our long term tourists.
4. Council will approve all price increases and these would be likely to only occur once a year (if they were to occur at all). Council will need to carry out significant upgrades to bring the park up to appropriate tourist standards over the next couple of years. A business case is being formulated that will outline the financial implications for the Caravan Park.

Geoff Herbert tabled the following questions.

- Q2.**
- 1. Is the shire going to go into competition with local business in any other areas?**
  - 2. How much is it going to cost the shire to upgrade the caravan park?**
  - 3. When do we anticipate to have a return on this investment?**

#### **Response**

1. Council is committed to Tourism in Onslow. Council felt that the best way to ensure that tourism was maintained was to take on the caravan park and ensure that bays were held over for the long term tourist.
2. A business plan will be released publically when Council has signed off on the way forward for the park.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

3. Once the upgrade plan is endorsed Council will publish and work with the community to better understand the implications.

Kimberley Eaton tabled the following question.

- Q3. Grease trap issue what is going on? Need answer now or business will be closed down!!!**

### **Response**

Council decided at the Ordinary Meeting of Council 15th August 2012 to investigate the establishment of a liquid waste receiving pond in Onslow. This may take a number of months to define, obtain permits and arrange construction.

As an interim measure Council also decided to investigate how it may be able to assist in organising for transport of liquid wastes using existing cartage contractors who are already, or shortly, transporting wastes from Onslow to approved receiving sites.

These discussions commenced around the 20th August 2012 and it is anticipated that a way forward will be defined within one to two weeks of that date.

Cameron McGurk tabled the following questions.

- Q4. My question directed at the shire CEO Mr Jeff Breen. With regards to the free to air TV digital switch over in Onslow.**

**At the February council meeting the two options the shire submitted to the councillors to votes on were:**

- A. Turn off the towns tower and opt Onslow into the satellite subsidy scheme (SSS) thus receiving the viewer access television service known as VAST.**

**Or**

- B. Upgrade the town's tower to digital and transmit the VAST signal to the community.**

**Why then in your letter to the editor of the Onslow Times June edition did you state the two options for digital upgrade were?**

- A. Switch to the new VAST service**

**Or**

- B. Upgrade the shelf-help remote transmission tower.**

**These are not the options you gave the councillors.**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

**Why do you also state in the same letter that opting into the SSS will also offer more channels than if the shire was to retransmit? It is the same VAST signal whether it be transmitted from the broadcast tower or received directly into homes via satellite. It has the same number of channels available and the same picture qualities. At an annual broadcast licensing fee of \$40 per channel surely the licensing cost is not the reason the shire would choose not to broadcast all VAST channels.**

**Given that the shire states that they are doing this for good of the community, why are they intentionally feeding Onslow residents miss truths to sell them on the idea?**

**Will the shire print a correction in the next Onslow times telling residents that they also have the option to transmit the VAST signal if the tower is upgraded to digital?**

### **Response**

Council had been informed by the Digital Ready – Commonwealth Task Force that not all channels would be available to Council if was to retransmit and that only the VAST System would be able to provide the increased access to all channels.

Whilst Council did recommend to switch off the self help tower, they have listened to the Public and the feedback they have been getting and have continued to get the Council Administration Staff to consider and research other options on the way forward. One of the Issues with TV transmission in Onslow is that the Council are not experts in the matter and have struggled at times to ensure continuity of service. Advice from Digital Ready and the Commonwealth Govt was that the VAST System was a superior service to retransmission and would enable to the Onslow Community to have a TV service that they can rely on. If this is not the preferred option for the Community and Council will have the opportunity to revote on this matter at the September Council Meeting.

Council will advertise the outcomes of the September Council Meeting where they will be revisiting the Digital TV decision and way forward for the Onslow Community.

Robyn and Tony Richardson tabled the following question via email.

**Q5. “Good morning Jeffrey, Fiona and Kerry in your varying capacities within the Ashburton Shire Council.**

***We own and live on Mount Florance Station which is approximately 90 km from Wittenoom on the Wittenoom-Roebourne road. As I have indicated to shire reps in the past the traffic has increased considerably on this road over the last two years but nothing as consistently and damaging as the sand trucks that are carting to the Solomon expansion project on the southern end of our property. They go through early in the morning six days a week and return later in the day. The numbers of trucks vary. The damage to the road since they started has been considerable – dust holes where the***

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*surface has broken up completely and terrible corrugations. People other than us who are familiar with the road say that it is the worst they have ever seen it. We would totally agree. Apart from one grade, no other work/maintenance has been undertaken. As you can see from the email below, sent today to FMG regarding the matter, we have indicated in that we would like the Shire to liaise with FMG regarding this road to enable repairs to occur and a greater level of ongoing maintenance while the usage continues.*

*The grader was last on this section of road (railway crossing to the Fortescue valley road) in mid to late April. The sand trucks were on the move then. We later saw the grader on the Millstream section (between the crossings) but it didn't continue up through here. This has happened many times in the past but it needs to stop. The whole road needs maintaining not just one section. In addition, as our homestead and campground is less than a kilometre from the road we get deluged with the dust, particularly on days when the easterly is blowing. On these cool to cold mornings the dust hangs in the air for up to an hour. That is then the case all along the road. It would be helpful for us especially if a water truck could be made available to keep this road damp and lessen the impact of the dust in this area.*

*Furthermore, the bitumen on the Fortescue river crossings, both on the Mulga Downs loop and the Fortescue Valley road took a hammering through and after the rains with the machinery and heavy traffic continuing to go over them. We have lived here since 1974 and seen the Mulga bitumen under water many times but it has not in the past sustained the damage that has occurred this year. It is a similar situation with the Fortescue Valley Rd crossing. That was completed in 1996 and has been underwater for many weeks following heavy, consistent rain events on at least three other occasions separate to the last summer rains and has never suffered the damage as has happened this time. We have no doubt it was due to the heavy vehicle and machinery traffic from the construction camp in the area from the construction camp in the area going to Solomon. The big hole in the middle of the crossing is quite dangerous and had still not been repaired or even sign posted. It is a miracle no one has been hurt there. These repairs need to be included in the discussions with FMG. If nothing is done and heavy rains occur again before repairs are completed we could lose the crossing.*

*On another matter, earlier this year I wrote to the shire regarding the two grids either side of the homestead. Neither have been maintained over the years but the one to the north is still in place and visible. It was to be replaced but we are still waiting for this to happen despite being told that a couple of months ago that it was to be done early in the 'next financial year'. We would like this to be done as soon as possible. The other grid to the south was one that we requested be left many years ago when several old grids were removed along the road through our lease. However it was never maintained by the council and is now buried under the road surface. We would like this grid re-instated as we pointed out in our previous*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*correspondence. We have had no satisfactory response on this matter to this date.*

*Would like the matters raised to be progressed asap please.*

*From: Robyn and Tony Richardson  
Subject: Sand Trucks*

*Have had enough of the two sand trucks going through 6 days a week, twice a day. At the moment once again there is no wind and we get covered in dust every morning which hangs in the cool air for at least an hour. This road is continuing to deteriorate at a rapid rate which started with the sand trucks commencing. We know that other trucks and vehicles use the road now but nothing as consistently and relentlessly as the sand trucks. The mailman came out early this morning and found vision in the dust caused considerable problems. Having been caught behind one myself I know exactly what he meant. Other people are talking about the poor condition of the road, particularly when they turn on to the Roebourne - Wittenoom road. As we have to use the road all time we are suffering damage to our vehicles, which will only increase.*

*Can you find out how much longer this is going to go on please? We would like FMG to liaise with the Shire of Ashburton regarding repairs to the road and a higher level of maintenance on it while this level of traffic continues. As it stands at this stage, construction will finish, our road will be destroyed and nothing will be done to repair it. We will be left with the mess.*

*I will be forwarding a copy of this email to the Shire of Ashburton."*

### **Response**

The Roebourne – Wittenoom Road has since had a maintenance grade starting from the southern end, continuing through to the north. The bitumen section at the Fortescue Crossing Road has also been repaired. Geoff Brayford was negotiating with Fortescue Metal Group Ltd regarding increased road maintenance prior to his leaving.

It is Shire policy that we only replace grids on property boundaries (the southern boundary of Mt Florence Station was replaced approximately 3 years ago). Although the grader is often blamed for filling in grids, it is normal traffic and weather conditions that cause the grids to fill with dust. The type of grids that have previously been installed up to 7 years ago have been the closed end type, which inhibits any matter to drain or wash from the concrete enclosure of the grid.

There were five new grids purchased last financial year, and the price of the standard Main Roads Western Australia grid has increased from \$13,000 to \$20,000. They weigh 8 tonne per 4m section and are expensive to freight to the Pilbara. The purchase of the grids spent the budgeted amount allocated last financial year and there has been an amount allocated this financial year for installation. One of the intended locations is the Mt Florence / Coolawanyah Station boundary.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The Shire of Ashburton is purchasing a high pressure cleaner (predominately for graffiti removal), and we intend to trial the cleaner for clearing the old style grids in approximately October/November 2012.

Mercedes Fox, from SAFE Tom Price, tabled the following question.

**Q6. What can the shire do in educating dog owners on importance of firstly registering their dogs as requested by law?**

**2<sup>nd</sup> importantly vaccinations for their pets including cats but especially dogs, in relation to 'parvo virus' particular – another outbreak in Paraburdoo – Only matter of time to reach Tom Price.**

**It's no good just putting info in.**

### **Response**

If Rangers come across a dog that is not registered and the owner is identifiable, the owner is made to register the dog prior to its release back to the owner. Rangers will continue to speak to the public and make available material that promotes registration but ultimately the responsibility lies with the owner of the animal. There are currently 1377 dogs registered in the Shire.

Rangers or the Shire can't make people have their pets immunized. Like a lot of other things with pets the owners must take responsibility. We can continue to promote responsible pet ownership through material available and if and when appropriate and it is actually reported to Ranger Services that there may be a health issue with a dog we can enforce Dog owners to submit their animal for a veterinary examination. Dependant of the results of such an examination the local government may give notice to the owner that because of health reasons the dog can be destroyed within 7 days unless the owner lodges an appeal before that time in a Local Court.

Cr Fernandez tabled the following question.

**Q7. When is the dogs exercises park will be officially open.**

**Can shire give me a proposal draft date, so we SAFE Tom Price and IBN Corporation and Vet clinic get together I plan some activities for this celebration.**

### **Response**

The Tom Price Dog Park was officially opened on Sunday September 3<sup>rd</sup>. Planning and advertising for this began several weeks earlier, and SAFE were heavily involved in all aspects of the event.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Leonie Manns tabled the following question.

### **Q8. RE: Dogs on ovals**

- 1. What is the shire going to do about the dog's pooing in the ovals. As this is a sports area and kids play grounds?**
- 2. Could there be a designated area where people could take their dogs?**
- 3. Can we have some urgent action on this?**

#### **Response**

It has been budgeted for in 2012-13, for the erection of more "Dog Poo Bag" dispensers and "Poo Bag Bins" at all ovals, parks and footpath networks. Rangers will continue to monitor dog owners but infringements can only be issued if Rangers witness a dog owner permitting their dog to excrete in a public place without cleaning it up.

Steele McDermott tabled the following question.

- Q9. In March this year I attended a council meeting to ask about the delays in the Paraburdoo sports centre, it's been almost 6 months and still haven't heard anything. Nothing is made public knowledge. I have been a resident of Paraburdoo for 8 years and I have played for the Saints football club the entire time, being luck to be the current games leader of games played this delays is frustrating as I would like to be able to use the planned facilities before my playing career is over, after using substandard change rooms for many seasons.**

#### **Response**

In March 2012 the following question was tabled at the Council Meeting.

***"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 2012 assuming that funding is available."***

Subsequent to that response, concept plans were received in late May from the Architects and community consultation was advertised and held on Monday June 18<sup>th</sup>. Approximately 10 people attended that session, and it was anticipated the final concept plans would be brought back to the public, for comment, in August 2012.

That timeline has unfortunately not been met as there have been a number of delays in finalising the concept plans. Both Rio Tinto and the Shire continue to meet with the architects on a regular basis to progress these plans as quickly as possible, and as soon as the final plans are ready they will go back to the community for comment.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Funding for this project is still being identified and sourced (the project is expected to be in the vicinity of \$15 million) and the construction date will be dependent on this being fully secured.

Cr Dias tabled the following question.

- Q10. Can Meeka Park be officially named Paraburdoo Train Park and secondly in all Shire documentation Peter Sutherland oval be referred to by its name rather than the unofficial name "Top Oval".**

### **Response**

The process and significance of changing the name of the "Meeka Park" to "Paraburdoo Train Park" is still being investigated and will be responded to when all the information is available.

All current Shire documentation refers to the main oval in Paraburdoo as the "Peter Sutherland Oval" with the smaller, unlit oval referred to as the "Top Oval". Below is the extract from the Shire website, and this nomenclature is repeated in the 2012 -2013 budget, as well as on the "Paraburdoo Community Service Network webpage, which is not a Shire publication.

### ***"Paraburdoo Peter Sutherland Oval***

*The Peter Sutherland Oval is the larger of the two ovals situated in Paraburdoo, used by groups such as football and softball. Night games are very popular as there are four large light towers. These are on a timer system, which will only be programmed to come on if bookings are made through the Customer Service Officer at the Shire Office.*

### ***Top Oval***

*The top oval is not a full size oval and is used by groups such as tee ball. This oval is used for day games, as there is no lighting available. Bookings must be made through the Shire Office."*

Peter Kalalo, JP tabled the following question.

- Q11. The pensioners living in the units on Second Avenue would like to request that the shire put a concrete pathway with steps and/or ramp to the beach at the front of the units. Many of the residents enjoy fishing, but find it difficult to access the beach.**

**We realise there is going to be upgrades to this area in the Onslow town site in the future and believe that this would only be a small extension of the plan for this to happen.**

**As we get older we have very few activities that we can enjoy and would appreciate the council's consideration in this matter.**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Response**

Council has no allocation this financial year for any additional steps from the units to the beach. Whilst the Council recognises that steps immediately in front of the units would be of benefit to the occupants there is an existing access point at the corner of First Avenue and Third Street, which is some 74m away from the property boundary.

At this stage we believe that this is relatively close even if there may be a need to double back if the intention is to head to the east to go fishing.

Council will however look closer at beach access as we consider the Onslow improvements in more detail.

Cr Eyre Tabled the following question.

**Q12. The public have been asking are Chevron/Bechtel going to close Twitchen to Old Onslow Road.**

### **Response**

Chevron have no ability to close any public roads and this will not occur. Council is negotiating an agreement with Chevron about the maintenance of these two roads over the coming two years during which there will be construction traffic on these roads.

Under the agreement Council will be performing the maintenance and Council will retain control of these roads.

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

There were no applications for Leave of Absence.

**6. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**6.1 PETITIONS**

There were two petitions presented to Council from the residents of Onslow regarding issues surrounding the Ocean View Caravan Park;

**ATTACHMENT 6.1A**

and;

Another regarding issues surrounding Thevenard Island.

**ATTACHMENT 6.1B**

**6.2 DEPUTATIONS**

There were no deputations presented to Council.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 6.3 PRESENTATIONS

David Juers and Peter McAllister from Water Corporation gave a presentation to Council and update on the planned upgrades for the Water and Wastewater schemes in Onslow.

Jacinta Harvey and Ben Graham from LandCorp gave an update to Council on the LandCorp subdivision.

Cr Eyre left the meeting at 2.17 pm.

Cr Eyre entered the meeting at 2.19 pm.

Marnie Shields, Director and Drew Norrish, Chief Executive Officer from Mackerel Islands Pty Ltd gave a presentation to Council regarding Thevenard Island – Application for temporary use for Transient Workers Accommodation.

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 7.1 ORDINARY MEETING OF COUNCIL HELD ON 15 AUGUST 2012

#### Council Decision

**MOVED:** Cr Fernandez

**SECONDED:** Cr Wright

**That the Minutes of the Ordinary Meeting of Council held on 15 August 2012, as previously circulated on 23 August 2012, be confirmed as a true and accurate record subject to the following amendments:**

**The Family Season Pass fee at the Paraburdoo Pool (page 117 on the 2012/13 Budget Attachment) of \$100.00 be replaced with \$400.00.**

**The Trading Permit for locations anywhere in the district excluding within a town centre per day maximum of \$7,500.00 pa be replaced with \$750.00 pa (page 109 on the 2012/2013 Budget Attachment)**

**CARRIED 7/0**

## 8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There was no announcement by the Presiding person.

## 9. DECLARATION BY MEMBERS

Crs White, Foster, Fernandez, Eyre, Dias, Thomas and Wright stated that they had given due consideration to all matters contained in the Agenda before the meeting.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 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 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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

## 15. COMMUNITY DEVELOPMENT REPORTS

### 15.1 CSRFF FUNDING APPLICATION

MINUTE: 11293

**FILE REFERENCE:** GRA4

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

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

**DATE REPORT WRITTEN:** 7 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

The Shire of Ashburton is requesting the support and endorsement of Council to submit a Community, Sporting and Recreation Facilities Fund Grant (CSRFF) to the Department of Sport and Recreation (DSR) for \$1,000,000 to assist with the funding for the Tom Price Sporting Precinct.

This funding request is the only application that has been received by the Shire for the 2013 - 2014 funding round, and will offer significant benefits to the residents in the Tom Price community.

#### Background

Every year the Department of Sport and Recreation (DSR) offers "Annual and Forward Planning Grants" grants through their Community, Sport and Recreation Facilities Fund (CSRFF) that organisations, including local governments can apply for.

There grants are for projects over \$166,667 and have several requirements associated with them, including the stipulation that all applications must be approved by the local council that governs the geographic area in which the grant will be expended, and that if more than one application is submitted in any given Local Government Area that the local government council must vote on and rate those applications in order of preference at the Council Meeting closest to the closing date for the applications.

In 2012, applications must be received by the Department of Sport and Recreation by 4pm on the last day of September, requiring any and all applications to be brought before Council at its September 2012 meeting.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Comment

Funding is currently being sourced for the Tom Price Sporting Pavilion and Precinct. This project has been proposed to the community for several years and there is strong community sentiment that it needs to be undertaken and completed as quickly as possible to provide a much needed facility.

The total budget for the whole project is estimated at \$10,050,000 and funding from other sources (including the Shire of Ashburton) has already been identified for \$9,050,000, however, the project itself consists of two distinct components, one being the building of the Sports Pavilion (which has already gone out to tender and will be commencing shortly) and the other being the realignment and redevelopment of the oval and its surrounds (referred to as the Sporting Precinct, and that is scheduled to commence in early 2013). The CSRFF application applies to the precinct component only.

### Consultation

Chief Executive Officer  
Executive Managers  
Special Projects Manager  
Department of Sport and Recreation

### Statutory Environment

Nil

### Financial Implications

Details	Other	SOA Contribution	Total
R4R (Pavilion)	4,000,000	500,000	4,500,000
Resource Sector	3,150,000		3,150,000
DSR	1,000,000	500,000	1,500,000
RTIO	500,000		500,000
R4R (Minga Oval Lights reallocated)	375,000	25,000	400,000
			-
<b>TOTAL</b>	<b>9,025,000</b>	<b>1,025,000</b>	<b>10,050,000</b>

### Strategic Implications

This is consistent with Shire of Ashburton's 10 year Community Strategic Plan 2012 – 2022 Goal 1 Vibrant and Active Communities Objective 2 Active People, Clubs and Associations "Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs."

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required



**MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

**Council Decision**

**MOVED: Cr C Fernandez**

**SECONDED: Cr P Foster**

**That Council supports and endorses the Shire of Ashburton's Funding Application for \$1,000,000 for the Tom Price Sporting Precinct as the Shire of Ashburton's CSRFF Funding application for the 2012 -2013 funding round.**

**CARRIED 6/1  
Cr Dias voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 15.2 FREE OVAL USAGE FOR TOM PRICE SPORTING GROUPS AFFECTED BY THE REDEVELOPMENT OF CLEM THOMPSON OVAL

**MINUTE:** 11306

**FILE REFERENCE:** RE.EA.R.39857

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

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

**DATE REPORT WRITTEN:** 7 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

As part of the development of the new Tom Price Sports Pavilion and subsequent redevelopment of Clem Thompson Oval, no sporting or recreation groups will be able to use the oval from November 2012 until approximately August 2013.

At a community consultation held on 28 August 2012, to discuss options for the groups to relocate to other premises for this period of time, the option of free use of other ovals and premises within the Shire was raised.

#### **Background**

The planned redevelopment of the Clem Thompson Oval, including the building of a new Sports Pavilion, has been planned for several years, and previous community consultation has been undertaken on this topic.

The project will consist of two distinct components - the design and construction of the new Sports Pavilion and the realignment and redevelopment of the Clem Thompson Oval. The construction of the Pavilion has recently gone to tender and initial works are due to commence in September 2012.

One of the earliest tasks in this project will be the removal of one light tower which will severely impact the ability of any sporting or other group to use the oval. Shortly after this the entire oval area will need to be quarantined off for safety reasons while the new Pavilion is built and the ground works are undertaken for the realignment and redevelopment of the oval (drainage, reticulation, installation of new lights etc). The oval will not be open to the public until the work is completed, approximately August 2013.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Comment**

Community Consultation was undertaken with all sporting groups that use the Clem Thompson oval on Tuesday 28 August 2012. More than 25 representatives from various sporting clubs attended, along with the Regional Manager from the Department of Sport and Recreation, who have been approached as a contributory funder.

The sporting groups present discussed and debated with Shire staff many options and the various costs of these, and a decision was made by many of the groups that they wished to primarily relocate to Area W and change their playing schedules/structure to accommodate day time training and matches for the upcoming season only. There were several requests made by the sporting groups to help facilitate their move to Area W including, maintenance and more frequent cleaning to the ablution blocks, relocation of the football goal posts, relocation of a cricket net, and the provision of two sea containers for the sporting groups to store their memorabilia, all of which the Shire has agree to.

The groups were also informed that the Shire staff would seek to waive any hire fees for the period of time Clem Thompson was not usable. Waiving of the fees would be a both a good will gesture to the groups for the cooperation they have shown in working with the Shire towards a resolution on this topic, and well as a recognition that they will be training and playing in less than ideal conditions for the next season. In addition, the free use of the ovals is more likely to encourage groups to continue to train and play in modified ways while the development is occurring, ensuring the sporting spirit stays strong and that the community has at least some opportunity to still be involved in organized sporting activity. This ability to continue to train and play would also best position all the clubs for their revitalization once the oval is completed.

### **Consultation**

Chief Executive Officer  
Executive Manager, Technical Services  
Special Projects Manager  
Tom Price Sporting Groups

### **Statutory Environment**

Nil

### **Financial Implications**

Approximately \$15,000 was received from the use of the Clem Thompson oval and its lights last year. As the lights will not be operational for the period of redevelopment there will be no expenditure or income from this source and the loss of income for the usage of the oval is likely to be in the vicinity of \$10,000 over the year. This will not be recouped if fees are waived for the sporting and user groups when they use alternative venues.

### **Strategic Implications**

This is consistent with Shire of Ashburton's 10 year Community Strategic Plan 2012 – 2022 Goal 1 Objective 2 "Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs.

### **Policy Implications**

Delegation DA002 "Concession for Minor Charges" delegates authority to the Executive Manager Community Development to offer concessions for minor charges where appropriate but is limited to charges of less than \$1,000.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Voting Requirement

Absolute Majority Required

#### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr P Foster**

#### That Council:

1. Approves the free usage of other ovals within the Shire of Ashburton for Sporting and User Groups affected by the redevelopment of the Clem Thompson oval while that redevelopment is undertaken.
2. Notes that the income budget for 2012 – 2013 oval usage in Tom Price will be reduced by \$10,000.
3. As a result of this recommendation other Shire projects around may be affected by this funding.

**CARRIED BY ABSOLUTE MAJORITY 6/1  
Cr Dias voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 15.3 UPDATE ON THE PARABURDOO SPORTING AND COMMUNITY HUB

**MINUTE:** 11294

**FILE REFERENCE:** OR.CM.10.13

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

**NAME OF APPLICANT/RESPONDENT:** Councillor Ivan Dias

**DATE REPORT WRITTEN:** 10 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 15.1 Ordinary Meeting of Council December 14 2011

#### **Summary**

This is an update on the progress of the concept plans for the Paraburdoo Sporting and Community Hub, as requested by Councillor Dias.

#### **Background**

In late 2011 Creating Communities' engaged in a community consultation process with the residents of in Paraburdoo. That process at that stage identified the need for an indoor Sports Hall and Club rooms for associated sporting groups.

In December 2011 Council accepted the findings of the Creating Communities report and Roxby's were engaged in early 2012 to commence designs for the Sports Hall and Club rooms.

An initial plan was developed in March 2012, additional feedback had, by then, been received from Councillors and RTIO that it would be advantageous to also include the proposed Child Care facility in the design, as well as rebuilding the old and no longer fit-for-purpose Karingal Community Centre.

A further design, incorporating this new feedback was developed, and community consultation was held in June. At that meeting, community feedback was not overly positive and a further redesign was required.

## **MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

### **Comment**

RTIO and Shire representatives have been liaising with Roxby on a regular basis to progress this issue as quickly as possible.

At the August 2012 Council meeting a “footprint” design that encapsulated what the Shire and RTIO were wanting was presented to the Council. That “footprint” was then presented to Roxby in Perth the week after together with a detailed “Scope of Work” for the design.

Roxby have produced a new draft plan since that meeting, and that plan was forwarded to the Paraburdoo Councillors and RTIO.

### **Consultation**

RTIO

Councillors

Chief Executive Officer

Executive Manager, Technical Services

Engineering Support, Technical Services

### **Statutory Environment**

Nil

### **Financial Implications**

Funding for this project still needs to be identified, sourced and secured.

### **Strategic Implications**

This is consistent with Shire of Ashburton’s 10 year Community Strategic Plan 2012 – 2022 Goal 1 Objective 2 “Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs.”

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED: Cr I Dias**

**SECONDED: Cr L Thomas**

**That Council:**

1. **Acknowledge the comments contained in ATTACHMENT 15.3A in the minutes by Cr Dias.**
2. **Discuss all points submitted by Cr Dias with Cr Rumble and Dias, document all variations from the points submitted by Cr Dias including reasons and contingency plans in place should there be any shortfall due to reasons being out of Shire control.**
3. **Acknowledge the progress of the concept plans for the Paraburdoo Sporting and Community Hub as tabled in ATTACHMENT 15.3B.**
4. **Discuss any modifications to the plans with Cr Dias and Rumble before the November Council Meeting and have the modified plans tabled at the November meeting.**
5. **Submit a funding application within the next 2 weeks.**

**CARRIED 7/0**

### REASON FOR CHANGE OF RECOMMENDATION:

It is important Crs Dias and Rumble (Paraburdoo Ward Councillors) continue to participate in the ongoing development of the Paraburdoo Sporting and Community Hub plans.

### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr I Dias**

**That Council adjourn for a break at 3.10 pm.**

**CARRIED 7/0**

Crs White, Dias, Thomas, Foster, Fernandez, Eyre and Wright left the meeting at 3.10 pm.

Frank Ludovico, Keith Pearson, Amanda O'Halloran, Rob Paull, Janyce Smith, Kaylani Cortesi and members from the public left the meeting at 3.10 pm.

Deb Wilkes left the meeting at 3.10 pm and did not return.

## **MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

Crs White, Dias, Thomas, Foster, Fernandez, Eyre and Wright entered the meeting at 3.19 pm.

Frank Ludovico, Keith Pearson, Amanda O'Halloran, Rob Paull, Janyce Smith, Kaylani Cortesi and members from the public entered the meeting at 3.19 pm.

### **Council Decision**

**MOVED: Cr C Fernandez**

**SECONDED: Cr I Dias**

**That Council reconvene from a break at 3.19 pm.**

**CARRIED 7/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 COUNCILLOR PORTFOLIOS POLICY AND PORTFOLIO LEADER'S PERSONAL PERFORMANCE AGREEMENT

MINUTE: 11277

FILE REFERENCE: GOVN1

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

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9 July 2012

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

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 18 July 2012, Minute No: 11249  
Ordinary Meeting of Council 21 March 2012, Minute No: 11147

#### Summary

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

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

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

Councillor Portfolios will:

- Develop and utilise Councillors' knowledge in a particular area.
- More effectively champion particular interests of general concern.
- Progress consideration of issues faster.
- Provide effective representation on relevant community state / federal / industry bodies.

At the July 2012 Council Meeting this matter was laid on the table in order to allow Councillors to fully consider the issues associated with the Portfolio system. The matter is now returned to Council for their determination.

#### Background

At the Ordinary Meeting of Council on 21 March 2012 council resolved:

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*“That Council:*

1. *Accepts in principle the portfolio process.*
2. *Directs the CEO to develop a Council Policy on portfolios and present it to the April 2102 Ordinary Meeting of Council.*
3. *Nominate the following:*

<i>Arts &amp; Culture:</i>	<i>Cr Fernandez</i>
<i>Built Environment:</i>	<i>Cr Shields</i>
<i>Community Engagement:</i>	<i>Cr Foster</i>
<i>Community Facilities and Sports &amp; Events:</i>	<i>Cr Dias</i>
<i>Finance:</i>	<i>Cr White</i>
<i>Governance:</i>	<i>Cr White</i>
<i>Natural Environment &amp; Climate Change:</i>	<i>Cr Foster</i>
<i>Social:</i>	<i>Cr Eyre</i>
<i>Transport (Public Transport &amp; Roads):</i>	<i>Cr Foster</i>
<i>Private Works:</i>	<i>Cr Shields</i>
<i>Indigenous Affairs:</i>	<i>Cr Fernandez</i>
<i>Investment &amp; Infrastructure:</i>	<i>Cr White</i>
<i>Tourism:</i>	<i>Cr Thomas</i>
4. *Requests the CEO to assign managers to each Portfolio and advise Councillors when this has been finalised.”*

At the Councillor Briefing on 21 March 2012 the Chief Executive Officer (CEO) assigned managers to each Portfolio:

Arts & Culture:	Executive Manager, Community Development
Built Environment:	Executive Manager, Technical Services
Community Engagement:	Executive Manager, Community Development
Community Facilities and Sports & Events:	Executive Manager, Community Development
Finance:	Executive Manager, Corporate Services
Governance:	Executive Manager, Corporate Services
Natural Environment & Climate Change:	Executive Manager, Technical Services
Social:	Chief Executive Officer
Transport (Public Transport & Roads):	Executive Manager, Technical Services
Private Works:	Executive Manager, Operations
Indigenous Affairs:	Chief Executive Officer
Investment & Infrastructure:	Executive Manager, Strategic & Economic Development
Tourism:	Executive Manager, Strategic & Economic Development

At the July 2012 Council Meeting this matter was laid on the table in order to allow Councillors to fully consider the issues associated with the Portfolio system. The matter is now returned to Council for their determination.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Comment

The Councillor Portfolio Policy sets clear guidelines on the Elected Members' role and authority as Portfolio Leaders including:

- Policy Leadership
- External Representation and Relationships
- Communication
- Officer Liaison

### ATTACHMENT 10.1A

A key component for each portfolio is the development of an agreement by the Portfolio Leader with the assistance from the assigned Executive Manager. The *"Portfolio Leader's Personal Performance Agreement"* covers:

- Portfolio Leader rights and responsibilities
- Portfolio Leader and the media
- Portfolio Objective
- Portfolio Advocacy and Responsibility
- Representation
- Key Issues
- Reports
- Ethical Practices
- Performance and Evaluation including Action Sheet

An example of a *"Portfolio Leader's Personal Performance Agreement"* template is attached.

### ATTACHMENT 10.1B

In accordance with the Councillor Portfolios Policy the portfolio will not be active until Council has adopted the *"Portfolio Leader's Personal Performance Agreement"*.

A sample *"Councillor Portfolio Guideline Booklet"* has been provided under separate cover.

### Consultation

Chief Executive Officer

### Statutory Environment

Nil

### Financial Implications

No sitting fee shall be paid in connection with an allocated portfolio; however any bona fide expenses shall be reimbursed.

### Strategic Implications

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

### Policy Implications

New policy if adopted.

**MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

**Voting Requirement**

Simple Majority Required

**Council Decision**

**MOVED: Cr Fernandez**

**SECONDED: Cr Foster**

**That Council raise this Agenda Item from the table.**

**CARRIED 7/0**

**Council Decision**

**MOVED: Cr C Fernandez**

**SECONDED: Cr I Dias**

**That Council:**

- 1. Conducts a six month trial with the Transport (Public Transport and Roads), Indigenous Affairs and Tourism portfolios following the processes and procedures outlined in the draft Policy and the *"Portfolio Leaders Personal Performance Agreement"*.**
- 2. Instructs the Chief Executive Officer to provide a review report back to Council in March 2013 on the progress of the trial.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 11. CORPORATE SERVICES REPORTS

#### 11.2 SHIRE OF ASHBURTON PARKING AND PARKING FACILITIES LOCAL LAW 2012

**MINUTE:** 11278

**FILE REFERENCE:** LE.LL.09.00

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

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

**DATE REPORT WRITTEN:** 6 September 2012

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

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

#### **Summary**

Section 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make Local Laws and prescribes all matters that are required or permitted to be prescribed by a Local Law, or are necessary or convenient for it to perform any of its functions.

#### **Background**

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

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

This Local Law was adopted on 20 June 1995 and gazetted on 6 December 1996, with the primary objective of providing rules and guidelines for the constitution of a parking region; enable the local government to regulate the parking of vehicles within the parking region; and provide for the management and operation of parking facilities occupied by the local government.

**Comment**

The present Local Law was adopted in 1995 under the former LGA 1960 and as a consequence references outdated terminologies (i.e. Shire Clerk, Road Traffic Act rather than Road Traffic Code 2000). It also fails to address the Parking (Disabled) Regulations and there is a need to update the prescribed Offences Schedule to increase penalties.

It is therefore recommended that Council update to the contemporary version of the Parking and Parking Facilities Local Law to enable the local government to regulate the parking of vehicles within the parking region and to provide for the management and operation of parking facilities occupied by the local government.

The purpose of this Local Law is to:

- constitute parking regions within townsites;
- enable the local government to regulate the parking of vehicles within parking regions;
- provide for the management and operation of parking facilities occupied by the local government.
- and update penalties

The effect of this Local Law is to ensure persons parking a vehicle within the parking region comply with the provisions of this Local Law.

**Consultation**

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

**Statutory Environment**

Section 3.12 of the LGA 1995 specifies the procedures to be followed when making a Local Law. Section 3.12 states:

**“3.12 Procedure for making Local Law**

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed Local Law in the prescribed manner.*
- (3) *The local government is to –*
  - (a) *give Statewide public notice stating that –*
    - (i) *the local government proposes to make a Local Law the purpose and effect of which is summarized in the notice;*
    - (ii) *a copy of the proposed Local Law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice,*



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 11.3 SHIRE OF ASHBURTON ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAWS 2012

**MINUTE:** 11279

**FILE REFERENCE:** LE.LL.12.00

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

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

**DATE REPORT WRITTEN:** 6 September 2012

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

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

#### **Summary**

Section 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make Local Laws and prescribes all matters that are required or permitted to be prescribed by a Local Law, or are necessary or convenient for it to perform any of its functions.

The present Local Law only addresses trading in public places; the Shire of Ashburton has no Local Law in place regarding thoroughfares and other activities, including:

- activities in thoroughfares and public places (i.e. general thoroughfare controls, verge treatments, signs, driving on closed thoroughfares);
- control of advertising signs in thoroughfares;
- obstructing animals, vehicles; shopping trolleys; skateboards;
- roadside conservation.

It is recommended the Local Law Relating to Trading in Public Places be repealed to be replaced with the template Shire of Ashburton Activities in Thoroughfares and Public Places and Trading Local Law, which is in common use throughout Local Governments in Western Australia.

#### **Background**

The Local Law was adopted on 17 February 1998 and gazetted on 10 March 1998. It is proposed that this Local Law be repealed and replaced with an updated Local Law relating to Activities in Thoroughfares and Public Places and Trading Local Law 2012.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

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

### ATTACHMENT 11.3A

#### Comment

The proposed Local Law is to meet the needs of the users of thoroughfares and public places and current legislation.

The purpose of the Local Law is to consolidate various Local Laws relating to activities in thoroughfares and public places and trading.

The effect of the Local Law is to restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places; and ensure that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place comply with the provisions of the Local Law.

### ATTACHMENT 11.3B

#### Consultation

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

#### Statutory Environment

Section 3.12 of the LGA specifies the procedures to be followed when making a Local Law. Section 3.12 states:

#### **"3.12 Procedure for making Local Law**

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed Local Law in the prescribed manner.*
- (3) *The local government is to –*
  - (a) *give Statewide public notice stating that –*
    - (i) *the local government proposes to make a Local Law the purpose and effect of which is summarized in the notice;*
    - (ii) *a copy of the proposed Local Law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
  - (b) *as soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice to the Minister and, if another Minister*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- administers the Act under which the Local Law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed Local Law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice."*

Other Acts of Parliament that impact on this Local Law and have been considered during the review process are:

Health Act 1911  
Road Traffic Code 1975 and 2000  
Road Traffic Act 1974  
Interpretation Act 1984  
Criminal Code  
Litter Act 1979  
Police Act 1892  
Sentencing Act 1995  
Liquor Licensing Act 1988  
Local Government Miscellaneous Provisions Act 1960  
Local Government Interpretations Act 1984  
Bush Fire Act 1954  
Fair Trading Act 1987  
Wildlife Conservation Act 1950  
Door to Door Trading Act 1987

### **Financial Implications**

Advertising costs of approximately \$600 associated with Statewide advertising and Government Gazette publishing.

### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan Goal 5 Inspiring Governance Objective 1 Custodianship.

### **Policy Implications**

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

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That Council gives Statewide public notice that it intends to make the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2012, as contained in the ATTACHMENT 11.3B.**

**CARRIED 6/1  
Cr Fernandez voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 11.4 SHIRE OF ASHBURTON EXTRACTIVE INDUSTRIES LOCAL LAW 2012

**MINUTE:** 11280

**FILE REFERENCE:** LE.LL.06.00

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

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

**DATE REPORT WRITTEN:** 7 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 11.2 Ordinary Meeting of Council 19 July 2012  
Minute Number: 11232

#### **Summary**

It is proposed to prepare an Extractive Industries Local Law to prohibit the carrying on of an extractive industry on private land unless by authority of a licence issued by the local government. This would regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other peoples' health and property; and provide for the restoration and reinstatement of any excavation site.

#### **Background**

The Shire's original *Extractive Industries Local Law* was gazetted in 1995. The Local Law provisions could only be applied to private landholdings. Mining undertaken under state government license on Crown land cannot be conditioned by a local government extractive industries Local Law.

Section 3.16 of the *Local Government Act 1995* requires the local government to review its Local Laws every 8 years. At the Ordinary Meeting of Council 19 July 2012, Council resolved to revoke the *Extractive Industries Local Law* on the basis that the necessary provisions were adequately covered by the Shire of Ashburton Local Planning Scheme No. 7. Whilst this is to some extent true, a revised *Extractive Industries Local Law* should be available to cover any private holdings both in the Shire both now and in the future.

#### **Comment**

The purpose of this Local Law is to prohibit the carrying on of an extractive industry unless by authority of a license issued by the local government; regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other peoples' health and property; and provide for the restoration and reinstatement of any excavation site.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The effect of this Local Law is, any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this Local Law.

It is proposed to prepare a new *Extractive Industries Local Law 2012* to prohibit the carrying on of an extractive industry on private land unless by authority of a license issued by the local government. This would regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other peoples' health and property and provide for the restoration and reinstatement of any excavation site. The effect of this Local Law is that any person wanting to carry on an extractive industry on private land will need to be licensed and will need to comply with the provisions of this Local Law.

### ATTACHMENT 11.4

#### Consultation

Chief Executive Officer  
A/Executive Manager, Technical Services  
Principal Town Planner  
Project Officer, Local Laws

#### Statutory Environment

Section 3.12 of the *Local Government Act 1995* specifies the procedures to be followed when making a Local Law. Section 3.12 states:

**“3.12 Procedure for making Local Law**

- (1) *In making a Local Law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
  - (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed Local Law in the prescribed manner.*
  - (3) *The local government is to –*
    - (a) *give Statewide public notice stating that –*
      - (i) *the local government proposes to make a Local Law the purpose and effect of which is summarized in the notice;*
      - (ii) *a copy of the proposed Local Law may be inspected or obtained at any place specified in the notice; and*
      - (iii) *submissions about the proposed Local Law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
    - (b) *as soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice to the Minister and, if another Minister administers the Act under which the Local Law is proposed to be made, to that other Minister; and*
    - (c) *provide a copy of the proposed Local Law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.”*

#### Financial Implications

Advertising costs of approximately \$1,000 including Statewide advertising.

#### Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan Goal 5 Inspiring Governance Objective 1 Custodianship.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Policy Implications

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

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr D Wright**

**SECONDED: Cr L Thomas**

**That Council, pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Ashburton Extractive Industries Local Law 2012 as contained in the ATTACHMENT 11.4, the purpose of which to prohibit the carrying on of an extractive industry on private land unless by authority of a licence issued by the local government.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 11.5 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JULY AND AUGUST 2012

**MINUTE:** 11281

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

**AUTHOR'S NAME AND POSITION:** Leah M John  
Finance Manager

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

**DATE REPORT WRITTEN:** 10 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

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

#### **Background**

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

#### **Comment**

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

##### **July 2012**

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

**ATTACHMENT 11.5A**

##### **August 2012**

- Schedule of Accounts and Credit Cards paid under delegated authority for the month of July 2012.

**ATTACHMENT 11.5B**

#### **Consultation**

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Statutory Environment**

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

### **Financial Implications**

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

### **Strategic Implications**

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

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

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

**CARRIED 7/0**

Janyce Smith left the meeting at 3.57 pm.

Janyce Smith entered the meeting at 3.57 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 11.6 GRV RATING OF WORKER ACCOMMODATION FACILITIES AND OTHER SELECTED CAPITAL IMPROVEMENTS ON MINING AND PETROLEUM LEASES

**MINUTE:** 11282

**FILE REFERENCE:** FI.RA.12.00

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

Frank Ludovico  
Executive Manager, Corporate Services

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

**DATE REPORT WRITTEN:** 8 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Local Government Act 1995 (LGA) states that the Minister for Local Government is responsible for determining the method of valuing land for local government rating purposes. The Minister does this, having regard to the recommendations of the local government Shire.

In determining the appropriate method of valuation, the Minister is required to have regard to the general principle that the basis for rating land is to be Unimproved Value (UV) for land used for rural purposes land and Gross Rental Value (GRV) for non-rural land.

The one exception to this principle is that mining tenements and petroleum licences are also to be UV rated, except where there are capital improvements on a site and the Minister has specifically permitted the GRV valuing of that site.

The Minister has advised that there will be a three year trial from the 1st of July 2012, during which local governments the Shire will be able to apply GRV valuations to particular aspects of mining, petroleum and resource interests. These GRV valuations, however, will only apply in respect of some particular improvements such as Worker Accommodation Facilities (WAF) accommodation, recreation and administration facilities, associated buildings and maintenance workshops (subject to conditions) that are expected to be situated on a site for a minimum of 12 months.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The Minister's decision provides Council with the opportunity to GRV rate selected capital improvements, particularly Worker Accommodation Facilities (WAF), on resource tenements, to the benefit of the wider community, in general, and the Shire's financial base. The latter is to the extent that this is possible within the limitations placed on the process by existing State Agreements negotiated between the State Government and individual resource companies.

It is proposed that Council adopt a policy to guide the implementation of GRV rating of capital improvements on resource tenements, in a fair and equitable manner and in accordance with the Minister's advice.

### **Background**

Section 6.28 of the *Local Government Act 1995* (the Act) states that the Minister for Local Government (the Minister) is responsible for determining the method of valuation of land to be used by a local government as the basis for rating.

In determining the appropriate method of valuation, the Minister is required to have regard to the general principle that the basis for a rate on any land is to be:

- *"Where the land is used predominantly for rural purposes, the Unimproved Value (UV) of the land; and*
- *Where the land is used predominantly for non-rural purposes, the Gross Rental Value (GRV) of the land."*

When making his/her determination the Minister is to have regard to the recommendation of the local government effected, as to its preferred basis of rating.

Section 6.29 of the Act qualifies Section 6.28 by limiting the rating of any mining tenement held pursuant to the Mining Act 1978, or permit, drilling reservation, leave or licence held under the Petroleum and Geothermal Energy Resources Act 1967 to UV rating, except where there are capital improvements on a site and the Minister has specifically permitted the GRV rating of the site.

The Minister has recently advised that, from 1 July 2012, local governments are able to apply GRV valuations to particular aspects of mining, petroleum and resource interests. Those GRV valuations, however, will only apply in respect of particular improvements such as accommodation, recreation and administration facilities, associated buildings and maintenance workshops (subject to conditions) that are expected to be situated on a site for a minimum of 12 months.

This policy, is to be trialled for three years, ending on 30 June 2015.

The Department of Local Government has published *"Guideline Number 2. Changing Methods of Valuation of Land (Revised March 2012)"*, in order to assist local governments wishing to change the method of rating a property, or properties, in general. The Guideline details the procedure to be followed by local governments when introducing GRV rating of Worker Accommodation Facilities (WAF) on mining tenements and petroleum licences.

### **Comment**

The introduction of GRV rating of WAFs is consistent with the adoption of a more equitable rating regime.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

It is noted, for example, that payment for 'public goods and services' provided by governments (including local governments) should be spread fairly across the community. In this regard, in Australia, property values (including the improvements thereon) are considered to be a reasonable proxy for assessing a ratepayer's capacity to pay for goods and services at the local government level.

Despite this fact, in the past UV rating of mining tenements and petroleum licences (some of which support very significant capital improvements) has meant that other ratepayers have paid disproportionate amounts for public goods and services.

While it is acknowledged that some local government goods and services benefit one part of the population more than others, the fact remains that there are many local government services that benefit all within a local government's boundaries. These include:

- Strategic planning
- Engineering (public works design and management)
- Storm water and drainage systems
- Planning services
- Emergency and Disaster management
- Climate adaptation and mitigation
- Public health and sanitary services (food inspection, animal control, public toilets)
- Construction and maintenance of rural roads, bridges/ flood ways and car parks
- Local and regional economic development facilitation
- Fund service agencies that support road management and accidents etc...
  - Ambulance
  - FESA
  - State Emergency Services
- Waste management services
- Community education programs
- The regulation of building standards (inspection, licensing, certification, enforcement)
- General local administration
- Advocacy on behalf of whole community.

It is also apparent that natural resource projects have significant impacts on town sites, even when located some distance away. This occurs as a result of additional demands for Shire services, either directly or indirectly as a result of the needs of town based supporting businesses.

Services and facilities fitting within this category include:

- Roads
- Parks and sporting facilities (swimming pools, golf clubs, sports courts)
- Local and regional development
- Libraries and other community facilities (art galleries, performing arts centres and museums)
- Child care and aged care facilities
- Recreational and cultural services.

It is clear that WAFs generate community costs, and if they were GRV rated would contribute more equably to the cost of providing these services. Furthermore Council would be able to determine the magnitude of that contribution by fixing an appropriate Differential General GRV Rate.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The specific financial benefit to the Shire resulting from Spot GRV rating WAFs and other associated improvements, cannot be calculated exactly at this stage as it is dependent on;

- The size of the Camp
- The GRV of the Camp , and
- The Differential General GRV Rate applied to the WAFs by Council.

It is estimated that there are almost 20,000 WAF beds within the Shire of Ashburton, although the precise number at any instant in time is difficult to determine. It is emphasised, however, that a large number of these beds are not GRV rateable.

Firstly, many WAFs exist for a short period of time and therefore are not GRV rateable under the Minister's guidelines. This is particularly the case with many construction camps.

Secondly, many camps associated with major resource developments within the Shire of Ashburton are subject to "*State Agreement Legislation*", which details the contractual arrangements between the State Government and the developer of a particular resource deposit.

There are presently eleven state agreements operational within the Shire of Ashburton and these agreements contain a wide variety of provisions which regulate local government's ability to GRV rate various elements of infrastructure associated with the resource operation.

In many cases the provisions of the state agreements specifically prohibit the GRV rating of WAFs, and indeed any capital improvements on the land covered by the agreement.

Determining the Shire's ability to GRV rate Worker Accommodation Facilities within each of the eleven individual state agreements applying within the Shire's boundaries, is a complex process. The State Agreements are complex documents and many of the documents have undergone a significant number of amendments, both in terms of their wording and in relation to the land which is covered by the agreement.

The Administration is presently researching, with the assistance of legal advice from the Shire Solicitor, each individual state agreement, with the objective of establishing the potential to GRV rate capital improvements in accordance with each state agreement.

These investigations have, to date, highlighted the fact the earliest agreements (e.g. The Iron Ore (Hamersley Range) Act 1963) specifically prohibit Council from GRV rating improvements, while the most recent agreements (e.g. Barrow Island Act 2003 and FMG Chichester Agreement Act 2006) do permit GRV rating. It is unclear, without finalising the current detailed research, what the circumstances are in relation to many state agreements finalised between the earliest and latest agreements.

Landgate's Property and Valuation Section has provided GRV estimates for a number of non GRV rated WAF's within the Shire. The Shire also has the GRV valuations of a small number of WAF's located within the town sites.

The third variable which would determine the additional rate income available to the Shire, is the Differential General Rate applied by Council to the capital improvements in question.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The Differential General Rates adopted by Council in the 2012 – 2013 Budget were:

Differential General Rate	Rate in \$
GRV Residential	3.4369
GRV Residential Development	3.9650
GRV Commercial Civic	4.8045
GRV Tourism	6.0868
GRV Community	4.0300
GRV Industrial	2.0950

The table below lists the income that would be generated for a range of Differential General Rates, assuming either 5,000 or 8,000 beds were identified as being GRV rateable.

Differential General Rate in \$	Camp Size 5000 Beds	Camp Size 8,000 Beds
3.0000	\$900,000	\$1,440,000
4.0000	\$1,200,000	\$1,920,000
5.0000	\$1,500,000	\$2,400,000

It is emphasised that any additional rate income resulting from the GRV rating of WAFs would come from a diverse range of facilities. More particularly, the life span of individual camps could vary from two years, up to 40 years, or more, thus generating a potentially highly variable income flow. This, in turn, will mean that Council will need to ensure that future financial planning results in proposed spending accurately matching projected income.

It is further noted that the Department of Local Government's "Guideline Number 2" (which documents the procedures to be followed in order to obtain the Minister's approval in relation to individual sites), emphasises the need for Council to adopt transparent and efficient processes when changing the method of property valuation.

The Guideline specifically identifies the need for a clear and transparent dialogue with effected ratepayers. For example Paragraph 1.5 of the document states:

*"In implementing suitable systems and procedures (to GRV rate), local governments should observe the principles of:*

- *Objectivity;*
- *Fairness and equity;*
- *Consistency;*
- *Transparency; and*
- *administrative efficiency."*

The need to implement "suitable systems and procedures (to GRV rate)" WAFs, combined with the need to ensure sound financial management of any rate income received, suggests that it is appropriate that Council adopt a Council Policy to provide clear guidelines in relation to the matter.

A draft of a possible Council Policy is attached, for Council's consideration.

**ATTACHMENT 11.6**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Consultation**

Chief Executive Officer  
Executive Manager, Corporate Services  
Executive Manager, Strategic and Economic Development  
Shire Solicitor  
Department of Local Government  
Landgate Property and Valuations

### **Statutory Environment**

Local Government Act 1995  
    Division 6 — Rates and service charges  
        Subdivision 1 — Introduction and basis of rating  
            6.25. Terms used  
            6.26. Rateable land  
            6.27. Multiple rating  
            6.28. Basis of rates  
            6.29. Valuation and rates on mining and petroleum interests  
            6.30. Valuation of and rates on certain land  
            6.31. Phasing in of certain valuations

Petroleum and Geothermal Energy Resources Act 1967  
Mining Act 1978  
Various State Agreements

### **Financial Implications**

It is not possible to accurately determine the additional annual rate income generated by the GRV rating of Mining Workers Accommodation Facilities, however, the rating of these facilities has the potential to significantly increase the Shire's rate base.

The actual additional rate income would be very much influenced by the extent to which the various State Agreements limit the Shire's ability to GRV rate individual camps.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012 – 2022  
Goal 5 Inspiring Governance Objective 01 Custodianship

### **Policy Implications**

There is presently no Council policy in relation to this matter. The objective of this report is to recommend that Council adopt such a policy.

### **Voting Requirement**

Absolute Majority Required

**MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

**Council Decision**

**MOVED: Cr I Dias**

**SECONDED: Cr D Wright**

**That Council**

- 1. Adopt Draft Council Policy *“Gross Rental Valuation Rating of Worker Accommodation Facilities and other Selected Capital Improvements on Mining and Petroleum Leases”*.**
- 2. Implement a program of GRV rating Workers Accommodation Facilities and other GRV rateable improvements on mining tenements and petroleum licenses, within the constraints generated by existing *“State Agreement”* legislation; and**
- 3. Instruct the Chief Executive Officer to proceed with implementing the policy in 1 above, in accordance with the procedures set out in the Department of Local Government’s publication *“Guideline Number 2. Changing Methods of Valuation of Land (Revised March 2012)”*.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

## 12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

There were no Strategic and Economic reports for this meeting.

Kaylani Cortesi left the meeting at 4.10 pm.

Kaylani Cortesi entered the meeting at 4.12 pm.

## 13. TECHNICAL SERVICES REPORTS

### Declaration of Financial Interest

In accordance with Section 5.60(a) of the Local Government Act 1995 Cr Dias, Cr Wright and Cr Foster declared a direct financial interest in Agenda Item 13.1. The nature of their interest being Cr Dias is an employee of Pilbara Iron (Rio Tinto Pty Ltd) and is also a shareholder of Rio Tinto Pty Ltd, Cr Wright is an employee of Pilbara Iron (Rio Tinto Pty Ltd), Cr Foster has a partner who is an employee of is an employee of Pilbara Iron (Rio Tinto Pty Ltd) and also resides in a home owned by Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Dias, Cr Wright and Cr Foster to debate and vote on Agenda Item 13.1. The Minister's written approval for Cr Wright and Cr Foster to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. The approval is only valid for the Ordinary Meeting of Council to be held on 19 September 2012;
2. Both Councillor Dennis Wright and Councillor Peter Foster declare the nature and extent of their interest at the Council Meeting when these items are considered together with the approval provided;
3. The CEO is to provide a copy of the Department's letter advising of the approval to both Councillor Dennis Wright and Councillor Peter Foster;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these items are discussed.

The above approval allows the Shire to achieve a quorum to consider the 2 abovementioned items. In view of this, the Director General did not consider it necessary to allow Councillor Ivan Dias to participate in the discussion and decision making in this instance and has declined to approve the request to allow him to participate.

ATTACHMENT 13.1

Cr Dias left the meeting at 4.14 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.1 REQUEST TO MODIFY PLANNING APPROVAL CONDITION - DRY MESS, OFFICES, STORAGE AND ABLUTIONS ON LOT 54 SOUTHERN CORNER OF PANNAWONICA ROAD AND DEEPDALE ROAD, PANNAWONICA

**MINUTE:** 11283

**FILE REFERENCE:** PN.DP.54

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

**NAME OF APPLICANT/RESPONDENT:** Robe River Mining Pty Ltd (Who is the Primary Leaseholder)

**DATE REPORT WRITTEN:** 9 July 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item No.13.3, Ordinary Meeting of Council 15 August 2012, Minute No: 41273

#### **Summary**

Planning Approval was issued on 14 April 2008 for a temporary dry mess, gym, offices, cold storage, dry storage and ablutions on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica. At the time, RTIO advised that the facility was required to meet worker arrangements for Pannawonica until the end of 2009. In March 2009, the Shire responded to a request by RTIO to extend the gym, storage and ablutions until 10 February 2010 and the offices until 27 September 2012.

RTIO advise that cold and dry storage has been removed. Due to ongoing construction works proposed at Pannawonica, Mesa A and J Mines, the other facilities have remained in place.

RTIO has lodged a new application seeking approval for a gym, offices and ablutions, requesting that the condition be removed or alternatively it be amended to allow the units to remain until 2020.

This item was submitted to Council at its August 2012 meeting but could not be considered due to the lack of a quorum. It is return for Council consideration.

It is recommended that approval be issued to allow the retention of the units until July 2020.

#### **Background**

On 14 April 2008 the planning approval was granted for a dry mess and proposed temporary buildings, Lot 54 Deepdale Drive Pannawonica. The gym, offices, cold storage, dry storage and toilets were all included in the scope of works. On 19 March 2009 the Company submitted a



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

letter to the Shire requesting for an extension of time for the temporary buildings to remain on site.

On 27 March 2009 the Shire granted approval for the extension of the temporary buildings to remain on site and stated the following:

*"The Shire approves extension of time for the temporary gym, cold storage, dry storage and toilets to be removed by 10 February 2010 and temporary EPCM site offices (2) to be removed by 27 September 2012 in its entirety and the area to be returned to its original state to the satisfaction of the Shire of Ashburton."*

The Company has advised that it has removed the cold storage and dry storage buildings.

In 2010, the Company requested a change of use to convert the temporary gym to a permanent gym. On 6 April 2010 the Shire approved this request which remains valid for a period of two (2) years, after which time an application for renewal of planning permission must be submitted.

### **Proposal**

RTIO has lodged a new application seeking approval for a gym, offices and ablutions, requesting that the condition be removed or alternatively it be amended to allow the units to remain until 2020.

The Company wishes for the site offices (3) and the permanent gym to remain indefinitely in order to accommodate:

- The Wandoo Housing Project until completion of the works (December 2012);
- Future projects and administration activities.

### **Comment**

The land is zoned "Rural" under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Under the Scheme, the temporary dry mess, gym, offices and ablutions are permissible uses as they are all associated with the existing (approved) 'transient workforce accommodation'.

As the land uses continue to relate to ongoing construction works proposed at Pannawonica, Mesa A and J Mine, it is recommended that the units be retained. Should Council consider that a condition addressing the removal of the units should be retained, it is appropriate that it is modified to allow any further contingency until the end of 2020 to ensure that there is some control over the 'end use' of the buildings.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

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

### **Financial Implications**

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

### **Strategic Implications**

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Policy Implications

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

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr D Wright

**SECONDED:** Cr P Foster

**That Council:**

1. Issue Planning Approval for site offices (3) and gym and ablutions at Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica in accordance with submitted plans and subject to the following condition:
  - a) This Planning Approval lapses on 18 July 2020 and the structure and rooms shall be removed from the site on or before this date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.

**Advice Notes:**

Rights of appeal are also available to you under the Planning and Development Act 2005 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

**CARRIED 6/0**

Cr Dias entered the meeting at 4.18 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.2 RESPONSE TO HARDY BOWEN LAWYERS - CHEVRON AUSTRALIA WORKFORCE MANAGEMENT PLAN AND DEED

**MINUTE:** 11284

**FILE REFERENCE:** PS.TP.7.10

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

**NAME OF APPLICANT/RESPONDENT:** Hardy Bowen Lawyers

**DATE REPORT WRITTEN:** 9 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.3 (Minute: 11221), Ordinary Meeting of Council 20 June 2012;  
Agenda Item 13.9 (Minute: 11120), Ordinary Meeting of Council 15 February 2012  
Agenda Item 13.1, (Minute: 11090) Ordinary Meeting of Council 14 December 2011

#### **Summary**

Hardy Bowen Lawyers has written to the Shire advising that they act for a "... group of persons and entities associated with Onslow and have been instructed by our clients to write to you in relation to the proposed Chevron Australia Workforce Management Deed intended to be made between the Shire and Chevron Australia Pty Ltd with respect to the Wheatstone Project."

Hardy Bowen Lawyers seek, as a matter of urgency, advice as follows:

*"(a) why the Shire believes that it is in the interests of the Shire as a whole or the residents and ratepayers of Onslow in particular, for there to be imposed by agreement constraints limiting the access of individuals to Onslow town site;*

*(b) why the Shire considers it necessary for there to be a blanket approach to the use of existing infrastructure and services in Onslow when a more appropriate approach may be to monitor the use made, being made or likely to be made of services and infrastructure as a consequence of the introduction of TWA."*

In relation to question a), the 'Construction Workforce Management Plan' for Wheatstone and associated Deed seeks to define the partnership with Chevron and the Shire to enable the co-existence of the 5000 or so workforce located at the ANSIA camp and the nearby Onslow community.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Clearly, with a current resident population of Onslow of around 800 persons and significantly limited services and facilities, management of this massive workforce is necessary. Without these arrangements, the Shire, Council and Chevron would be neglecting the impacts on the social and community fabric of Onslow. Any attempt to achieve short term commercial benefit by inviting an uncontrolled influx of workers to the town would result in serious impacts on the community through significantly increased rentals for the town's service workers, increased conflict between workers and the town's residents and severe impacts on the availability of goods and services in the town.

In relation to question b), this question fails to acknowledge that fundamentally, the Shire can only establish the management arrangements with Chevron through agreement.

Whilst Hardy Bowen may consider a '*...more appropriate approach may be to monitor the use made, being made or likely to be made of services and infrastructure as a consequence of the introduction of TWA*', the reality is that for the Wheatstone project to progress, the arrangements had to be in place before planning approvals issued. It is always open for Chevron to seek to modify the management arrangements should, after the 5000 plus workforce is established alternative arrangements be sought. This would be undertaken in an open and inclusive environment with the community.

Importantly, Hardy Bowen Lawyers fail to acknowledge that they and their clients had the opportunity to comment on the extensive documentation made available during the numerous community reviews associated with the management arrangements during advertising of the respective Scheme Amendment, Structure Plan and Development Plan documents.

It is recommended that the Chief Executive Officer be requested to respond to Hardy Bowen Lawyers as provided for in the Report.

It should also be noted that the Shire invited Hardy Bowen Lawyers or one/all of their clients to provide a representation to the Council meeting to enable them to air their concerns.

### **Background**

The Ashburton North Strategic Industrial Area (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 has been allocated by the State for Chevron for its Wheatstone Liquid Natural Gas (LNG) project and potentially, for 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, this being BHP Billiton's proposed Macedon Domestic Gas Plant, which will commence construction soon. This project is relatively small in the context of the overall development of the precinct but it 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 existed at the time planning approval was sought. Council placed conditions on BHP Billiton's planning approvals to address the potential negative outcomes from the development.

Planning for the ANSIA is complex with a range of major issues requiring consideration. If the benefits of individual developments are to be optimised, then this needs to be assessed against

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

the possible adverse impacts on other development within the precinct as well as surrounding areas, including Onslow.

In order to address these issues, Council proposed Amendment No. 9 to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') in 2009 with the specific purpose of establishing the necessary guidelines and requirements to be addressed before supporting development within the ANSIA. A major requirement identified by Council in the amendment is for a structure plan to be prepared and adopted by the Council and the WAPC to guide the integration of all development in the ANSIA and for all development to adhere to this plan.

Amendment No.9 was approved by the Minister for Planning and finally Gazetted on 21 December 2010 thus making the planning requirements contained in the amendment, a statutory planning obligation on the Council, Shire, State Government and any proponent, when establishing the ANSIA.

Responsibility for preparing the ANSIA structure plan, which will ensure integration of individual projects with others within the ANSIA and also within surrounding areas, particularly the town of Onslow, fell to Chevron Australia in its capacity as the proponent of the Wheatstone LNG project.

The *'Policy Statement and Planning Requirements'* of Amendment No. 9 are included in Appendix 11 of the Scheme. In accordance with this amendment, it is required that a structure plan be prepared either prior to, or in association with, the rezoning of specific sites in line with standard processes. Any application to rezone a specific site must be consistent with the approved ANSIA Structure Plan.

In relation to development within the SCA, Clause 7.9.1 of the Scheme states:

*"7.9.1 In addition to such other provisions of the Scheme as may affect it, land including in the Ashburton North Strategic Industrial Area shall be subject to those provisions set out in Appendix 11. No subdivision or development may occur within the Ashburton North Strategic Industrial Area unless the land is zoned "Strategic Industry" zone and an Ashburton North Strategic Industrial Area Structure Plan has been prepared and adopted in accordance with Clause 6.4 of the Scheme."*

Council, at its 15 December 2010 meeting considered a report in relation to a proposed amendment (Amendment No. 10) to the Scheme and associated planning matters. The purpose of the amendment is to facilitate the development of an industrial hydro-carbon precinct in an area identified as the ANSIA, located to the south west of the town of Onslow.

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 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 Chevron Australia P/L's (Chevron) Wheatstone LNG plant, access road and transient (construction) workforce accommodation (TWA) camp. The ANSIA Structure Plan and Amendment No. 10 were approved by the Western Australian Planning Commission (WAPC) and the Minister for Planning respectively.

Page 22 of the ANSIA Structure Plan notes as follows:

*"Advice from Chevron, the 'Foundation Proponent within the ANSIA is that development of the LNG facilities and CUCA will employ between 5000-7000 persons at one time. In*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*terms of their impact on social and hard infrastructure, Onslow could not cope with that number of people.”*

Council, at its 15 February 2012 meeting resolved to adopt for community consultation purposes, a draft *Wheatstone Development Plan* submitted by Chevron which provides a detailed planning direction and development conditions associated with common use land and infrastructure corridors, Wheatstone LNG and domestic gas facilities and accommodation for the construction workforce. At that time, the submitted *Wheatstone Development Plan* did not provide the necessary information as required by the Scheme and *ANSIA Structure Plan* and that Chevron had to still to update some of its requirements.

The ‘finalised’ draft *Wheatstone Development Plan* was prepared in accordance with the Council resolution and advertised for 42 days. During this time, Chevron undertook a community consultation process to explain the intent of the draft *Wheatstone Development Plan* and explain its accommodation arrangements for the total Wheatstone workforce.

Council, at its 20 June 2012 meeting adopted the *Wheatstone Development Plan* which included the *Workforce Management Plan* and associated draft Deed between the Shire and Chevron Australia.

### Proposal

Hardy Bowen Lawyers has written to the Shire advising that they act for a “... *group of persons and entities associated with Onslow and have been instructed by our clients to write to you in relation to the proposed Chevron Australia Workforce Management Deed intended to be made between the Shire and Chevron Australia Pty Ltd with respect to the Wheatstone Project.*”

Hardy Bowen Lawyers seek, as a matter of urgency, advice as follows:

- “(a) *why the Shire believes that it is in the interests of the Shire as a whole or the residents and ratepayers of Onslow in particular, for there to be imposed by agreement constraints limiting the access of individuals to Onslow town site;*
- “(b) *why the Shire considers it necessary for there to be a blanket approach to the use of existing infrastructure and services in Onslow when a more appropriate approach may be to monitor the use made, being made or likely to be made of services and infrastructure as a consequence of the introduction of TWA.*”

A complete copy of the correspondence from hardy Bowen Lawyers is included as **ATTACHMENT 13.2A.**

The Shire invited Hardy Bowen Lawyers or one/all of their clients to provide a representation to the Council meeting to enable them to air their concerns.

### Comment

With respect to the ultimate development of *Ashburton North Strategic Industrial Area* and in particular the *Wheatstone LNG and Domestic Gas Plant* development, the following planning processes have been undertaken by the Shire, during which community consultation was at the forefront of Council considerations:

- Scheme Amendment No 9 (which established the ANSIA Special control Area) and advertised for 42 days;
- Scheme Amendment No. 10 (which zoned land within the ANSIA for Strategic Industry, Infrastructure Corridor reserve and Special Use 2-Transient Workforce Accommodation) and advertised for 42 days;

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- ANSIA Structure Plan (which established the planning provisions for the ANSIA, along with transient workforce accommodation requirements) and advertised for 42 days; and
- Wheatstone Development Plan which defined the specific planning arrangements for the Wheatstone LNG and Domestic gas Plant along with the *Wheatstone 'Construction Workforce Management Plan'* and advertised for 42 days.

No community or other submissions were received that specifically addressed the issue of transient workforce accommodation arrangements or the *Wheatstone 'Construction Workforce Management Plan.'*

With respect to the potential impacts from the Wheatstone and the CUCA development on the Onslow community, the Social Impact Statement (SIS) that accompanied the (then) draft *Wheatstone Development Plan* noted that from Chevron's community consultation programs, the highest 'perceived issues/impact' identified by respondents (almost 75%) was *'Population change - influx of construction workforce'*. The SIS also noted that there were also genuine fears that the Wheatstone Project would significantly increase the cost of living.

Section 4.6.1.4 'Social Issues' of the SIS noted as follows:

*"A number of social issues were identified, particularly those associated with the prevalence of alcohol and, to a lesser extent, illicit drugs. There was a sense that the lack of activities in town resulted in local licensed premises being the focus of the majority of social events. Excessive drinking was considered to be responsible for much of the antisocial behaviour in the community such as disorderly behaviour, domestic violence and sexual misconduct. Community members expressed concern that antisocial behaviour would be exacerbated if construction workers were allowed to drink in town."*

A copy of the SIS is included as **ATTACHMENT 13.2B**.

As required by the *ANSIA Structure Plan*, Chevron as the proponent for the Wheatstone project prepared a *'Construction Workforce Management Plan'* which acknowledged that it is totally responsible for housing its own direct construction employees, along with its contractors, subcontractors and authorised visitors who have direct involvement with the Wheatstone project. Within the *'Construction Workforce Management Plan'*, Chevron committed as follows:

- *"providing accommodation for direct construction employees, along with their contractors, subcontractors and authorised visitors directly associated with the Wheatstone project;*
- *ensuring that the transient workforce accommodation site at the ANSIA will for the duration of the construction period of the Wheatstone project, be the site that Chevron will seek to house construction employees, along with their contractors, subcontractors and authorised visitors;*
- *only seeking to house construction employees, contractors, subcontractors and authorised visitors within the Onslow townsite as a last resort and while establishing Transient Workforce Accommodation (TWA) at the ANSIA;*
- *only using accommodation that has been provided with the requisite planning, building and health approvals;*
- *ensuring that there is the capability to accommodate for more than 5,000 people (should additional beds be required) in the transient workforce accommodation site at the ANSIA;*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- *ensuring that construction employees, contractors, subcontractors and authorised visitors are all:*
  - ◆ *provided with information clearly advising that Chevron will make accommodation available for them and the means by which they can book such accommodation;*
  - ◆ *discouraged from seeking accommodation within the Onslow townsite; and*
  - ◆ *ensuring that in any application for planning approval required under the Scheme, Chevron will demonstrate to the requirements of the Shire how the particular development reflects the housing requirements of the WMP.”*

The ‘Construction Workforce Management Plan’ also notes as follows:

*“As part of the Wheatstone project, Chevron has looked to engage existing local companies or employ local residents. Therefore, throughout the construction of the project a small percentage of the construction workforce may seek to be based in their normal residence within the Onslow township and not be located in transient workforce accommodations in Onslow or the ANSIA. Should local companies/contractors bring in additional resources to work directly on the Wheatstone project then Chevron commits to providing the option for these workers to reside at the ANSIA TWA.”*

The ‘Construction Workforce Management Plan’ also identified that through Chevron’s Onslow community reference group, Chevron commit to establishing means by which:

- ◆ *“the community can reasonably identify those employees, contractors, subcontractors and authorised visitors working on the Wheatstone project whilst on duty;*
- ◆ *the community can report to Chevron, matters that it may conclude as inappropriate behavior by Chevron’s employees, contractors, subcontractors and authorised visitors;*
- ◆ *Chevron will respond to any such complaints; and*
- ◆ *Chevron will publicise the complaint arrangements and procedures to the community.”*

A copy of the ‘Construction Workforce Management Plan’ is included as **ATTACHMENT 13.2C**. So important to the Shire and Council is the *Construction Workforce Management Plan*, that concurrent to the *Wheatstone Development Plan*, a legal agreement with Chevron and the Shire was prepared and approved for the purposes of requiring Chevron Australia to acknowledge its responsibilities with respect to implementation of its ‘*Construction Workforce Management Plan*.’ This provided the assurance that the responsibilities of Chevron were acknowledged from its highest management levels.

Hardy Bowen Lawyers have sought the following advice:

- (a) *why the Shire believes that it is in the interests of the Shire as a whole or the residents and ratepayers of Onslow in particular, for there to be imposed by agreement constraints limiting the access of individuals to Onslow town site;*
- (b) *why the Shire considers it necessary for there to be a blanket approach to the use of existing infrastructure and services in Onslow when a more appropriate approach may be to monitor the use made, being made or likely to be made of services and infrastructure as a consequence of the introduction of TWA.”*



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

In relation to question a), the 'Construction Workforce Management Plan' for Wheatstone and associated Agreement seek to define the partnership with Chevron and the Shire to enable the co-existence of the 5000 or so workforce located at the ANSIA camp. The *Workforce Management Plan* notes Chevron's agreed 'obligations' in relation to managing its workforce as follows:

*"Chevron will undertake arrangements that will address:*

- ◆ *limiting individual access to Onslow;*
- ◆ *acceptable standards of behaviour whilst in Onslow;*
- ◆ *limiting access to the heritage registered area of Old Onslow;*
- ◆ *the means by which it will establish arrangements whereby private vehicles will not be encouraged;*
- ◆ *prohibiting the storage of personal boats and recreational vehicles; and*
- ◆ *measures to deal with misconduct associated with the above."*

Clearly, with a current resident population of Onslow of around 800 persons and with significantly limited services and facilities, management of this massive workforce is necessary. Without these arrangements, the Shire, Council and Chevron would be ignoring the potential impacts on the social and community fabric of Onslow. Any attempt to achieve short term commercial benefit by inviting an uncontrolled influx of workers into the town, would result in serious impacts on the community through significantly increased rentals for the town's service workers, potential for increased conflict between workers and the town's residents and severe impacts on the availability of goods and services in the town. These matters have also been continuously raised by the community in community forums and social surveys.

In relation to question b), this question fails to acknowledge that fundamentally, the Shire can only establish the management arrangements with Chevron through agreement.

Whilst Hardy Bowen may consider a '*...more appropriate approach may be to monitor the use made, being made or likely to be made of services and infrastructure as a consequence of the introduction of TWA*', the reality is that for the Wheatstone project to progress, the arrangements had to be in place before planning approvals were issued. It is always open for Chevron to seek to modify the management arrangements should, after the 5000 plus workforce is established alternative arrangements be sought. Such changes would be undertaken in an open and inclusive environment with the community and not limited to Hardy Bowen's un-named clients. Importantly however, in relation to infrastructure at Onslow, due to extensive assessments undertaken by the Shire, State agencies, Chevron and as experienced every day by the Onslow community it is clear that a 'trial' as suggested by Hardy Bowen is not required to prove that existing utilities would be unable to satisfy even a modest increase in population.

Importantly, the correspondence from Hardy Bowen Lawyers fails to acknowledge that they and their clients have had the opportunity to comment on the extensive documentation made available during the numerous community reviews associated with the advertising of the respective scheme amendments, *ANSIA Structure Plan* and *Wheatstone Development Plan* documents.

It is recommended that the Chief Executive Officer be requested to respond to Hardy Bowen Lawyers as provided for in **ATTACHMENT 13.2D** to this report, with copies to Chevron and the Department of State Development.

### **Consultation**

Chief Executive Officer

Acting Executive Manager, Technical Services

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Statutory Environment**

There are no statutory implications relevant to this matter.

### **Financial Implications**

At this stage, there are no financial implications relevant to this matter. However, the deletion of the partnership with Chevron and the Shire to enable the co-existence of the 5000 or so workforce and repercussions of encouraging them to reside in Onslow would be a social and irrevocable financial burden on the Shire and the community at large.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr A Eyre**

**SECONDED: Cr C Fernandez**

**That Council request the Chief Executive Officer to respond to correspondence from Hardy Bowen Lawyers dated 20 August 2012 as provided for in ATTACHMENT 13.2D to this Report with copies to Chevron and the Department of State Development.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.3 ZONING ANOMALY - LOT 1 AND LOT 986 CENTRAL ROAD, TOM PRICE

**MINUTE:** 11285

**FILE REFERENCE:** PS.TP.07.00

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

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

**DATE REPORT WRITTEN:** 9 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Shire has detected an anomaly with the zoning of land under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') in relation to Lots 1 and 986 Central Avenue, Tom Price. Lot 1 is occupied by commercial uses including veterinary services and white goods operator and Lot 986 is occupied by a Telstra depot. However, it would appear that the zoning is reversed for these lots, with Lot 1 (commercial use) reserved for Public Purposes (Telecommunications) and Lot 986 (Telstra site) zoned 'Commercial and Civic'. The zoning of these lots has not changed since Gazettal of the Scheme in 2004.

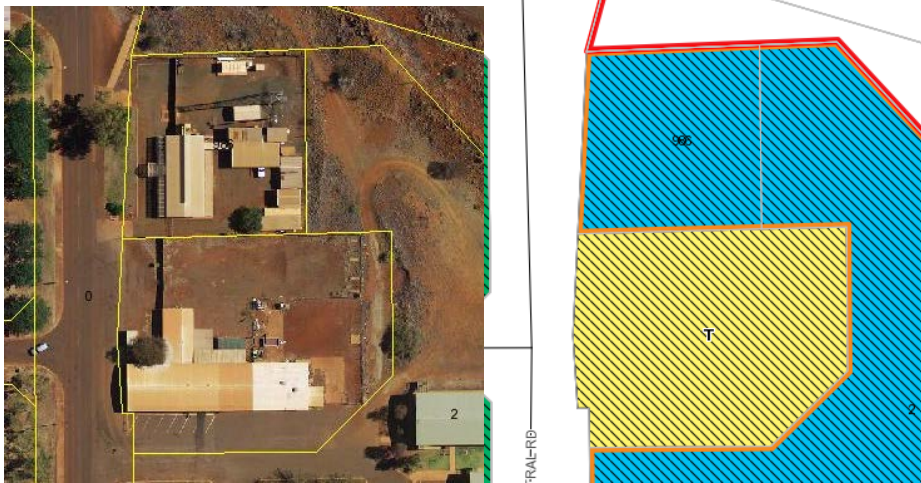
It is recommended that the Shire contact the owners of the respective lots to determine their position on rezoning and to further advise Council of their response. In this regard, it is considered appropriate not to charge the land owners for an Amendment to the Scheme.

#### **Background**

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

The Shire has detected an anomaly with the zoning of land under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') in relation to the zoning of Lots 1 and 986 Central Avenue, Tom Price.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012



Lot 1 is occupied by commercial uses including veterinary services and white goods operator and Lot 986 is occupied by a Telstra depot. However, it would appear that the zoning is reversed for the land, with Lot 1 (commercial use) reserved for Public Purposes (Telecommunications) and Lot 986 (Telstra site) zoned 'Commercial and Civic'. The zoning of these lots has not changed since Gazettal of the Scheme in 2004.

### **Comment**

It is appropriate that Lot 1 be rezoned to 'Commercial and Civic' zone although it may be possible for Lot 986 to remain as a commercial zone, although Telstra may prefer a dedicated 'reservation'.

It is recommended that the Shire contact the owners of the respective lots to determine their position on rezoning and to offer to advise Council of their response. In this regard, it is considered appropriate not to charge the land owners for an Amendment to the Scheme.

### **Consultation**

Chief Executive Officer  
Acting Executive Manager, Technical Services

### **Statutory Environment**

There are no statutory implications relevant to this matter.

### **Financial Implications**

There are no financial implications relevant to this matter. However, should Council resolve to initiate an Amendment to the Scheme and to waive any fees, the Shire would have direct costs for advertising of around \$300 and forgo an 'opportunity cost' of income of around \$3000 which is normally the minimum cost for rezoning.

### **Strategic Implications**

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

### **Policy Implications**

There are no policy implications relevant to this matter.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr I Dias

**That Council:**

1. Request the Chief Executive Officer to:
  - i. write to the owners of Lots 1 and 986 Central Avenue, Tom Price pointing out the zoning/reservation anomaly under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and to seek their view on rectifying the matter; and
  - ii. advise Council of the outcome of discussions/response from the owners.
2. In relation to 1i. above, Council waive any planning fees associated with amending the Scheme to rectify the zoning anomaly.

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.4 ALTERNATE ACCESS TO HOOLEY CREEK - DEPARTMENT OF STATE DEVELOPMENT RESPONSE

**MINUTE:** 11286

**FILE REFERENCE:** PS.TP.7.10

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

**NAME OF APPLICANT/RESPONDENT:** Department of State Development (DSD)

**DATE REPORT WRITTEN:** 7 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.6, Minute No. 11227 Ordinary Meeting of Council 20 June 2012  
Agenda Item 16.1, Minute No. 11164 Ordinary Meeting of Council 18 April 2012

#### **Summary**

The Onslow community currently has access to a coastal site near the mouth of Hooley Creek which is accessed by traversing existing tracks in the south eastern corner of Urala Station.

The Shire of Ashburton Local Planning Scheme No. 7 and Ashburton North Strategic Industrial Area Structure Plan include provisions that require an equivalent alternative access in lieu of the current informal access to Hooley Creek.

The Department of State Development (DSD) is seeking Council advice on the acceptable form of access to a coastal location as an alternative to Hooley Creek.

A public access route (PAR) is a possible means of providing access for recreational purposes to Secret Creek as it limits other 'non-preferred' uses. The need to limit access by appropriate traffic to Secret Creek is important to the Shire as it currently defends an objection in the Mining Warden's Court for a Miscellaneous Licence lodged by Onslow Resources, proposes a range of uses including a jetty to the Ashburton River for loading/unloading quarry materials and the use of roads and tracks in the locality by road trains. The application reflects a similar road pattern that uses the 'road' to Secret Creek as recommended by the DSD.

The Shire strongly opposes the Miscellaneous Licence application and is concerned that the creation of a road to Secret Creek may be used by Onslow Resources should the Miscellaneous Licence be successful.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

It is appropriate that in the first instance, Council advise DSD that for the reasons expressed in this Report, a PAR is the preferred form of access to Secret Creek.

### Background

The community currently has access to a coastal site near the mouth of Hooley Creek which is accessed by traversing existing tracks in the south eastern corner of Urala Station.

The Shire of Ashburton Local Planning Scheme No. 7 and Ashburton North Strategic Industrial Area Structure Plan include provisions that require an equivalent access in lieu of the current informal access to Hooley Creek.

At the Council meeting of February 2012, Council addressed the "*Chevron Development Plan*" where it also addressed the issue of alternate access to Hooley Creek. Council's resolution in relation to Hooley Creek was as follows:

*"2. Request the Chief Executive Officer to:*

- c) write to the Department of State Development seeking an update as to the progress of alternatives to Hooley Creek."*

At the 18 April 2012 Council meeting, Council resolved as follows:

- "a) Thank DSD for its correspondence and efforts in pursuing an alternative to Hooley Creek.*
- b) That Council is not in a position to comment on the suitability of the western banks of the Ashburton River and to Secret Creek as an alternative to Hooley Creek until DSD completes its community consultation with the broader Onslow community.*
- c) Invites DSD to inform Council on the outcomes of the further community consultation.*
- d) Until the views of the community are established and (assuming the site location is confirmed) unfettered access is confirmed, the Shire is unable to determine whether the Scheme and Structure Plan provisions associate with an alternative to Hooley Creek has been complied. Until this is undertaken, it is not possible for the Shire to accept closure of community access to Hooley Creek.*
- e) That Council is not willing to accept any cost in relation to establishing an alternative to Hooley Creek. In this regard, it is considered that either the State or Chevron Australia should be responsible for any costs associated with achieving and developing unfettered access to the alternative site."*

At the 20 June 2012 Council meeting, a response from DSD with respect to the above Council resolution was presented. Council, at the 20 June 2012 meeting, resolved as follows:

- "1) With respect to correspondence received from the Department of State Development (DSD) dated 30 May 2012 in relation to its efforts in determining an alternative to Hooley Creek, request the Chief Executive Officer to advise DSD as follows:*
  - a) Thank DSD for its correspondence and efforts in pursuing an alternative to Hooley Creek noting that through DSD's consultation the community of Onslow has identified Secret Creek as an acceptable alternative to Hooley Creek.*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- b) *Advise DSD that in her role as a Councillor, the informal consultation undertaken by the Shire President with the local community, has revealed that Secret Creek is not considered by the Onslow community as an alternative to Hooley Creek, as the community has been provided the same informal access to Secret Creek as Hooley Creek for a number of years. The denial of access to Hooley Creek is a lost recreation asset for the community of Onslow.*
- c) *In order to further the development at the Ashburton North Strategic Industrial Area, that Council is willing to support DSD in its efforts to achieve unfettered access to Secret Creek and once this is achieved, Council will support the closure of vehicle access to Hooley Creek subject to the State and Chevron accepting all necessary establishment costs. After construction of the road and establishment of a 'road reserve', the Shire will accept responsibility for maintenance of the road.*

*However, the consultation undertaken by the Shire President with the Onslow community reveals a strong desire to achieve a larger recreation area for the current and expanded Onslow community. In this regard, upon the review of Pastoral Leases in 2015, the Council is likely to seek to have the Uralla Pastoral Lease modified to ensure unfettered community access to Secret Creek and other coastal areas (potentially to Locker Point, depending upon consultation with the community). DSD is requested to assist the Council in its efforts to achieve such access for the community.*

- d) *Write to BHPB in relation to 1c) above requesting a meeting with relevant BHPB representatives, DSD, the Shire President and the Chief Executive Officer to further discuss community access to the coast.*
- e) *Remind DSD that Council is not willing to accept any cost in relation to establishing access to Secret Creek.*
- f) *That the Shire will make DSD's correspondence of 30 May 2012 available on the Shire's Website and will be published in the Onslow Times newspaper.*

*That the Chief Executive Officer provides BHPB, Chevron Australia and Dampier Port Authority with a copy of DSD's correspondence of 30 May 2012 and Shire's correspondence to DSD."*

### **Comment**

In response to Council's 20 June 2012 resolution, DSD has further advised as follows:

*"RDL has advised that they have not used the provisions under section 64 of the Land Administration Act 1997 (LAA) to declare a PAR (Public Access Route) since they were introduced. RDL has advised that instead their preferred option is for access to be created as a public road pursuant to section 56 of the LAA, which would place the road under the control of the Shire of Ashburton and provide a more secure alternative.*

*While we can still pursue the creation of the PAR with RDL as an interim measure, I ask that you consider the advice from RDL and advise in writing as soon as possible whether the Shire of Ashburton are open to dedication of the track to Secret Creek as a public road."*

**ATTACHMENT 13.4A**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Creation of public access to Secret Creek is consistent with 1c) of Council's 20 June 2012 resolution. However, the Shire is currently defending an objection in the Mining Warden's Court with respect to a Miscellaneous Licence lodged by Onslow Resources which proposes a range of uses including a jetty to the Ashburton River for loading/unloading quarry material and the use of roads and tracks in the locality by road trains. The Onslow Resources application reflects a similar road pattern that uses the 'road' to Secret Creek as recommended by DSD.

### ATTACHMENT 13.4B

The Shire strongly opposes the Onslow Resources Miscellaneous Licence application and is concerned that the creation of a 'road' to Secret Creek may be used by Onslow Resources should the Miscellaneous Licence be successful.

Section 64 of the *Land Administration Act 1997* states as follows:

*"64. Declaration etc. of public access routes through Crown land*

*(1) Subject to this section, the Minister may, for the purpose of providing members of the public with access through Crown land to an area of recreational or tourist interest, by order delivered after all necessary consents have been obtained under subsection (3)(a) or after the expiry of the period referred to in subsection (3)(b), whichever is the later, to –*

- (a) the Registrar;*
- (b) each holder of an interest in the subject Crown land; and*
- (c) the relevant local government,*

*declare a route -*

*(d) shown on a diagram or plan incorporated in that order and indicating the width of that route; and*

*(e) giving access through the subject Crown land to that area,*

*to be a public access route, and may by order delivered to the persons referred to in paragraphs (a), (b) and (c) vary or cancel a declaration made under this subsection."*

The traditional means by creating a road is pursuant to Section 56 of the *Land Administration Act 1997* which states (in part) as follows:

### **56. Dedication of roads**

*(1) If in the district of a local government -*

- (a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;*

*and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

*(2) If a local government resolves to make a request under subsection (1), it must -*

- (a) in accordance with the regulations prepare and deliver the request to the Minister; and*
- (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

However, such arrangements in this area may be seen as an invitation for resource companies to seek road access for current or future mining/gravel activities. In this regard, a dedicated road pursuant to Section 56 under the *LAA* is not considered appropriate.

It is clear that a public access route (PAR) as originally suggested is the most appropriate means of providing access for recreational purposes to Secret Creek without the providing resource companies with access to a recreation area.

It is not clear why the Department of Regional Development and Lands (RDL) is reluctant to pursue a PAR for access to Secret Creek, as it is clearly an available form of access under the Act. Accordingly, it is appropriate that in the first instance, Council advise DSD that a PAR is the preferred form of access to Secret Creek and should be pursued.

### **Consultation**

Chief Executive Officer  
A/Executive Manager, Technical Services

### **Statutory Environment**

*Planning and Development Act*  
*Land Administration Act*

### **Financial Implications**

The advice from DSD doesn't necessarily lead to any financial outlay by the Shire or the Onslow community. The resolution of Council of 20 June 2012 clearly stipulates that as an outcome of finding an alternative to Hooley Creek and that the Shire should not incur any establishment costs. However the Shire will be responsible for the long term maintenance costs which are estimated to be in the vicinity of \$10,000 per annum. Should Secret Creek become a significant recreation area for the town of Onslow, then it is likely that a future Council will need to review the possible establishment of facilities and other amenities at the site.

### **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.

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

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED: Cr I Dias**

**SECONDED: Cr A Eyre**

**That Council:**

- 1. Determine that as the preferred access to Secret Creek is for community recreation and tourist purposes, a public access route (PAR) pursuant to Section 64 of the Land Administration Act 1997 is considered to be the most appropriate form of access.**
- 2. Request the Chief Executive Officer to provide the Department of State Development (DSD) with a copy of the Shire report and advise DSD of 1. above.**

**CARRIED 7/0**

### Council Decision

**MOVED: Cr I Dias**

**SECONDED: Cr A Eyre**

**That Council adjourn for a break at 4.33 pm**

**CARRIED 7/0**

Crs White, Foster, Fernandez, Eyre, Dias, Wright and Thomas public left the room at 4.33 pm.

Frank Ludovico, Keith Pearson, Amanda O'Halloran, Rob Paull, Janyce Smith, Kaylani Cortesi and members from the public left the room at 4.33 pm.

Crs White, Foster, Fernandez, Eyre, Dias, Wright and Thomas entered the meeting at 4.42 pm.

Frank Ludovico, Keith Pearson, Rob Paull, Janyce Smith, Kaylani Cortesi and members from the public entered the meeting at 4.42 pm.

### Council Decision

**MOVED: Cr I Dias**

**SECONDED: Cr P Foster**

**That Council reconvene from a break at 4.42 pm.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.5 PLANNING APPLICATION - TRANSIENT WORKFORCE ACCOMMODATION, THEVENARD ISLAND

**MINUTE:** 11287

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

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

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

**DATE REPORT WRITTEN:** 9 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.2 (Minute: 11251), Ordinary Meeting of Council 18 July 2012

#### **Summary**

At the Council Meeting of 18 July 2012, Council considered an application for Planning Approval lodged by Mackerel Islands Pty Ltd for the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development. Council resolved to seek further information from the applicant and Chevron, have the State sign the application form and that the application be advertised.

The applicant has provided information relation to the application although Chevron is still to provide a response. The Application was conditionally signed by the State and subsequently advertised. A total of 12 submissions were received from the community (noting that one submitter placed 2 submissions before Council) and 4 from State/Regional agencies. All community submissions either objected to the application or raised concerns. Only one agency objected outright to the proposal. The remaining agency submissions raised issues and concerns but did not object outright. The Shire is aware of a Petition being prepared within the Onslow community however it is believed that it will be submitted to the Council on the day of the meeting.

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The Shire notes the matters raised by the submissions along with the application and response provided by the Applicant for transient workforce accommodation on the Island. As far as the Shire is aware, accessing Thevenard Island for transient workforce accommodation had never been publically raised by Chevron or the State. There is clear public concern (along with concern from the WA Tourism Commission) at the potential loss of a significant tourist operation for the region. In the absence of a response from Chevron Australia Pty Ltd to the concerns raised by Mackerel Islands Pty Ltd as to the impact of Wheatstone will have on the marine environment near the Island, it is difficult for the Shire to assess the rationale for the application.

It is understood that Mackerel Island Pty Ltd plans to re-invest in new accommodation and amenities on the Island to provide a long-term legacy for tourism in the Pilbara region once the dredging/construction and transient workforce accommodation is complete. However, the Applicant has been short on providing detail on how much of the Chevron income would be committed to the Island re-investment. From discussions with the Applicant's representative, reference has been made to agreements with State Lands for such a reinvestment approach. This may have merit and could be a means by which such investment monies can be quarantined, however the Shire has no knowledge of any arrangements with Mackerel Island Pty Ltd and State Lands.

It is open for Council to determine the Application based on the information provided by the Applicant and the submissions received. However, it is suggested that there are still areas of the Application that require comment and direction from the State Government as land managers of the Island. In this regard, it is recommended that the:

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

Based on the position of Council expressed in the above resolution, an alternate recommendation to refuse the application for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development is also provided.

### **Background**

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

Mackerel Islands Pty Ltd also advises that the lease has recently been extended for a period of 21 years, with a further option of 21 years. The Company also advises that it held leases

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

on Thevenard and Direction Islands since 1968. Mackerel Islands Pty Ltd operates tourist facilities comprising 15 self contained beachfront cabins, 30 double rooms at Club Thevenard, a general store, licensed restaurant, licensed tavern and recreation facilities including games room, swimming pool and dive shop.



Source: Google Earth

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

In support of the application, Geoff Loxton from Property Development Solutions on behalf of Mackerel Islands Pty Ltd advised in part:

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*"In summary, we seek approval for Transient Workforce Accommodation to be an approved use for existing facilities on the lease controlled by Mackerel Islands Pty Ltd on Thevenard Island, for a period limited to 5 years. Thereafter, the use is to revert to Tourism in accordance with the lease terms.*

*This proposal will ensure the financial viability of Mackerel Islands Pty Ltd during the Wheatstone construction phase, and allow it to re-launch an exciting tourism product on completion of the construction phase, that will assist to promote Onslow and the region as a viable tourism destination.*

*Importantly, reverting to tourism after a finite period will ensure the continuation of a successful local tourism operation and provide economic diversity that is not reliant on the resources industry and will provide opportunities for local employment, recreation and associated local tourism products."*

At the request of the Applicant, the proposal was referred to the Council meeting of 18 July 2012, where Council resolved as follows:

*"That Council:*

1. *Acknowledges the application for planning approval from Mackerel Islands Pty Ltd seeking 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation, noting that until the application is signed on behalf of the State of Western Australia, that the application is 'deficient' and cannot be considered.*
2. *Requests the Chief Executive Officer to:*
  - (a) *Write to Mackerel Islands Pty Ltd:*
    - *advising that until the application is signed by the 'land owner', the application is 'deficient' and cannot be considered;*
    - *requesting details how it can assure the community that incomes from the transient workforce arrangements will be invested in the island facilities (e.g. through trust accounts etc); and*
    - *requesting a clear timetable of when Thevenard Island would return to tourist use.*
  - (b) *Write to Chevron Australia Pty Ltd requesting advice on:*
    - *Why it needs Thevenard Island for accommodation purposes?*
    - *Why it has never been raised in earlier planning environmental documents?*
    - *Whether accommodation on Thevenard Island will result in less accommodation facilities at the ANSIA?*
    - *The final number of accommodation rooms at the ANSIA?*
3. *Once the application is signed on behalf of the State of Western Australia and a response is received in relation to 2 above, that the Chief Executive Officer be requested to:*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- (a) *advertise the application for a minimum 14 day period (once) in the West Australian newspaper, Pilbara News newspaper and the Onslow Telegraph newspaper;*
  - (b) *refer the application to any agency or persons the Chief Executive Officer sees fit; and*
  - (c) *refer the application along with any submissions to the next available Council meeting for determination.*
  - (d) *to the next available Council meeting for determination.*
4. *Request the CEO write to the RDL advising that the decision in relation to 1 – 3 above should not be considered as supporting the application and Council has strong reservations with losing tourist accommodation on Thevenard Island.”*

### **Response to Council Resolution of 18 July 2012**

Since the Council resolution, the applicant provided further information in the form of a Social Impact Statement (SIS) as required by *Local Planning Policy ‘Social Impact Assessment’* and which was provide for community consultation purposes. Chevron Australia is still to provide a response to Council’s resolution.

### **ATTACHMENT 13.5A**

The matters that Council requested Mackerel Islands Pty Ltd to respond were as follows:

1. requiring the application to be signed by the ‘land owner’;
2. requesting details how Mackerel Islands Pty Ltd can assure the community that incomes from the transient workforce arrangements will be invested in the island facilities (e.g. through trust accounts etc); and
3. requesting a clear timetable from Mackerel Islands Pty Ltd when Thevenard Island would return to tourist use.

In relation to Item 1. above, the Application was conditionally signed by State Lands with the following ‘stamp’ notation on the signed application form:

*“Signed as acknowledgement of and to facilitate only, the processing of this application by the Shire. No endorsement, undertaking or assessment made or intended.”*

In relation to Item 2. above, such details have not been provided. The Social Impact Statement generally refers as follows:

*“A commercial opportunity exists for Mackerel Islands to provide accommodation to Chevron during the construction phase of the Wheatstone LNG project. Providing accommodation will provide surety to Mackerel Islands Pty Ltd that it will remain financially viable during this period and emerge at the end of Wheatstone construction with the opportunity to further develop and renovate facilities on the island to launch a new tourism product for the Onslow locality.”*

In relation to Item 3. above, a timetable has not been provided. The Social Impact Statement however notes as follows:

*“In summary, Mackerel Islands Pty Ltd seeks approval for Transient Workforce Accommodation to be an approved use for existing facilities on the lease controlled by*



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*Mackerel Islands Pty Ltd on Thevenard Island, for a period limited to 5 years. Thereafter, the use is to revert to Tourism in accordance with the lease terms.*

*The opportunity to provide TWA accommodation only relates to the use of existing facilities on the island. During this period the island will not be affected by seasonal fluctuations in visitor numbers and will therefore result in increased employment opportunities on the island and opportunity for local goods and services suppliers.*

*This proposal will allow an exciting tourism product to be developed on completion of the construction phase, which will promote Onslow and the region as a viable tourism destination.*

### *Future Development*

*Masterplanning for redevelopment commenced 3 years ago. Under the proposed redevelopment, a beachfront bar and restaurant, swimming pool and jetty facilities are planned, together with a variety of accommodation types including studio apartments, beach cabins and eco tents to provide accommodation options to suit a variety of guests. Stage 1 of the redevelopment, comprising the beach front bar and restaurant is planned to coincide with re-launching of the tourist facilities after completion of the Wheatstone construction.*

*The redevelopment will provide a first class tourism product at Onslow which will provide benefits to the local economy both during the redevelopment phase and in the longer term through provision of goods and services and it will provide local employment opportunities that are not reliant on the resources sector.”*

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

### **Comment**

The Island is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Conservation, Recreation and Nature Landscape' and planning approval is required from the Shire for the 'transient workforce accommodation' as it is a 'change of use'. The proposal has generated submissions which are addressed in the 'Schedule of Submissions' as attached to this Report.

## **ATTACHMENT 13.5B**

The assessment before Council relates to an application under the Scheme as follows:

### State Government Policies

#### *Statement of Planning Policy No. 1 – State Planning Framework Policy*

The Western Australian Planning Commission (WAPC) prepared and adopted the 'State Planning Strategy' in 1997.

It sets out the key principles relating to environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made. It also provides a range of strategies and actions that support these principles generally and for each of the ten regions of Western Australia.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### *Planning Bulletin 83/2011 Planning for Tourism*

This WAPC bulletin sets out the policy position of the WAPC to guide decision making by the WAPC and local government for subdivision, development and scheme amendment proposals for tourism purposes. Policy objectives are as follows:

- *“Highlight the importance of strategic planning for tourism*
- *Recognise local and regional variations in tourism demand and development pressures; and their impacts on the viability of tourism development, in assessing and determining tourism proposals.*
- *Provide guidance to local government in planning for tourism development to be undertaken as part of the local planning strategy process.*
- *Provide guidance on the development of non tourism uses on tourism sites.*
- *Provide for flexibility in the design and assessment of tourism and mixed use development.”*

Under Part 4 of the bulletin, it provides as follows:

*“Tourism is a significant contributor to the state and local economies in Western Australia, particularly in regional areas of the State. The planning system has a vital role to play in facilitating investment in tourism product in appropriate locations. In this regard, where tourism is considered significant within a locality or region, it is recommended that a more detailed tourism component of the local planning strategy be prepared by the local government in consultation with Tourism WA, to take into consideration, amongst other matters, relevant issues raised in the State Planning Strategy, any regional strategies and this Planning Bulletin.”*

With respect to the absence of a local planning policy (which is the case for the Shire of Ashburton), the bulletin states the following:

#### *“Interim Policy*

*Where a local government does not have an endorsed local planning strategy or local tourism planning strategy consistent with the policy framework outlined in this bulletin, and a scheme amendment or development application is proposed for an existing tourist zoned site to support residential or a non-tourism use, the amendment report or development proposal should address the matters specified in this planning bulletin, the Local Planning Manual 2010, and any other relevant State and local government policies.*

*If this site is located within an existing and or potential tourism precinct, the amendment report/development proposal should, where appropriate, take into account the issues and objectives for the precinct and the importance of tourism in the locality.”*

Although the Shire does not have a local planning strategy dedicated to ‘tourism’, in March 2011, Council adopted *“The Shire of Ashburton Tourism Destination Development Strategy.”* The *Strategy* identifies key issues that should be addressed by the Shire in order to achieve its full potential as a vibrant visitor destination. Under the general heading of *7.1 Attractions*, the following is noted and recommended:

*“The natural coastal assets of the Shire of Ashburton region are also considered outstanding and include the Mackerel Islands (serviced largely from Onslow) and these attractions offer visitors world-class boating, fishing, diving and snorkeling opportunities. Although other product components such as accommodation and access remain critical factors for success, it is these “iconic attraction elements” of*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*spectacular natural beauty that should remain the core focus of all collective marketing and promotional themes and positioning for the Ashburton region.*

*Recommendation 28: the Shire should “leverage” its iconic and major visitor attractions and utilise them as the cornerstone of all tourism destination branding.”*

Under the general heading of 7.4 Activities, the following is noted:

*“Fishing tours; the Mackerel Islands are a major tourism asset for the region and Onslow provides a focal point/accommodation base for recreational fishing groups to utilise these offshore assets. The Mackerel Islands Resort is a popular drawing card for visitors to the region.*

*Thevenard Island has a fishing and diving tour operator based at the Island with a permanent divemaster for the busy 3 months each year. The Thevenard based tour operator will pickup passengers from Onslow however minimum numbers are required. No dive and fishing operators is based at the town of Onslow.”*

Under the Strategy, the Island is highlighted as a tourist destination of strategic importance to the Shire and locality.

### Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’)

The following clauses provided for in the Scheme are relevant:

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

#### *Reserved Land:*

The Scheme provision relevant to ‘reserves’ is as follows:

#### *“Use and Development of Reserves*

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

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

In this regard, referral to the DEC, WA Tourism Commission and Department of State Development for comment was undertaken and the agencies have responded.

### *Clause 5.9 Matters to be Considered*

Matters considered relevant to the application are as follows:

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

- (d) any relevant policy or strategy of the Commission or any other relevant planning policy adopted by the Government of Western Australia or the Commonwealth of Australia;
- (e) any Policy Statement, strategy development plan or plan adopted by the Local Government under the provisions of this Scheme;
- (j) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (l) the compatibility of a use or development with its setting;
- (m) any social issues that have an effect on the amenity of the locality;
- (u) the potential loss of any community service or benefit resulting from the planning approval;
- (v) any other considerations which the Local Government considers relevant to the Scheme purpose and aims in clauses 1.5 and 1.6;
- (w) any relevant submissions or objections received or sought on the application; and
- (x) any other planning consideration that Local Government considers relevant.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The use of Thevenard Island for tourist purposes clearly reflects a social and recreational benefit to the wider community of Western Australia as well as a commercial benefit to the State and the lease holder, Mackerel Islands Pty Ltd. As noted in the Applicant's SIS, Thevenard Island historically provides approximately 6000 – 8000 bed nights per year. Mackerel Islands Pty Ltd advise that over the last three years, there have only been 18 bookings from Onslow residents.

The Applicant advises that 'masterplanning' for redevelopment of the Island has been progressing for 3 years, well before the opportunity arose to profit from an arrangement with Chevron to use the land for transient workforce accommodation. The Shire has no knowledge or input to the 'masterplanning' undertaken by Mackerel Islands Pty Ltd.

The Applicant was provided with the Schedule for the majority of submissions (less the names and addresses) in order for them to respond and inform the Council. Property Development Solutions has provided a response to the submissions on behalf of Mackerel Islands Pty Ltd.

### ATTACHMENT 13.5C

The Shire notes that during the process of considering the Wheatstone development and workforce management accommodation, the Shire was not aware of either the State or Chevron Australia Pty Ltd seeking to use Thevenard Island for transient workforce accommodation purposes.

As required by the *ANSIA Structure Plan*, Chevron as the proponent for the Wheatstone project prepared a *Construction Workforce Management Plan* which acknowledged that it is totally responsible for housing its own direct construction employees, along with its contractors, subcontractors and authorised visitors who have direct involvement with the Wheatstone project. Within the *Construction Workforce Management Plan*, Chevron has committed as follows:

- *“providing accommodation for direct construction employees, along with their contractors, subcontractors and authorised visitors directly associated with the Wheatstone project;*
- *ensuring that the transient workforce accommodation site at the ANSIA will for the duration of the construction period of the Wheatstone project, be the site that Chevron will seek to house construction employees, along with their contractors, subcontractors and authorised visitors;*
- *only seeking to house construction employees, contractors, subcontractors and authorised visitors within the Onslow townsite as a last resort and while establishing Transient Workforce Accommodation (TWA) at the ANSIA;*
- *only using accommodation that has been provided with the requisite planning, building and health approvals;*
- *ensuring that there is the capability to accommodate for more than 5,000 people (should additional beds be required) in the transient workforce accommodation site at the ANSIA.”*

There is no reference to Thevenard Island for accommodation in the *Construction Workforce Management Plan*.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Comment within the Applicant's SIS on the impact of Wheatstone on Onslow is as follows:

*"Pressure on accommodation within Onslow townsite and demand for land use also means that currently there is little opportunity for tourists to stay in Onslow, and less opportunity for Thevenard Island guests to park vehicles and boat trailers in Onslow for the duration of their stay on Thevenard Island."*

In this regard, Mackerel Islands Pty Ltd owns and operates the only motel in Onslow and accordingly, has the direct means to allow for accommodation for tourist purposes as transient workforce is prohibited on the land the motel is situated. The rationale provided by the Applicant for the need to the Island used for transient workforce accommodation is explained in the SIS that accompanied the Application:

*"While successfully trading in this climate, Mackerel Islands considers that the construction of the Wheatstone project, both directly and indirectly, will further impact on the ability of Mackerel Islands to deliver and capitalise on its tourism product during the construction phase of the project."*

Mackerel Islands Pty Ltd has reiterated the impacts of Wheatstone on the tourist operations on the Island as follows:

*"The application is for a 5 year period, after which the use will automatically revert to Tourism, thereby guaranteeing tourism in the region. It is however considered that the dredging and construction of the Wheatstone project will fundamentally change the amenity of the islands and surrounds, and will not be an appealing prospect for tourists and that attempting to operate for tourists during this period will significantly damage and undermine the reputation of the region and the Mackerel Islands as a pristine, frontier getaway."*

The Applicant has conceded that "... Mackerel Islands management therefore propose to retain 20% of the available accommodation on the island for on-going use by tourists..."

The Shire notes the following extract from correspondence from the second Tourism Commission WA submission:

*".....on 10 September 2012 Tourism WA met with representatives of Mackerel Islands Pty Ltd, at which time Mr Graham Shields outlined the negative impact the Chevron Dredging/Construction Project will have on quality tourism and recreational experiences on Thevenard Island. In light of the significant interruption to normal business conditions, we appreciate the situation Mackerel Island Pty Ltd finds itself."*

In the absence of a response from Chevron Australia Pty Ltd to the concerns raised by Mackerel Islands Pty Ltd as to the impact of Wheatstone will have on '... quality tourism and recreational experiences..' from the Island, it is difficult for the Shire to assess this rationale for the application. In addition, the Shire respectfully queries that if it is still available to the Applicant to operate 20% of the Island "...for on-going use by tourists..." it is questioned as to whether the impacts from Wheatstone will be as significant as suggested.

The implied impacts of Wheatstone are also discussed in the second submission from the Tourism Commission. Apart from the SIS comments and Tourism Commission response, the Shire (and presumably DSD) was not aware of claims associated with the potential impacts of Wheatstone of a viable business.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

From discussions with the Applicant's representative, reference has been made to an agreement with State Lands for reinvestment. This may have merit and could be a means by which such investment monies can be quarantined, however the Shire has no knowledge of any arrangements with Mackerel Island Pty Ltd and State Lands. The Applicant has been short on providing detail on details associated with the Island re-investment.

However, by Email to the Shire on 11 September 2012, State Lands Pilbara advised:

*"The Minister for Lands recently advised Mackerel Islands Pty Ltd (MI) that he requires MI to agree to enter into a development agreement that will identify development milestones during the period of the proposed TWA, and that he wants advice on the outcome of the discussions and the decision of the Shire of Ashburton (Shire) prior to him considering any proposed temporary change in lease purpose for Thevenard Island to support the proposed TWA.*

*.... MI.....have advised that they are in the process of preparing a development agreement for the Minister to consider (which we will seek comments from the Shire and Tourism WA) and are in discussions with the Shire."*

### **Conclusion**

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

Normally, such individual or commercial benefit to a company is not a matter for local government in a policy or a planning sense. However, this proposal is different as it is to be undertaken on Crown Land and where for a five year period, an important economic driver of the region will be unavailable. In this regard, the Council sought to receive information from the Applicant that demonstrated that the commercial benefit to the company would also result in a community benefit. It is the Shire's view that no such benefit has been demonstrated.

To (part) quote the submission from DSD:

*"..... the Department notes that while Mackerel Islands Pty Ltd have indicated that the construction work associated with the Wheatstone project will impact on its ability to deliver its tourism product, they do not give any real details of what this disruption would look like. Instead their justification for the application seems to be more around this providing the commercial opportunity they need to further develop and renovate the existing facilities on Thevenard Island to a level that will allow a new tourism product to be offered.*

*In terms of complementing the significant work that the Shire, the Department and Chevron are doing to improve the overall facilities within Onslow, it is important to ensure that the further development work flagged by Mackerel Islands Pty Ltd is completed providing Onslow residents with an opportunity for affordable weekend getaways."*

There is concern as to what appears to be an ad-hoc arrangement by Chevron to pursue accommodation on the Island. Although there are a myriad number of reports, strategies and assessments undertaken by Chevron to achieve approval for the Wheatstone, however the Shire has not been able to ascertain that accommodation on Thevenard Island was a key component to the Chevron's strategies.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

It is open for Council to determine the Application based on the information provided by the Applicant and the submissions received. However, it is suggested that there are still areas of the Application that require comment and direction from the State Government as land managers of the Island.

In this regard, it is recommended that the following be undertaken:

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

The Shire notes that (part) resolution of Council from 18 July 2012 where Council resolved as follows:

*".....Council has strong reservations with losing tourist accommodation on Thevenard Island."*

The Shire acknowledges the position of Council expressed in the above resolution. Accordingly, an alternate recommendation to refuse the application for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development is also provided.

**ATTACHMENT 13.5D**  
**ATTACHMENT 13.5E**

Should Council wish to approve the Application, the Shire can assist in providing draft conditions.

### **Consultation**

Chief Executive Officer

A/Executive Manager, Technical Services

Executive Manager, Strategic and Economic Development

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

A total of 12 submissions were received from the community (noting that one submitter placed 2 submissions before Council) and 4 from State/Regional agencies. All community submissions either objected to the application or raised concerns. Only one agency objected outright to the proposal. The remaining agency submissions raised issues and concerns but did not object outright. The Shire is aware of a Petition being prepared within the Onslow community however it is believed that it will be submitted to the Council on the day of the meeting.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Statutory Environment

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

It should be noted that under the Scheme, the Shire has 90 days to determine an application where advertising is carried out. The Application was formally received on 18 July 2012 which was the day the Application was signed by the 'owner' and provide to Council. In this regard, the Application would need to be determined at the next Council meeting (17 October 2012) to ensure compliance with the statutory assessment provisions of the Scheme.

### Financial Implications

None anticipated

### Strategic Implications

*"The Shire of Ashburton Tourism Destination Development Strategy"*.

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well Managed Tourism

### Policy Implications

*Local Planning Policy – 'Transient Workforce Accommodation'*

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

### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED: Cr L Thomas**

**SECONDED: Cr D Wright**

**That Council suspend Standing Orders at 4.43 pm.**

**CARRIED 7/0**

Janyce Smith left the meeting at 4.43 pm.

Janyce Smith entered the meeting at 4.45 pm.

Amanda O'Halloran entered the meeting at 4.45 pm.

#### Council Decision

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That Council reinstate Standing Orders at 5.27 pm.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr I Dias

### That Council:

1. Note the advertising carried out in relation to Planning Application Shire Ref: 20120510(P) and acknowledge the submissions as provided in ATTACHMENT 13.5B to this Report, along with correspondence received from Chevron Australia dated 19 September and correspondence received from Minister Hames date 13 September, 2012.
2. Request the Chief Executive Officer to write to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development as follows:
  1. Advising that subsequent to the representation made by Mackerel Islands to Council on 19 September, 2012 that Council may be prepare to support Shire Planning Application Ref: 20120510(P) for 80% of the accommodation on Thevenard Island to be used for transient workforce accommodation (approximately 60 people) and the remaining 20% be retained for Tourism accommodation (approximately 20 people).
  2. Provide him with the submissions received in relation to Planning Application Shire Ref: 20120510(P).
  3. Request advice as to whether the State of Western Australia agrees to the use of Thevenard Island for transient workforce accommodation and what (if any) arrangements are intended to ensure re-investment in new accommodation and amenities on the Island so as to provide a long-term legacy for tourism once the dredging/construction and transient workforce accommodation is complete.
3. Request the Chief Executive Officer to write to the Minister for Environment, and the Department of State Development seeking comment on Planning Application Shire Ref: 20120510(P) with respect to the claim from Mackerel Islands Pty Ltd that the "...dredging and construction of the Wheatstone project will fundamentally change the amenity of the islands and surrounds, and will not be an appealing prospect for tourists and that attempting to operate for tourists during this period will significantly damage and undermine the reputation of the region and the Mackerel Islands as a pristine, frontier getaway."
4. Request that the Chief Executive Officer write to Mackerel Islands Pty Ltd (via Property Development Solutions) advising of Council's resolutions.
5. That the matter be reported back to council at the Ordinary Meeting of Council in October 2012.

**CARRIED 6/1**

**Cr's Foster, Fernandez, Eyre, Dias, Wright and Thomas voted for the motion.  
Cr White voted against the motion.**

## **MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

### **REASON FOR CHANGE OF RECOMMENDATION:**

**After the presentation to Council by Mackerel Islands Pty Ltd Council was willing to allow the application to be pursued subject to clarification of matters referred to in the resolution.**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.6 PLANNING APPLICATION - NINE (9) TWO STOREY GROUP DWELLINGS AT LOTS 936 & 937 WARARA STREET, TOM PRICE

**MINUTE:** 11288

**FILE REFERENCE:** TP.WA.936  
20120473 (P)

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

**NAME OF APPLICANT/RESPONDENT:** Doepel Marsh Architects Pty Ltd

**DATE REPORT WRITTEN:** 9 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Land subject of the Application for Planning Approval comprises Lots 936 & 937 Warara Street Tom Price which has a combined area of 2864m<sup>2</sup> and is zoned Residential R20. The application comprises nine (two storey) group dwellings with double carports. Each unit is provided with external private recreational areas and no central open space is sought. Access to the dwellings is via two independent internal access roads with visitor parking spaces accessed in a two-way traffic arrangement. Two crossovers to the Warara Street 'court-bowl' are proposed.

Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') enables discretion to consider planning approval for grouped dwellings at a maximum density of R30 on lots not less than 1,500m<sup>2</sup> within any area coded R20 (subject to advertising). Lots 936 & 937 (combined) reflect this provision. The Application was advertised for 14 days and at the end of the advertising period, no submissions were received.

The Application appears to reflect the provisions of the 'Acceptable Development' standards of RCodes, however modifications to the plans will be required. Matters such as improving the development through variation of diversity of unit building materials (not being solely colorbond<sup>TM</sup>) and modifying Unit 5 from 6 bedrooms to 4 bedrooms can be addressed as conditions.

#### **Background**

The subject site comprises Lots 936 & 937 Warara Street Tom Price which has a combined area of 2864m<sup>2</sup>, with both lots sparsely vegetated. The land slopes from the north east to south west. Warara Street which is a sealed carriageway constructed to a good standard and in the form of a cul-de-sac.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The site is serviced with underground power, sewer and water. Vacant residential land adjoins to the west with lots opposite generally developed for single residential purposes. The subject lots and adjoining lots to the west comprise a recently developed subdivision that was undertaken by the Shire of Ashburton. Land to the north is unvested Crown Land. The land is situated approximately 1.5km from the Tom Price commercial area and a similar distance from the Tom Price Primary school and Tom Price sports oval and recreation facilities. The Tom Price Senior High School is approximately 800m from the site



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

### Comment

The site is zoned Residential R20 under the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme'). Clause 6.6.2 of the *Shire of Ashburton Local Planning Scheme No. 7* ('Scheme') enables discretion to consider planning approval for grouped dwellings at a maximum density of R30 on lots not less than 1,500m<sup>2</sup> within any area coded R20 (subject to advertising). Lots 936 & 937 (combined) reflect this provision. Clause 6.6.2 was introduced in Amendment No. 12 with the intent to encourage the consolidation of residential zoned lots and ensure that any such development is undertaken in a coordinated manner and achieves quality residential development. Amendment No. 12 was Gazetted on 27 January 2012.

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

- 6.6.2 *Notwithstanding any other provision of the Scheme, where reticulated sewerage and water is available to a lot in Tom Price and Paraburdoo:*
- (a) *the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a lot comprising not less than 874m<sup>2</sup>, with a minimum site area of 437m<sup>2</sup> per grouped dwelling, within any area*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*coded R20 or greater on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;*

- (b) subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m<sup>2</sup> within any area coded R20 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;*
- (c) subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R40 on a lot greater than 1,500m<sup>2</sup> within any area coded R30 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7; and*
- (d) in determining any application lodged pursuant to Sub- Clauses (a), (b) and (c) above, the local government shall consider in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.”*

As site area is 2864m<sup>2</sup> and zoned Residential R20, Clause 6.6.2 enables the responsible authority to consider an application for group dwelling development to a density of R30. Accordingly, the Application is assessed under Clause 6.6.2 of the Scheme.

Other Scheme provisions relevant to group dwelling development include:

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

In relation to Clause 6.7.2, each dwelling is provided with a store room accessible from the carport or service court with a minimum area of 4m<sup>2</sup> and minimum dimension of 1.5m.

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

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

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

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

- (a) the aims and provisions of this Scheme and any relevant Town Planning Scheme operating in the district including any regional planning Scheme;*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

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

### *Local Planning Policy - Social Impact Assessment*

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

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

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

## ATTACHMENT 13.6B

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

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

### *Local Planning Policy - Consultation for Planning Proposals*

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

### Key Planning Issues

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

### RCode/ Multi Unit Housing Code requirements

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

## ATTACHMENT 13.6C

The Shire's conclusion is that the application can, with conditions associated with modifications to the plan and appropriate conditions, reflect the intent and direction of the *RCodes*. Unit 5 shows 6 bedrooms and appears to be designed for the purpose of a 'residential building' rather than a dwelling.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

It is considered appropriate that unit be limited to (say) 4 bedrooms. However, should the Applicant seek to pursue the 6 bedrooms, two lounge rooms, four bathrooms, five toilets, it is open to seek separate planning approval for residential building. This would be advertised for public comment.

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

### Car Parking and Access:

With respect to car parking, the width of the two spaces for all units appears to have an obstruction from the carport posts. In these circumstances, the minimum width for these spaces under Appendix 9 of the Scheme is 3m per bay and will need to be modified to enable functional use of the car pays.

### Amenity/Miscellaneous

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

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

- Unit 1 with a setback (including eaves) not greater than
- Car parking space 20 either removed or modified such that a vehicle can exit in a forward motion;
- Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes;
- Design refined to reflect statutory disabled access arrangements;
- All parking/access designed in accordance with the provisions of the *Scheme*, and reversing areas designed to avoid buildings and structures;
- Clarification internal pathway arrangements to the street;
- Bin pads to all units with pads located such that they do not interfere with carparking spaces;
- Clarification that the driveway entrance to Lot 937 does not interfere with existing driveway access to Lot 1819;
- Unrestricted access to the drainage easement; and
- Clotheslines for all units.

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

### Unauthorised establishment of a 'Donger' on the land

Councillors may be aware of the establishment of an unauthorised 4 bedroom 'donger' partially on Lot 937, the road reserve and on land owned by RTIO. Despite written directions to remove the 'donger', it remains on site. Legal action to remove the 'donger' is currently being initiated by the Shire.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Although not a direct matter associated with the current Application, it does raise the issue of allowing temporary accommodation on residential land whilst a building is under construction. The Shire does provide the opportunity for a builder to seek approval for this to occur under *Building Policy BLD04*. Essentially under the Policy, the Shire may approve the occupation of a “.....caravan or other temporary accommodation (including a shed, outbuilding etc).....” on a building site provided it is clearly temporary (the opportunity to approve a caravan is under the *Caravan and Camping Regulations*).

In an attempt to assist the developer to achieve compliance on a planning basis, they were advised that the Shire has no opportunity to approve the siting of the donger in the front setback, as is contrary to the *RCodes*.

If they seek approval for a 4 bedroom ‘donga’, it cannot be considered unless it is in association within an approved use/development on the land where the overall development has been approved. The temporary accommodation will need to be removed before any residential unit (as approved for group housing) is occupied. Any temporary accommodation will be linked to the particular approval over the respective land and reflect the opportunities under the Planning Scheme.

The above comments could potentially lead to compliance however the legal action concerning the un-authorised siting of the donga will take its own course. The developer has been strongly recommended to remove the ‘donga’ from the site and lawfully located it elsewhere, as any delay in doing this could add to any infringement that might eventually be handed down.

### **Conclusions:**

From the information provided, the Application appears to reflect the provisions of the ‘Acceptable Development’ standards of *RCodes*, however modifications to the plans/elevations will be required. The development could be substantially improved through variation of diversity of unit building materials and easily accessible parking arrangements.

### **Consultation**

Chief Executive Officer  
A/Executive Manager, Technical Services

### Public Consultation

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

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

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

### Consultation with other Agencies

#### *Hamersley Iron Infrastructure*

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Statutory Environment**

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

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

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

- two grouped dwellings on a lot comprising not less than 874m<sup>2</sup>, with a minimum site area of 437 m<sup>2</sup> per grouped dwelling, within any area coded R20 or greater subject to advertising;
- grouped dwellings at a maximum density of R30 on lots less than 1,500m<sup>2</sup> within any area coded R20, subject to advertising; and
- grouped dwellings at a maximum density of R40 on lots greater than 1,500m<sup>2</sup> within any area coded R30, subject to advertising;

where reticulated sewerage and water is available to the land.

Clause 6.6.2 was introduced in Amendment No. 12 with the intent to encourage the consolidation of residential zoned lots and ensure that any such development is undertaken in a coordinated manner and achieves quality residential development. Amendment No. 12 was Gazetted on 27 January 2012.

### **Financial Implications**

None anticipated.

### **Strategic Implications**

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

### **Policy Implications**

*Local Planning Policy - Social Impact Assessment*  
*Local Planning Policy - Assessment of applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7*  
*Local Planning Policy - Consultation for Planning Proposals*

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr I Dias

**That Council:**

**1. APPROVE Planning Application Shire Ref: 20120473 (P) for group dwelling development (comprising 9 dwellings) at Lots 936 & 937 Warara Street, Tom Price generally in accordance with plans as provided in ATTACHMENT 13.6A to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:**

**1. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:**

- i. Unit 5 modified to provide not more than 4 bedrooms;**
- ii. All units modified to provide a variation of building materials;**
- iii. Unit 1 with a setback (including eaves) not less than 3.0m;**
- iv. Car parking space 20 either removed or modified such that a vehicle can exit in a forward motion;**
- v. Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes;**
- vi. Design refined to reflect statutory disabled access arrangements;**
- vii. All parking/access designed in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), and reversing areas designed to avoid buildings and structures;**
- viii. Clarification internal pathway arrangements to the street;**
- ix. Bin pads to all units with pads located such that they do not interfere with carparking spaces;**
- x. Clarification that the driveway entrance to Lot 937 does not interfere with existing driveway access to Lot 1819;**
- xi. Unrestricted access to the drainage easement; and**
- xii. Clotheslines for all units.**

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

2. This Planning Approval lapses if the development is not substantially commenced by 19 September 2014.
3. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:
  - i. A geotechnical report covering the development area being prepared by the applicant at the applicant's cost and to the satisfaction of the responsible authority. The report to be lodged, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
  - ii. A Stormwater Management Plan prepared by a certified practicing Hydraulic Engineer to be prepared in conjunction with the Local Authority which shall include an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal and management of stormwater.
  - iii. As part of the Stormwater Management Plan the following matters to be addressed:
    - (a) the existing capacity of the Town's stormwater infrastructure and its ability to cope with the additional demand placed upon it by the proposed development; and
    - (b) the method, flow rate and volume of stormwater proposed for connection/discharge into the Town's stormwater system.
  - iv. All approved drainage and stormwater infrastructure shall be installed during construction and prior to the completion of the development, and thereafter maintained and operated in accordance with the approved Stormwater Management Plan at the applicant/owner's cost.
  - v. The submission of a landscape plan to the satisfaction of the responsible authority. The Plan should indicate:
    - (a) the location and type of fencing to be installed; and
    - (b) the location and type of reticulation to be installed; and the location and type of paving to be installed (including 'alleyways' within the dwelling development).

The Plan should also include:

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

The Plan shall identify and include any adjoining road verges.

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- vi. Details on mail boxes and fencing, including colour, texture and materials of the development. Fencing along the front boundary of the lot shall be a 'feature fence', visually permeable, designed and constructed to the satisfaction of the responsible authority. All mail boxes and fencing is to be erected in accordance with the approved details and thereafter maintained.
- vii. Details on the external drying area where the clothes drying facilities are fully installed and screened from view from Warara Street.
- viii. Detailed arrangements to ensure that traffic will follow the internal 'one way' road system and such arrangements installed prior to the occupation of the development hereby approved.
- ix. All parking and manoeuvring areas (on and off the site) shall be constructed at the cost of the developer and be bitumen sealed, concrete or brick paved to the satisfaction of the responsible authority.
- x. The development shall be connected to a reticulated water supply, sewerage system and electricity supply to the requirements of Hamersley Iron Infrastructure.
- xi. Lots 936 & 937 Warara Street, Tom Price amalgamated into one single lot.

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

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

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

### Advice Notes

- i. In relation to Condition 1(i), Unit 5 appears to be designed for the purpose of a 'residential building' rather than a dwelling. Should the Applicant seek to pursue the 6 bedrooms, two lounge rooms, four bathrooms, five toilets, it is open to seek separate planning approval for residential building.
- ii. In relation to Condition 1(ii), the Shire notes that the building materials and colours are all proposed in the form of colourbond™. In this regard, the Shire is concerned that the massing of similar materials will detract from the locality. In this regards, the Shire anticipates plans that show a mix of materials.
- iii. In relation to Condition 1(vii), carparking/carport spaces for all units, the majority of these parking areas appear to have an obstruction. In these circumstances, the minimum width for these spaces under Appendix 9 of the Scheme is 3m per bay.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- iv. As an overall observation, although the Shire notes that the application reflects the provisions of the RCodes, from experience, the development would not appear to reflect the needs of residents for additional parking areas.
- v. The Shire is aware of the establishment of an unauthorised 4 bedroom 'donger' partially on Lot 937, the road reserve and on land owned by RTIO. Despite written directions to remove the 'donger', it remains on site. Legal action to remove the 'donger' is currently being initiated by the Shire. The Shire does provide the opportunity for a builder to seek approval for this to occur under Building Policy BLD04. Essentially under the Policy, the Shire is prepared to support a caravan on a building site because it is clearly temporary (the opportunity to approve a caravan is under the Caravan and Camping Regulations).

In an attempt to achieve compliance on a planning basis it need to be noted that the Shire has no opportunity to approve the siting of the donger in a front setback, as is contrary to the RCodes. If you seek approval for a 4 bedroom 'donga', it cannot be considered unless it is in association with an approved use/development on the land where the overall development has been approved. The temporary accommodation will need to be removed before any residential unit (as approved for group housing) is occupied. Any temporary accommodation will be linked to the particular approval over the respective land and reflect the opportunities under the Planning Scheme. The temporary accommodation will not be available to other development sites.

The above comments could potentially lead to compliance however the legal action concerning the un-authorised siting of the donga will take its own course. It is strongly recommended to remove the 'donga' from the site and lawfully located it elsewhere, as any delay in doing this could add to any infringement that might eventually be handed down.

- vi. Consent from the Shire of Ashburton will be required for construction of crossovers.
- vii. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- viii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.

**CARRIED 5/2**

**Crs Thomas and Fernandez voted against the motion.**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Amanda O'Halloran left the meeting at 5.54 pm.

Amanda O'Halloran entered the meeting at 5.56 pm.

### 13.7 PLANNING APPLICATION - SIX (6) TWO STOREY GROUP DWELLINGS AT LOT 969 CAMERON AVENUE, ONSLOW

**MINUTE:** 11289

**FILE REFERENCE:** ON.CA.969  
20120520 (P)ON.CA.969

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

**NAME OF APPLICANT/RESPONDENT:** J Prestipino Building Designs Pty Ltd

**DATE REPORT WRITTEN:** 9 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

Land subject of the Application for Planning Approval comprises Lot 969 Cameron Avenue, Onslow which has an area of 2232m<sup>2</sup> and is zoned Residential R12.5/30. The application comprises a six (two storey) group dwellings with double carports. The design provides for a rendered finish with metal pitched roofing. Each unit is provided with external private recreational areas and no central open space is sought. Access to the dwellings is via an internal access road with a two-way traffic arrangement.

Clause 6.6.1 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') enables the higher R30 density to apply when connection to reticulated sewerage is available. The minimum density for R30 development under the Residential Design Codes (RCodes) is an average of one unit per 300m<sup>2</sup> (and minimum of one unit per 270m<sup>2</sup>). The proposal represents an average of one unit per 372m<sup>2</sup>. The Scheme does not require advertising of group housing developments under the zone or RCode. Accordingly, no advertising has been carried out.

The development represents a 5 bedroom development and not 4 as provide on the plans as a 'study' is provided which has an area similar to that of the 4th bedroom. It is considered appropriate that the unit development clearly be for 4 bedrooms only and which will require a redesign that either removes or modifies the 4th bedroom or the study. The requirement for the modification is reflected in the Shire's experience and knowledge of the use of dwellings in Onslow under the current acute shortage of accommodation. In addition, under the RCodes, it is considered that an additional visitor's car space is warranted.

The Application appears to reflect the provisions of the 'Acceptable Development' standards of RCodes, and approval is recommended.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Background

The subject site comprises Lot 969 Cameron Avenue, Onslow which has a combined area of 2232m<sup>2</sup>, and is occupied by a single dwelling. The land slopes from the north to south. Cameron Avenue is a sealed carriageway constructed to a good standard. The site is serviced with underground power, sewer and water. Residential land adjoins to the east and west with land to the south vacant and reserved for education purposes. However it is likely that the ultimate development of this land will be for sporting purposes and include the Onslow aquatic centre.

### Proposal

The application comprises a six (two storey) group dwellings with double carports. The design provides for a rendered finish with metal pitched roofing.



The plans provide for 4 bedrooms and 3 bathrooms and a 3.1m x 3m study – which is the slightly larger than the 4<sup>th</sup> bedroom. Clearly, the dwellings reflect that of a 5 bedroom development. Each unit is provided with external private recreational areas and no central open space is sought. Access to the dwellings is via an internal access road with a two-way traffic arrangement.

**ATTACHMENT 13.7A** comprises the plans and elevations of the proposed development.

### Comment

The site is zoned Residential R12.5/30 under the *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')*. Clause 6.6.1 of the *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')* enables the higher R30 density to apply when connection to reticulated sewerage is available. The *Scheme* does not require advertising of group housing developments under the zone or *Residential Design Codes (RCodes)*. In this regard, sewer is available to the site.

As site area is 2232m<sup>2</sup>, zoned Residential R12.5/30 and sewer is available, Clause 6.6.1 enables the responsible authority to consider an application for group dwelling development to a density of R30. Accordingly, the Application is assessed under Clause 6.6.1 of the *Scheme*. It should be noted that the *Scheme* does not require advertising of group housing developments under the zone or RCode. Accordingly, no advertising has been carried out.

The minimum density for R30 development under the *RCodes* is an average of one unit per 300m<sup>2</sup> (and minimum of one unit per 270m<sup>2</sup>). The proposal represents an average of one unit per 372m<sup>2</sup>.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Other Scheme provisions relevant to group dwelling development include:

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

In relation to Clause 6.7.2, each dwelling is provided with a store room accessible from the carport or service court with a minimum area of 4m<sup>2</sup> and minimum dimension of 1.5m.

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

In relation to Clause 6.7.3, the Shire has no record of contamination or reason to believe that the site could be potentially contaminated through previous land uses. With respect to Clause 5.9 ‘Matters to be Considered’, the following matters are considered relevant:

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

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

With respect to Clause 5.9 (h) (iv) the Water Corporation has advised that no additional connections are available using the existing infrastructure and supply. Any consideration of the proposal should take into account the advice from the Water Corporation as to whether reticulated water supply is available to the land. Accordingly, should planning Approval issue, it should be contingent on the availability of reticulated water.

### Key Planning Issues

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

### RCode/ Multi Unit Housing Code requirements

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

## **ATTACHMENT 13.7B**

The Shire's conclusion is that the application can, with modifications to the plan and appropriate conditions reflect the intent and direction of the RCodes. As noted, the development reflects a 5 bedroom development and not 4 as provide on the plans. Five bedrooms provides the opportunity for use of the dwellings for 'residential buildings' and given the very limited provision of parking (one visitor space) as provided by the RCodes, the design must be such that it will not result in on and off site parking issues.

It is considered appropriate that the unit development clearly be for 4 bedrooms only. This will require a redesign that either removes or modifies the 4<sup>th</sup> bedroom or the study. The requirement for the modification is reflected in the Shire's experience and knowledge of the use of dwellings in

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Onslow under the current acute shortage of accommodation.

### Car Parking and Access:

In relation to 'car parking', Clause 6.5.1Aii of the RCodes requires two spaces per dwelling and visitor parking as follows:

- two spaces per dwelling: and at least one space provided for the exclusive use of each dwelling and where two spaces are so allocated they may be in tandem; or
- in addition, visitors parking spaces are provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.

Thirteen carparking spaces have been provided comprising two spaces per unit and only one visitors space. The Shire's view is that under the RCodes, for six units, two spaces are required

There is space available on site for this to occur and be achieved as a condition requiring revised plans.

With respect to car parking, the width of the two space for all units may have obstructions from the carport/garage walls. In these circumstances, the minimum width for these spaces under Appendix 9 of the scheme is 3m per bay and will need to be modified to enable functional use of the car pays.

### Amenity/Miscellaneous

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

This should be addressed in a management plan by the Applicant and as a condition of planning approval. This would be reflected in a recommended condition to any strata proposal. In addition to those matters outlined in this Report, it is also necessary for the plans to be modified to clarify the following:

- Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes;
- Design refined to reflect statutory disabled access arrangements;
- All parking/access designed in accordance with the provisions of the *Scheme*, and reversing areas designed to avoid buildings and structures;
- Store rooms are accessed by a lockable sliding door;
- Bin pads to all units with pads located such that they do not interfere with carparking spaces; and
- Clotheslines for all units.

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

### **Conclusions:**

From the information provided, the Application appears to reflect the provisions of the 'Acceptable Development' standards of *RCodes*, however modifications to the plans/elevations will be required. The development could be substantially improved through variation of diversity of unit building materials and easily accessible parking arrangements.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Consultation**

Chief Executive Officer  
A/Executive Manager, Technical Services

The Scheme does not require advertising of group housing developments under the zone or RCode. Accordingly, no advertising has been carried out.

### **Statutory Environment**

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

Under the *Scheme*, the land is zoned Residential R12.5/30 and sewer is available. Clause 6.6.1 enables the responsible authority to consider an application for group dwelling development to a density of R30. Accordingly, the Application is assessed under Clause 6.6.1 of the *Scheme*.

### **Financial Implications**

None anticipated.

### **Strategic Implications**

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

### **Policy Implications**

None Anticipated

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr A Eyre

**That Council:**

1. **APPROVE** Planning Application Shire Ref: 20120520 (P) for group dwelling development (comprising 6 dwellings) at Lot 969 Cameron Avenue, Onslow generally in accordance with plans as provided in ATTACHMENT 13.7A to the Shire Report (modified by conditions of this Approval) and in accordance with Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7 and the following conditions:

1. The use and development shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water and sewerage service to the land to the requirements of the Water Corporation and to the satisfaction of the responsible authority. In this regard, the developer shall provide the Chief Executive Officer with written confirmation from Water Corporation that a full reticulated water and sewerage service to the site is available.
2. The development is to be generally carried out in accordance with the plans provided with the Application and modified to the requirements of the responsible authority as follows:
  - i. All dwellings clearly designed such that no unit can have more than 4 bedrooms;
  - ii. A minimum of two(2) visitor car parking bays;
  - iii. Dimensioned plans defining all setbacks, open space areas, car spaces and the like so as to comply with the 'Acceptable Development' standards of the Residential Design Codes;
  - iv. Design refined to reflect statutory disabled access arrangements;
  - v. All parking/access designed in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), and reversing areas designed to avoid buildings and structures;
  - vi. Bin pads to all units with pads located such that they do not interfere with car parking spaces;
  - vii. Store rooms are accessed by a lockable sliding door; and
  - viii. Clotheslines for all units.

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

3. This Planning Approval lapses if the development is not substantially commenced by 19 September 2014.
4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become

**the amended plans:**

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

**The Plan should also include:**

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

**The Plan shall identify and include any adjoining road verges.**
  - vi. The design, materials and colours of the proposed development.**
  - vii. A Staging and Construction Management Plan shall be prepared to the satisfaction of the responsible authority and endorsed to this Planning Approval. This plan is to address:**
    - a) staging of the development;**
    - b) noise;**
    - c) accommodation of builders/site workers;**
    - d) hours of construction;**
    - e) traffic management;**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- f) parking management to allow operation of the existing commercial development;
- g) access management;
- h) management of loading and unloading of vehicles;
- i) heavy vehicle access;
- j) dust;
- k) protection of trees (to be retained); and
- l) any other relevant matters.

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

**5. Prior to occupation of the development the following shall be undertaken to the requirements of the responsible authority where once approved, the arrangements will be endorsed to this Planning Approval.**

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

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

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

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

**Advice Notes**

- i. In relation to Condition 1(i), the proposal reflects a 5 bedroom residential development and not 4 as provide on the plans (noting the ‘study’ has a larger floor area than the 4<sup>th</sup> bedroom. Five bedrooms provides the opportunity for use of the dwellings for ‘residential building’ and given the very limited provision of parking (one visitor space) the design must be such that it will not result in on and off site parking issues.

Accordingly, all dwellings include a ‘Study’ which can easily be utilised as a second bedroom. Accordingly, the development must clearly be for 4 bedrooms only. This will require a redesign that either removes the 4<sup>th</sup> bedroom or the study. The requirement for this modification is reflected in the Shire’s experience and knowledge of the use of dwellings in Onslow under the current acute shortage of accommodation.

- ii. In relation to Condition 2 ,(v) carparking/carport spaces for all units, the majority of these parking areas appear to have wall obstructions. In these circumstances, the minimum width for these spaces under Appendix 9 of the Scheme is 3m per bay.
- iii. Consent from the Shire of Ashburton will be required for construction of crossovers.
- iv. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- v. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.8 REVISED WORDING AND LOCATION OF 'ONslow AIRPORT HEIGHT RESTRICTIONS AREA - SPECIAL CONTROL AREA' - SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO - REQUEST TO INITIATE

MINUTE: 11290

FILE REFERENCE: PS.TP.7.10.1

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 11 September 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

The *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')* includes special control area provisions that are another form of overlay to zoning. The '*Onslow Airport Height Restrictions Area Special Control Area*' provision under Clause 7.5 of the *Scheme* simply states:

*"7.5 In assessing applications for planning approval for land within the Special Control Area, Local Government shall ensure appropriate clearance between proposed Structures and the current obstacle limitation surfaces for the Onslow Aerodrome."*

Council is rebuilding the Onslow Aerodrome and in the process, re-aligning the airstrip to a more east/west alignment than currently exists. The *Onslow Airport Height Restrictions Area Special Control Area* is reflected on the *Scheme* maps and needs to be re-positioned to accord with the new runway. Importantly, Onslow aerodrome is taking a much greater strategic importance for the locality with use by resource companies and hopefully in the future, a commercial service for the whole community. In this regard, it is considered appropriate to review the wording of Clause 7.5 to reflect this change in operations.

It is recommended that Council initiate Amendment No. 25 to the *Scheme* as outlined in this report.

#### Background

The *Shire of Ashburton Local Planning Scheme No. 7 ('Scheme')* was Gazetted on 24 December 2004 and has not been reviewed. The *Scheme* includes special control area provisions that are another form of overlay to zoning. Special control areas are put in place to

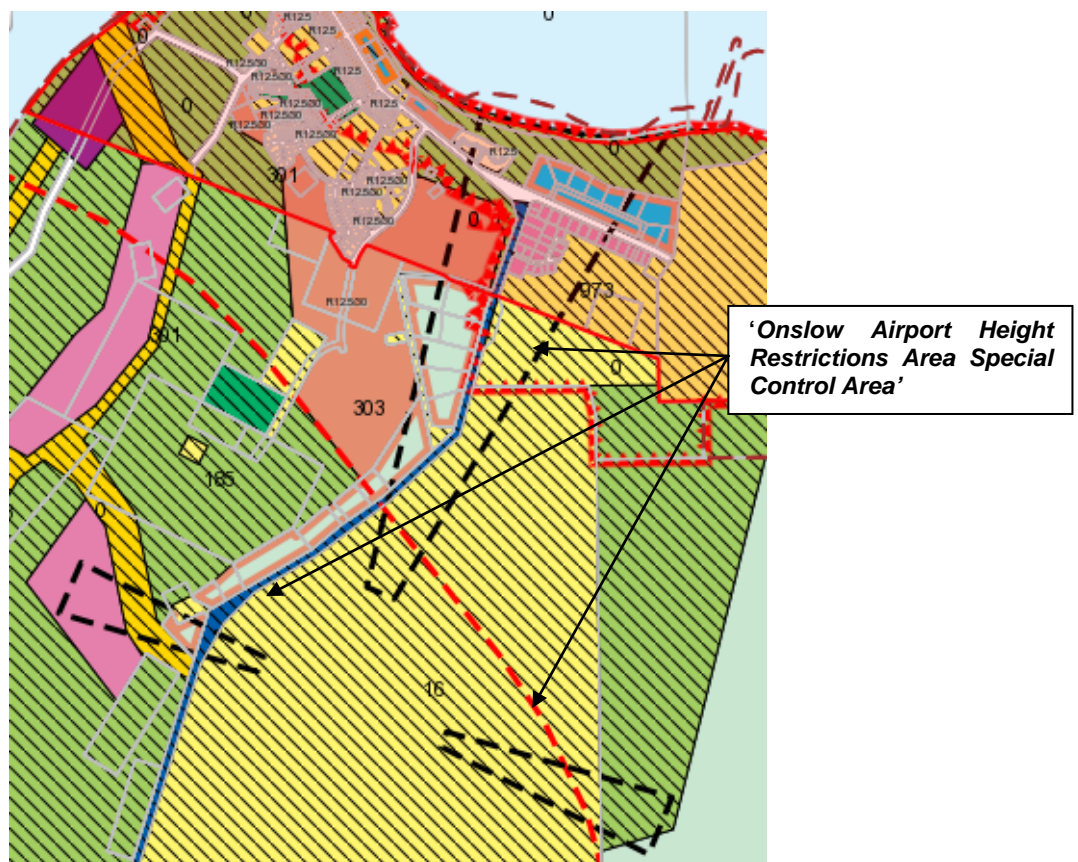
## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

impose a particular development assessment process and impose restrictions on the use of land or the form of physical development, which can be approved.

Specifically, the 'Onslow Aerodrome Height Restrictions Area Special Control Area' provision under Clause 7.5 of the Scheme simply states:

*"7.5 In assessing applications for planning approval for land within the Special Control Area, Local Government shall ensure appropriate clearance between proposed Structures and the current obstacle limitation surfaces for the Onslow Aerodrome."*

Council is rebuilding the Onslow Aerodrome and in the process, re-aligning the airstrip to a more east/west alignment than currently exists. The 'Onslow Airport Height Restrictions Area Special Control Area' is reflected on the Scheme maps as follows:



### Comment

The Onslow aerodrome is taking a much greater strategic importance for the locality with use by resource companies and hopefully in the future, a commercial service for the whole community. In this regard, it is considered appropriate to review the wording of Clause 7.5 to reflect this change in operations as follows:

*"7.5 'Onslow Aerodrome Environs Area Special Control Area'  
7.5.1 Objective*

*To control development within the Obstacle Limitation Surface to ensure the safety of airport operations and the ability to operate to its potential.*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

7.5.2 *All new land use, development and structures including towers and antennae, any alterations to roof lines and any increase in the height of a building or structure within the Obstacle Limitation Surface depicted on the Obstacle Limitation Surface Plan and shown in Appendix 12 as 'Obstacle Limitation Surface shall be subject to the following: –*

- (a) *Notwithstanding any other provisions of this Scheme, when considering development applications on land adjoining the Onslow Aerodrome Environs Area Special Control Area' or on land beneath the defined Obstacle Limitation Surface, the local government shall not determine the application without first seeking and receiving confirmation from the airport operator that approval of the proposed development will not adversely affect the airport's physical or operational integrity under any circumstances at any time in the future.*
- (b) *Notwithstanding any other provisions of this Scheme, the local government shall not grant consent to any development unless it is satisfied, that such development will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity and may consult with and consider the advice of the Civil Aviation Safety Authority in making such determination.*
- (c) *Development will not be permitted unless the proposed height of the development has been considered and approved by the Civil Aviation Safety Authority and any other relevant authority controlling airport operations.*
- (d) *Illuminated signs, pylon signs above a roof line, flashing lights on buildings or land within the approach areas to the airport which are situated within, or adjacent to the Obstacle Limitation Surface, will not be permitted unless the proposed signs and lights have been considered and approved by the Civil Aviation Safety Authority and any other relevant authority controlling airport operations."*

Draft Appendix 12 'Obstacle Limitation Surface' as depicted in **ATTACHMENT 13.8**.

### **Conclusion**

It is recommended that Council initiate Amendment No. 25 to the Scheme as outlined in this report.

### **Consultation**

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

Advertising of the draft Amendment would be for a minimum of 42 days. During the advertising period, all land owners in the recommended extended and revised 'Onslow Aerodrome Height Restrictions Area Special Control Area' would be notified and invited to comment.

### **Statutory Environment**

Planning and Development Act 2005

Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and planning regulations.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The decision on whether to adopt an amendment is solely that of Council (this is where this 'draft Amendments' currently sits in the process). Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the WAPC.

The opportunities provided by draft Amendment 25 will be closely considered by the Civil Aviation Safety Authority, Department of Transport, Department of State Development and the WAPC.

Shire of Ashburton Local Planning Scheme No. 7.

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

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

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

### **Financial Implications**

The Shire will be responsible for the Amendment report preparation, advertising and (if approved by the Minister for Planning) the Gazettal costs associated with this matter. This will be in the vicinity of \$3,000.

### **Strategic Implications**

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

### **Policy Implications**

There are no policy implications relevant to this matter.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr A Eyre

**SECONDED:** Cr P Foster

That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 24 ("draft Amendment No. 25") to Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") that proposes:

1. Introduce a revised provision Clause 7.5 as follows:

***"7.5 'Onslow Aerodrome Environs Area Special Control Area'***

***7.5.1 Objective***

***To control development within the Obstacle Limitation Surface to ensure the safety of airport operations and the ability to operate to its potential.***

***7.5.2 All new land use, development and structures including static and mobile towers and antennae, any alterations to roof lines and any increase in the height of a building or structure within the Obstacle Limitation Surface depicted on the Obstacle Limitation Surface Plan and shown in Appendix 12 as 'Obstacle Limitation Surface' shall be subject to the following: –***

- (a) Notwithstanding any other provisions of this Scheme, when considering development applications on land adjoining the 'Onslow Aerodrome Environs Area Special Control Area' or on land beneath the defined Obstacle Limitation Surface, the local government shall not determine the application without first seeking and receiving confirmation from the airport operator that approval of the proposed development will not adversely affect the airport's physical or operational integrity under any circumstances at any time in the future.***
- (b) Notwithstanding any other provisions of this Scheme, the local government shall not grant consent to any development unless it is satisfied, that such development will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity and may consult with and consider the advice of the Civil Aviation Safety Authority in making such determination.***
- (c) Development will not be permitted unless the proposed height of the development has been considered and approved by the Civil Aviation Safety Authority and any other relevant authority controlling airport operations.***
- (d) Illuminated signs, pylon signs above a roof line, flashing lights on buildings or land within the approach areas to the airport which are situated within, or adjacent to the Obstacle Limitation Surface, will not be permitted unless the proposed signs and lights have***

**MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

*been considered and approved by the Civil Aviation Safety Authority and any other relevant authority controlling airport operations.”*

2. Introduce *Appendix 12 ‘Obstacle Limitation Surface’* as depicted in ATTACHMENT 13.8.
3. Modify the Scheme Maps and Legend to delete reference to *‘Onslow Aerodrome Height Restrictions Area Special Control Area’* and replace with *‘Onslow Aerodrome Environs Area Special Control Area’*.
4. Modify the Scheme maps to reflect the correct positioning of the *‘Onslow Aerodrome Height Restrictions Area Special Control Area’*
5. That upon preparation of the necessary documentation, draft Amendment 25 be referred to the Environmental Protection Authority (EPA) for consideration, and on receipt of advice from the EPA indicating that the amendment is not subject to an environmental review, it be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967. In the event that the EPA advises that the draft Amendment is to be subject to an environmental review, this review is to be prepared by the Shire prior to advertising.
6. Request the Chief Executive Officer to refer draft Amendment No. 25 to the Department of Planning, Civil Aviation Safety Authority, Department of Transport and Department of State Development and the Department of Transport for comment and advice whilst referral is carried out to the EPA. Should modifications be suggested by either Department, the Chief Executive Officer be requested to refer the Amendment back to Council prior to advertising.

**CARRIED 7/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.10 AUTHORISATION OF OFFICER - RANGER

MINUTE: 11291

FILE REFERENCE: RS.BC.10

AUTHOR'S NAME AND POSITION: Morgwn Jones  
Supervisor of Emergency Services

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 September 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

This report is to revoke all authorisations issued to the previous Shire of Ashburton Ranger, Mr Brent Mark Stein and to authorise Mr Ashley Robbins the recently employed Shire Ranger as an Authorised Officer of the *Dog Act 1976* and other relevant *Acts* and *Local Laws* as detailed.

#### Background

This report is to ensure that all staff dealing with legal issues under the various Acts and Local Laws pertaining to the Shire of Ashburton are authorised to do so in accordance with the relevant Act or Local Law.

#### Comment

Mr Brent Stein, the former Shire of Ashburton Ranger based in Onslow has left the employment of the Shire and Mr Ashley Robbins has been appointed to the position on a three (3) month contract. In order for Mr Ashley Robbins to fulfill his duties as Ranger he needs to be appointed an Authorised Officer for the following Acts and Regulations and Local Laws:

- *"Dog Act 1976*
- *Animal Welfare Act 2002*
- *Litter Act 1979*
- *Bush Fires Act 1954*
- *Control of Vehicles (Off Road Areas) Act 1979*
- *Caravan and Camping Act 1995*
- *Cat Act 2011*
- *Local Government Miscellaneous Provisions Act 1960*
- *Local Government Act 1995*
- *Local Law Parking Facilities*
- *Planning & Development Act 2005*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- *Local Law Dogs*
- *Local Law Trading in Public Places*
- *Local Law Health*
- *Local Law Aerodromes*
- *Local Law Cats*

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

### Statutory Environment

- Dog Act 1976
- Animal Welfare Act 2002
- Litter Act 1979
- Bush Fires Act 1954
- Control of Vehicles (Off Road Areas) Act 1979
- Caravan and Camping Act 1995
- Cat Act 2011
- Local Government Miscellaneous Provisions Act 1960
- Local Government Act 1995
- Planning & Development Act 2005

### Financial Implications

Costs of advertising appointments.

### Strategic Implications

Shire of Ashburton Strategic Plan Goal 4 Distinctive and Well Serviced Places; Objective 2 Accessible and Safe Towns.

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr L Thomas

#### That Council:

1. **Revokes the authorisation of Brent Mark Stein as an Authorised Officer of the Shire of Ashburton.**
2. **Approve the authorisation of Ashley Robbins as an Authorised Officer for the relevant Act, Regulations and Local Laws.**
3. **Advertise the appointment in accordance with each Act, Regulation and Local Law.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 13.11 TOM PRICE SPORTS PAVILION - TENDER NO. RFT 05/12

**MINUTE:** 11292

**FILE REFERENCE:** EA.R.02659.000

**AUTHOR'S NAME AND POSITION:** Richard Repsevicius  
Special Projects Manager

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

**DATE REPORT WRITTEN:** 10 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Tenders were called for the Design and Construction of Tom Price Sports Pavilion on Lot 348 Stadium Rd. The Tenders closed at 2pm Friday, 31st August 2012. Tenders were opened at 3pm with seven (7) tenderers being formally received. The tenders have been formally assessed on the principles of the best value for the Shire of Ashburton.

#### **Background**

Tenders were called for the Design and Construction of Tom Price Sports Pavilion on Lot 348 Stadium Rd.

The Tenders closed at 2pm Friday, 31st August 2012. Tenders were opened at 3pm with seven (7) tenderers being formally received. The tenders have been formally assessed on the principles of the best value for the Shire of Ashburton.

The Tom Price Sports Pavilion is situated on the North West corner of the existing sporting oval and surrounding sports precinct. The proposed building is intended to replace the existing structure on the eastern side of the oval.

The new pavilion will provide tiered seating for approximately 100 people as well as additional informal seating on the grassed bank associated with the entry ramp. In addition, the facility incorporates a function space with viewing terrace, bathrooms, change rooms, Umpires facilities, kiosk, medical room, storage and meeting space - all to support the various sporting clubs who will occupy the building.

The location of the pavilion, in conjunction with the repositioning of the oval, takes advantage of a parcel of land that meets the viewing needs of spectators (relative to the centreline of the oval). It is also conveniently located at the closest end of the site to the Town Centre, contributing in a small way to the activation of the overall area. It also enjoys convenient proximity to existing parking facilities.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Comment

Tenders were assessed by Jeffrey Breen, Chief Executive Officer, Keith A. Pearson, Acting Manager Technical Services and Richard Repsevicius, Special Projects Manager.

The weighting range for the selection criteria is:

Price	40%
Design & Innovation	20%
Time Frame	15%
Previous similar Projects	10%
Whole of Life Cost / Sustainability	15%

### Tender Assessment

The following tenders were received:

Cooper & Oxley:	\$ 6,066 582
Badge Construction:	\$ 6,186 070
Gavin Construction:	\$ 6,218 637
Pindan Construction:	\$ 6,397 852
Parnell Building (Broome):	\$ 6,957 030
Wild Geese (N.T):	\$ 7,441 820
3D Build:	\$ 8,167 500

These tenders were assessed against the above criteria and summary of this assessment is an attachment.

### ATTACHMENT 13.11

Based on this assessment Cooper & Oxley are the preferred tenders

Varying design team nominations were received including 'In-house' design work. The preferred tenderer has nominated a reputable consultancy team and has broken down their Time Frame component to reflect a 30 week Construction Phase (from receipt of Building Permit). An anticipated completion date would therefore be approximately end of August 2013.

In performing due diligence on the preferred tenderer.

Contact has been made with:

1. Shire of Roebourne – Recently completed Design & Construct Contract (\$3.6mil) Bulgarra Community Centre, Karratha.
2. Shire of Northam – Recently completed D & C contract (\$7.2mil) Northam Recreation Centre, Northam.

NB: Both projects utilising the same Consultancy Team as per the Sports Pavilion

As well as:

\$72mil Derby Regional Prison,  
\$15mil Pundulmurra TAFE, Port Headland  
\$12mil Special Purpose Hostel, South Hedland,  
\$7mil Karratha Cinema Conversion

Favourable responses were received.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Consultation

Chief Executive Officer  
A/Executive Manager, Technical Services  
Roxby Architects

Numerous Stakeholder and 'Sports User Meetings' have been held throughout the design / tender period to ascertain the best possible outcome for both the Shire of Ashburton as well as the town's sporting groups.

### Statutory Environment

Not Applicable

### Financial Implications

Funding for the project has been provided for in the 2012/13 Budget.

Please note that the Resource Sector contribution needs to be formalised before construction can commence.

### Strategic Implications

This is consistent with Shire of Ashburton's 10 year Community Strategic Plan 2012 – 2022 Goal 1 Vibrant and Active Communities Objective 2 Active People, Clubs and Associations "Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs.

### Policy Implications

FIN12 – Purchasing & Tender Policy.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr I Dias**

**That Council:**

- 1) Nominate Cooper & Oxley as preferred tenderer.**
- 2) Delegate Authority to the Chief Executive Officer to negotiate and award the contract up to a value of \$6.5mil (incl GST).**

**CARRIED BY ABSOLUTE MAJORITY 6/1**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 14. OPERATIONS REPORTS

There were no Operation Reports at this meeting.

### 18. COUNCILLOR AGENDA ITEMS

#### 18.1 NAMELESS FESTIVAL PUBLIC HOLIDAY - TOM PRICE

**MINUTE:** 11295

**COUNCILLOR'S NAME:** Cr Peter Foster

**DATE REPORT WRITTEN:** 7 September 2012

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

#### **Issue**

Every year Tom Price hosts the Nameless Jarndunmunha Festival. This event has been progressively getting bigger and bigger each year. This year's festival spanned from the Festival Ball on Saturday 4 August 2012 to the Mini Olympics and Dog Show on Sunday 12 August 2012. Many residents of Tom Price are seeking permission to celebrate a Show Day or Local Public Holiday on the Monday following the Sunday's events in line with other Pilbara Towns.

#### **Reason**

Every year Tom Price hosts the Nameless Jarndunmunha Festival.

This event is run by local residents on a volunteer basis for the local community of Tom Price.

This year's Nameless Festival commenced on Saturday 4 August 2012 with the Nameless Festival Ball which attracted 250 Ball Guests.

The following week the Nameless Festival held various events including the Nameless Festival Art Exhibition which spanned from Tuesday 7th August to Saturday 11 August 2012.

Friday 10 August 2012 was the "official commencement" with Clem Thompson Oval in Tom Price hosting 90 market stalls including a variety of carnival rides. In the evening it played host to some top national entertainers and fireworks.

Saturday 11 August 2012 was "Street Parade" followed by a variety of local entertainment at the Clem Thompson Oval with the market stalls and carnival rides continuing to operate. Saturday again played host to some national entertainers. Both evenings finished around 12 midnight.

Sunday 12 August 2012 was "Family Day" with Clem Thompson being host this year to Mini Olympics and a Dog Show event, plus more entertainers, and the market stalls and carnival rides continuing.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The festival wrapped up at 3pm.

Monday 13 August 2012 was the pack up operation to get everyone off the oval prior to having the Clem Thompson Oval clean again for residents on the Tuesday 14 August 2012.

It is Tom Price's major event, and brings a big audience.

This year's event was the biggest yet - over 1000 coming out to watch the parade, with over 1000 seeing the entertainment on the Friday night and the Saturday night.

Comments made by the Nameless Jarndunmunha Festival Committee and Tom Price residents alike are that the festival is quite a big event, takes a lot of preparation and participation and leaves people feeling very tired and somewhat exhausted on the Monday.

By celebrating a Public Holiday on the Monday following the Festival it might give people a chance to rest and recover for work the following day, Tuesday.

Also celebrating a Public Holiday brings us into line with the other Pilbara towns which celebrate Local Public Holidays including Newman for their Fortescue Festival, Karratha for their Fenacle Festival, Port Hedland for their Cup Day, and Broome with their Cup Day.

A lot of carnival and market stalls tend to stay around in Tom Price on the Monday and as long as they possibly can to sell their unique wares, and by giving them an extra day to trade or travel might increase their capability to generate income, and in turn, give Tom Price residents some extra time in which to purchase their wares.

This suggestion has already been discussed with a variety of stakeholders in town with positive feedback, and such, propose this agenda item for discussion.

### **Councillor Recommendation**

That Council:

1. Support in principle a "Local Public Holiday" for Tom Price residents to celebrate Nameless Jarndunmunha Festival.
2. Delegate to the CEO to investigate what is involved with celebrating a local public holiday on the Monday following the Nameless Festival Sunday, and report back to Council what is involved.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### RESPONDING OFFICER

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**FILE REFERENCE:** CS.CE.01.00

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

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

**DATE REPORT WRITTEN:** 10 September 2012

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Comment**

In a Shire as large as the Shire of Ashburton there may be a need for separate holidays for different towns to celebrate their own particular event.

Council may need to consider whether this is appropriate for towns that have strong linkages and are relatively close e.g. Tom Price and Paraburdoo.

It is usual that the Queen's Birthday holiday occurs on the first week of the September/October school holidays and altering dates may affect holiday arrangements. It may be appropriate to alter recommendation two to commence a community consultation process to identify the support for such a proposal.

#### **Policy Implications**

There is no policy on this matter.

#### **Financial Implications**

There will be costs associated with community consultation and advertising the change of date (if the matter proceeds).

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012 - 2022  
Goal 01 Vibrant and Active Communities, Objective 4 a Rich Cultural Life.

#### **Statutory Environment**

Section 8 of the Public and Bank Holidays Act 1972 allows the Governor of WA to proclaim another day instead of the Queen's Birthday holiday. The Department of Commerce administers this Act.

The Department of Local Government generally issue a circular late in the preceding year advising submission may be made from Local Governments to change the Queen's Birthday holiday.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Submissions to the Department of Commerce must:

- a) outlines the reason for the change;
- b) identifies the boundaries of the area that will be affected by the change (if it is other than the local government's boundary); and
- c) Includes advice on community consultation undertaken and the extent of agreement reached on the proposed alteration to the date.

### **Voting Requirement**

Simple Majority Required

#### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr A Eyre**

**That Council:**

- 1. Support in principle a "Local Public Holiday" for Tom Price residents to celebrate Nameless Jarndunmunha Festival.**
- 2. Delegate to the CEO to investigate what is involved with celebrating a local public holiday on the Monday following the Nameless Festival Sunday, and report back to Council what is involved.**
- 3. Authorise the CEO to commence a community consultation process to identify support for this proposal in the Tom Price Community, and report back to Council with the results.**

**CARRIED 7/0**

#### **REASON FOR CHANGE OF RECOMMENDATION:**

Council requested that community consultation be commenced.

#### **Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr L Thomas**

**That Council adjourn for a break at 6.20 pm.**

**CARRIED 7/0**

#### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Wright**

**That Council reconvene from a break at 6.36 pm.**

**CARRIED 6/0**

Cr Dias left the room at 6.36 pm.

**Declaration of Financial Interest**

In accordance with Section 5.60(a) of the Local Government Act 1995 Cr Dias, Cr Wright and Cr Foster declared a direct financial interest in Agenda Item 18.2. The nature of their interest being Cr Dias is an employee of Pilbara Iron (Rio Tinto Pty Ltd) and is also a shareholder of Rio Tinto Pty Ltd, Cr Wright is an employee of Pilbara Iron (Rio Tinto Pty Ltd), Cr Foster has a partner who is an employee of is an employee of Pilbara Iron (Rio Tinto Pty Ltd) and also resides in a home owned by Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Dias, Cr Wright and Cr Foster to debate and vote on Agenda Item 18.2. The Minister's written approval for Cr Wright and Cr Foster to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. The approval is only valid for the Ordinary Meeting of Council to be held on 19 September 2012;
2. Both Councillor Dennis Wright and Councillor Peter Foster declare the nature and extent of their interest at the Council Meeting when these items are considered together with the approval provided;
3. The CEO is to provide a copy of the Department's letter advising of the approval to both Councillor Dennis Wright and Councillor Peter Foster;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these items are discussed.

The above approval allows the Shire to achieve a quorum to consider the 2 abovementioned items. In view of this, the Director General did not consider it necessary to allow Councillor Ivan Dias to participate in the discussion and decision making in this instance and has declined to approve the request to allow him to participate.

ATTACHMENT 18.2

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 18.2 PARABURDOO CARAVAN PARK - SPECIAL APPROVAL FOR LONG TERM STAY

**MINUTE:** 11296

**COUNCILLOR'S NAME:** Cr Ivan Dias

**DATE REPORT WRITTEN:** 31 August 2012

**DISCLOSURE OF FINANCIAL INTEREST:** The author has direct financial interest in this matter being an employee and shareholder of RTIO

#### **Issue**

Cr Dias was advised prior to the agenda item being tabled at the Ordinary Meeting of Council 19 October 2011 that the requirement of Special Approval for Long Term Stay could be put into the Memorandum of Understanding (MOU) with Rio Tinto Pty Ltd (RTIO).

Cr Dias was advised by a RTIO representative that the requirement was modified in the MOU due to Cr Dias' request. Cr Dias has advised that the RTIO representative had requested an explanation and wanted to know the reason, and also to explain his apprehension for the modification to the MOU.

#### **Reason**

Due to an acute shortage of accommodation at Paraburadoo, there is a need for the availability of affordable long term accommodation. Some people have advised that they would like to start a private small business in town and or work for private businesses while living in Paraburadoo, but are unable to do so due to no affordable accommodation.

RTIO is concerned that as has happened in Tom Price people stay in the Caravan park long term, pick up jobs on the mine and then start pressurising RTIO for regular accommodation, some have even taken up the issue with the media putting RTIO in bad light and RTIO would like to avoid a repeat of the same, RTIO is reluctant to accommodate the long term residency option.

To cater to both (people needing affordable long term accommodation and RTIO), Cr Dias has suggested requesting RTIO to make long term accommodation available with strict conditions. These conditions would include persons staying in the long term accommodation including any persons residing with them are not permitted to be in any FIFO work arrangement and / or are not permitted to work on the mine site or directly or indirectly for RTIO. Any breach would terminate their residency agreement. The advantages of having some long term residence is that besides helping small business in finding a reliable workforce they will treat the park as their home and provide some consistency to the surrounds. It will also help the community by having more local residents. Should RTIO have any other reservations this can be discussed with the Council.

#### **Councillor Recommendation**

The Chief Executive Officer to liaise with RTIO with the possibility of limited long stay under strict special guidelines as stated below. Any breach would terminate their residency agreement.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Any person staying in the long term accommodation arrangement including any persons residing with them:

- Are not permitted to be a FIFO employee.
- Are not permitted to work on the Gt Paraburdoo or Tom Price Mine sites.
- Are not permitted to directly or indirectly work for RTIO or their subsidiaries.

The above was in the original MOU between RTIO and the Shire but was deleted without notice to Council.

### RESPONDING OFFICER

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<b>FILE REFERENCE:</b>	PA.CM.0001
<b>AUTHOR'S NAME AND POSITION:</b>	Jeffrey Breen Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Cr Ivan Dias
<b>DATE REPORT WRITTEN:</b>	10 September 2012
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.3, (Minute No: 11050), Ordinary Meeting of Council 19 October 2011

### Background

At the Ordinary Meeting of Council 19 October 2011 Council an Agenda Item 'Paraburdoo Caravan Park' was considered. Part of that report stated:

*"An opportunity has arisen whereby Council can ensure the service is available, yet can isolate itself from any operating financial cost or risk.*

*RIO Tinto has identified a need to provide a site for accommodation trailers for staff required to undertake various temporary projects and activities. Rio Tinto would likely move the trailers around the Pilbara depending on where the need arose. These trailers can be fully self contained and could not be compared to transportable accommodation cabins or "dongers". They fit more appropriately into the caravan/RV category.*

*Rio Tinto intend to build an ablutions block that would provide Male and Female showers, toilets and washing machines fully connected to the sewer facilities in Paraburdoo; sewer services are reasonably available on this site.*

*The previous caravan park is an ideal site for this service. Discussion has been held between Rio Tinto and the Shire of Ashburton about how this site could be used for the transportable accommodation trailers, given the lease currently held by the Shire.*

*These discussions have progressed to a point where Rio Tinto would be willing to allow public use of these facilities for Caravans and RVs.*

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

*The proposal is that the Council agrees to hand the lease of the site back to Rio Tinto, on condition that an agreement is entered into to ensure that Rio Tinto:*

- *Applies for and receives a development permit for a Caravan/RV site that includes an ablution block with shower, toilet and washing facilities and a public sewer dump point for caravans and RVs;*
- *Undertakes the development of the site within six months of the agreement;*
- *Provides an area of the land that caters for a minimum of 10 private caravan or RV sites;*
- *Will allow advertising of the availability to the public and will manage bookings for the site;*
- *Allow public bookings to be up to a maximum of 14 days, unless by separate arrangements or agreements, but does not allow any permanent accommodation; and*
- *Agrees to provide a public caravan/RV service for a period of no less than 10 years."*

Council resolved:

*"That Council:*

1. *By mutual agreement with the landlord, agrees to hand back the lease of 1 Camp Road Paraburdoo, subject to Rio Tinto:*
  - *Developing a caravan/RV/transportable accommodation trailer facility on the property, including ablution facilities for toilets, showers and washing services;*
  - *Applying for and receiving a development permit for the facility;*
  - *Agreeing to provide a minimum of 10 public caravan park sites and a public sewerage dump points for tenants and non tenants, with Rio Tinto to manage all bookings and able to recover reasonable costs;*
  - *Allowing advertising of the public use, and for accommodation duration of up to 14 days;*
  - *Not permitting permanent accommodation on the site;*
  - *Agreeing to have the facility operational within six months of Council agreement or such other extension as Council reasonably allows;*
  - *Agrees to make the public sites available for a minimum of 10 years; and*
  - *Entering into a memorandum of understanding with the CEO catering for the above services."*

### **Comment**

There is anecdotal evidence that there is an acute shortage of accommodation at Paraburdoo.

RTIO has advised that they are endeavouring to release residential land to enable interested parties to construct accommodation in Paraburdoo.

At the Ordinary Council Meeting of 19 October 2012 Council agreed to hand back the lease of 1 Camp Road, Paraburdoo, subject to Rio Tinto including:

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

- *Allowing advertising of the public use, and for accommodation duration of up to 14 days;*
- *Not permitting permanent accommodation on the site.”*

The CEO has negotiated a Memorandum of Understanding with RTIO as per the resolution of Council of which there was no condition of allowing special of approval long term stays.

However, Cr Dias has requested that special approval for long term accommodation now be made available at the caravan park.

### Consultation

A/Executive Manager, Technical Services  
RTIO

### Policy Implications

There are no policy implications.

### Financial Implications

Within Budget.

### Strategic Implications

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

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr D Wright**

#### That Council:

1. **Directs the Chief Executive Officer to negotiate with RTIO to add a condition into the MOU for special approval for long term stay.**
2. **Discuss with RTIO when the Paraburdoo Caravan Park is opening to tourists.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

### REASON FOR CHANGE OF RECOMMENDATION:

**Council wishes to be informed when the Paraburdoo Caravan Park will be open to the public.**

Janyce Smith left the meeting at 6.40 pm.

Janyce Smith entered the meeting at 6.40 pm.

Cr Dias entered the room at 6.41 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 18.3 REVIEW OF OCEAN VIEW CARAVAN PARK FEE

**MINUTE:** 11297

**COUNCILLOR'S NAME:** Cr Kerry White

**DATE REPORT WRITTEN:** 12 September 2012

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

#### **Issue**

A number of Onslow businesses have approached me and have stated that they cannot afford the increase in the weekly permanent rate, that Council approved at the August 2012 Council Meeting.

#### **Reason**

It is important to support the small and local businesses of Onslow.

#### **Councillor Recommendation**

Council give a 25% reduction to all permanents for the next twelve months– to be reviewed In the 2013/14 Budget.

### RESPONDING OFFICER

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**FILE REFERENCE:** SE.R.04405.000  
OR.MT.2

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

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

**DATE REPORT WRITTEN:** 12 September 2012

**PREVIOUS MEETING REFERENCE:**

Ordinary Meeting of Council 16 May 2012 (Minute: 11205)  
Ordinary Meeting of Council 20 June 2012 (Minute: 11220)  
Ordinary Meeting of Council 18 July 2012 (Minute: 11236)  
Ordinary Meeting of Council 15 August 2012 (Minute: 11267)

#### **Background**

At the 15 August 2012 Ordinary Meeting of Council, Council approved the following Occupancy Plan and the corresponding fees and Charges -

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

1. the Ocean View Caravan Park occupancy plan which states –
  - i. 40 Permanents all year round.
  - ii. 45 tourist bays held for the “peak tourist” months of June, July and August
  - iii. 15 bays that are for casual hire.
  - iv. all non-permanent bays being available to the resource sector or local business outside of the above listed “peak tourist” months.

### Fees and Charges

Current Description	Current Fee	Proposed Description	New	Proposed Fee
Powered Site	\$ 45.00	Powered Site – Tourist Peak Season (No weekly or pensioner charge) / Short Term Off Season. (Night, Week, 2 weeks)		\$45.00
Unpowered Site	\$ 40.00	Powered Site – Off Peak – Periodic Site agreement (Long term arrangement)		\$500.00 p/wk for first room and \$75.00 p/wk for each room after that.
Camping Site	\$ 45.00	Unpowered Site/ Camping Site <b>**Availability subject to power upgrade</b>		\$40.00
Permanents Site	\$300.00 per week + \$ 10.00 per power	Fixed Term Site – under Lease Agreement.  <b>** Subject to power upgrade – Power to be metered from then on and billed accordingly.</b>		\$400.00 per week+ \$ 35.00 per power
Tourist Weekly Charge - Pensioner	\$200.00 per week incl of power	Tourist Weekly Charge - Pensioner <b>**This is available to long serving visitors who have received discount to date – confirmation to be requested from previous owners</b>		\$250.00 per week incl of power
Cabins – Nightly Charge	\$125.00	Cabins – Nightly Charge <b>** no concessions – this includes servicing twice weekly.</b>		\$125.00
Gas Refill – 9kg bottle	\$ 37.00	Gas Refill – 9kg bottle		\$ 40.00
Casual Shower	\$ 2.00	Casual Shower		\$ 5.00

At this meeting it was stated that whilst the Council administration recognised that this was a significant increase in the weekly permanent fee, the Council did in fact need to ensure an



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

increase in revenue to help fund the anticipated costs and that this seemed the most reasonable place to source the funding from.

Council was also presented with an anticipated budget for the 2012/2013 financial year as provided below -

<b>Job</b>	<b>2011/12 Budget</b>	<b>2011/12 YTD Actuals</b>	<b>2012/13 Budget</b>
<b>5057 + Ocean View Caravan Park</b>	<b>12,000</b>	<b>(18,032)</b>	<b>105,842</b>
<b>Operating Expenditure</b>	<b>37,000</b>	<b>4,834</b>	<b>650,842</b>
11349490 - Ocean View Caravan Park GEN	<b>30,000</b>	<b>4,834</b>	<b>343,842</b>
B438 - Ocean View Caravan Park Includes all park maintenance, minor fitting and fixtures, replacement of extinguishers etc, pest management, minor upgrade to manager's house.	<b>30,000</b>	<b>4,834</b>	<b>150,000</b>
O438 - Ocean View Caravan Park Includes Power, electricity, communication charges	<b>0</b>	<b>0</b>	<b>193,842</b>
11349510 - Minor Assets GEN Computers, replacement of minor plant	<b>0</b>	<b>0</b>	<b>7,000</b>
11349770 - Salaries & Superannuation GEN	<b>0</b>	<b>0</b>	<b>200,000</b>
11350970 - WORKS PROG/Ocean View C/Park GEN	<b>7,000</b>	<b>0</b>	<b>100,000</b>
<b>Operating Income</b>	<b>(25,000)</b>	<b>(22,866)</b>	<b>(1,000,000)</b>
<b>11321880 - OCEAN VIEW CARAVAN PARK INCOME GEN</b>	<b>(25,000)</b>	<b>(22,866)</b>	<b>(1,000,000)</b>
Asset Expansion/Upgrade	<b>0</b>	<b>0</b>	<b>455,000</b>
11342550 - Asset Expansion Ocean View C/Park Land & Buildings GEN Includes – <ul style="list-style-type: none"> <li>• Purchase of the existing buildings, washing machines.</li> <li>• Power Upgrade</li> </ul>	<b>0</b>	<b>0</b>	<b>455,000</b>
BE438 - Ocean View Caravan Park Upgrade	<b>0</b>	<b>0</b>	<b>455,000</b>

It was anticipated from the budget provided that the Caravan Park would start off in a reasonable financial position - \$105, 842.00 in deficit. This deficit then increased to \$255,842.00, when Council endorsed the expenditure of \$150,000.00 to provide a Manager's housing solution (August 2012 Council Meeting).

It was also discussed that other costs allocated were likely to increase or go over budget as it had been hard to assess the age and therefore ongoing maintenance that would be required to operate the Park.

**ATTACHMENT 18.3**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Comment

It is important to note that at official handover on the 3 September 2012, it became apparent that some businesses had only been paying a weekly fee of \$150.00 a week. This information had not been provided to the Council Administration prior to this. It has now been confirmed that 4 individuals and or businesses were paying less than the reported \$300.00 a week.

Please note that the reduction is proposed to be applicable to existing permanentists as of the 3 September 2012 only. The proposed 25% reduction in the permanent weekly fee (affecting approximately 40 users) will see the weekly rate returned to \$300.00 per week. This is an annual \$208,000.00 reduction in the income forecast for the Park. This would increase the Park's anticipated annual deficit to \$463,842.00.

It must also be noted that some costs are becoming more and more apparent and it is likely that Council will be requested to endorse further increases in expenditure as approved by Council at the 15 August 2012 Council Meeting in Onslow.

### Consultation

Chief Executive Officer  
Executive Manager, Strategic and Economic Services  
Executive Manager, Corporate Services

### Financial Implications

The proposed 25% reduction in the permanent weekly fee will see the weekly rate returned to \$300.00 per week. This is an annual \$208,000.00 reduction in the income forecast for the Park. This would increase the Parks anticipated annual deficit to \$463,842.00.

In order to fund the proposal Council will need to consider the following -

- At the November review consider the removal of projects to fund this deficit.
- Draw loan funds to cover the capital expenditure to be incurred by the Park.

### Strategic Implications

2012 – 2022 SOA Community Strategic Plan – Goal 02 – ENDURING PARTNERSHIPS;  
*Objective 03 – Well Managed Tourism: Review and Plan for the need for increased tourism accommodation, camping grounds and associated facilities.* – Desired Outcome - Tourism benefiting communities and the Shire as a whole.

### Policy Implications

Nil Applicable

### Voting Requirement

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr D Wright**

#### That Council:

1. **Endorses the 25% reduction in the permanent weekly fee for permanents existing at 3 September 2012, only until the end of September 2013.**
2. **Council accepts that a further \$208,000 will be added to the deficit will be incurred in the 2012/13 budget.**

**CARRIED BY ABSOLUTE MAJORITY 5/2**  
**Crs White, Fernandez, Dias, Wright and Thomas voted for the motion.**  
**Crs Foster and Eyre voted against the motion.**

Janyce Smith left the meeting at 6.42 pm.

Janyce Smith entered the meeting at 6.44 pm.

## 17. CONFIDENTIAL REPORTS

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

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

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

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED: Cr Fernandez**

**SECONDED: Cr Wright**

**That Council close the meeting to the public at 7.00 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 7/0**

Amanda O'Halloran left the meeting at 7.00 pm.

Amanda O'Halloran entered the meeting at 7.00pm.

### Declaration of Interest

**Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 17.1 in accordance with Section 5.60B of the Local Government Act. The interest being proximity.**

Cr White left the meeting at 7.01 pm.

In the absence of the Deputy President the Acting/Chief Executive Officer called for nominations for a Presiding Officer.

### Council Decision

**MOVED: Cr I Dias**

**SECONDED: Cr D Wright**

**That Cr Dias act as the Presiding Officer for Agenda Item 17.1.**

**CARRIED 6/0**

Keith Pearson, Amanda O'Halloran, Deb Wilkes, Rob Paull, Janyce Smith, Kaylani Cortesi and members from the public left the meeting at 7.02pm.



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

**MOVED:** Cr Fernandez

**SECONDED:** Cr Wright

**That Council re-open the meeting to the public at 7.19 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 6/0**

Cr White entered the meeting at 7.20 pm.

Keith Pearson, Amanda O'Halloran, Rob Paull, Janyce Smith, Kaylani Cortesi and members from the public entered the meeting at 7.20 pm.

Cr White resumed the chair.

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

#### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr C Fernandez

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

- 16.1 SHIRE OF ASHBURTON FIVE (5) FORWARD CAPITAL WORKS PLAN 2010/2011 TO 2014/2015 – AMENDMENT**
- 16.2 DIGITAL TELEVISION SWITCHOVER**
- 16.3 DRAFT LOCAL PLANNING POLICY – CONSIDERATION OF GROUP HOUSING DEVELOPMENT AND BEDROOMS**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 16.1 SHIRE OF ASHBURTON FIVE (5) FORWARD CAPITAL WORKS PLAN 2010/2011 TO 2014/2015 - AMENDMENT

**MINUTE:** 11299

**FILE REFERENCE:** OR.IG.1.7

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

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

**DATE REPORT WRITTEN:** 17 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.12.80 Ordinary Meeting Of Council 15 December 2010

#### **Summary**

At Council's December 2010 Ordinary Council meeting the Shire of Ashburton Forward Capital Works Plan (FCWP) was adopted. This Plan is a prerequisite for obtaining funding under the Royalties for Regions Program.

In applying for funding for the Paraburdoo Town Centre Re-vitalisation project it was discovered that the timing for the project did not match those proposed in the FCWP.

The purpose of this item is to amend the FCWP so funding approvals can be obtained for the Paraburdoo Town Centre Re-Vitalisation.

It should be noted that under the Integrated Planning process the FCWP will be incorporated into the future Asset Management Plan.

#### **Background**

At Council's December 2010 Ordinary Council meeting the Shire of Ashburton Forward Capital Works Plan (FCWP) was adopted. This Plan is a prerequisite for obtaining funding under the Royalties for Regions Program.

In applying for funding under for the Paraburdoo Town Centre Re-vitalisation project it was discovered that the timing for the project did not match those proposed in the FCWP.

The FCWP show the Paraburdoo Town Centre Re-vitalisation project occurring in 2010/11 with it being finalised in 2011/12.

A number of reasons have caused the project to be delayed. These included the delay on completing and acquitting the first Country Local Government Funding projects, considerable



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

resources drain involved with the Final Investment Decision of the Wheatstone project, other construction projects such as the land subdivision in Tom Price and Tom Price Town Centre and lack of availability of suitably qualified staff to manage the project.

The purpose of this item is to amend the FCWP so funding approvals can be obtained for the Paraburdoo Town Centre Re-vitalisation.

### **Comment**

It should be noted that under the Statutory Integrated Planning Process the FCWP will be incorporated into the Asset Management Plan (AMP)

Staff have been working on preparing the AMP and whilst incorporating the projects contained in the FCWP have not actively reviewed the FCWP.

The proposed amendment will simply allow the funding for Paraburdoo Town Centre Re-vitalisation project. Without the amendment funding will not be provided.

### **Consultation**

Chief Executive Officer  
Department of Regional Development and Lands

### **Statutory Environment**

Not Applicable

### **Financial Implications**

Councils 2012/13 Budget includes expenditure of over \$1m for the Paraburdoo Town Centre Re-vitalisation project with other negotiations occurring with other partners for additional contributions.

This project is fully funded by Country Local Government Fund. If the variation to the LCWP is not approved the project should not progress.

Under the Country Local Government Fund, Council is guaranteed funding of \$1,137,000. All we need to do is specify what works we intend to complete and obtain approval from the Royalties for Regions program.

### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan 2012 – 2022 Goal 4 Distinctive and Well Served Places; Objective 1 Quality Public Infrastructure.

### **Policy Implications**

Not Applicable

### **Voting Requirement**

Simple Majority Required

**MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

**Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That Council amend the Shire of Ashburton Forward Capital Works Plan (2010/11 to 2014/15) and reschedule the Paraburdoo Town Centre Re-vitalisation Project from 2010/11 and 2011/12 to 2012/13.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 16.2 DIGITAL TELEVISION SWITCHOVER

**MINUTE:** 11300

**FILE REFERENCE:** UT.CO.02.00

**AUTHOR'S NAME AND POSITION:** Zoe McGowan  
Project Officer

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

**DATE REPORT WRITTEN:** 16 September 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 16.1 Ordinary Meeting of Council 15 February 2012 Minute No. 11132  
Agenda Item 16.1 Ordinary Meeting of Council 15 August 2012 Minute No. 11264

#### **Summary**

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

This report is to outline the costs associated with upgrading Onslow's Self Help transmission site and requires Councils direction on the way forward.

#### **Background**

The Shire of Ashburton currently operates a self – help retransmission equipment and tower which provides analog television services to the Onslow Township.

With the digital switchover taking effect from 25 June 2013, Council has the option to upgrade the self – help transmission tower and retransmit the VAST satellite service or to have households install their own VAST set top box and apply for the Satellite Subsidy Scheme.

Onslow's self - help tower and equipment is currently managed and maintained by the Shire of Ashburton. Should Council elect to continue to be a re-transmission site for digital TV, any equipment upgrade will be at Councils cost and ongoing maintenance and operating expenditure will need to be factored into future budgets.

The alternate option is to have VAST set top boxes installed by individual households and a subsidy claimed from the Australian Government to assist with associated costs. The administration has registered Onslow for the Satellite Subsidy Scheme (SSS) to ensure that households are able to access the government rebate should Council elect not to upgrade the site.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

Applications for the SSS opened in Western Australia on the 10<sup>th</sup> September 2012, with Bindi Bindi being identified as a Remote Indigenous Community (RIC), and will not be required to make any contribution towards the installation costs.

Council has previously considered this matter at its February 2012 Ordinary Council meeting and decided to:

*“That Council endorse Option One – That Council switches off the self-help tower in Onslow and opt Onslow into the Satellite Subsidy Scheme.”*

Again at its August 2012 Ordinary Council meeting and decided to:

*“That Council;*

- 1. Receives the Onslow digital TV upgrade progress report.*
- 2. Directs the CEO to report back to the September 2012 Ordinary Meeting of Council following the report of costs for self – help transmission.”*

### **Comment**

The Shire has received a petition from the community outlining its concerns with the option to install the VAST set top box in individual households. Cr White has also indicated that Council would like to see the matter reviewed in its entirety.

For an informed resolution to be made, the administration has sourced detailed quotes on the upgrade of Onslow's self – help site, and an assessment on the existing tower and its ability to support such an upgrade has been investigated.

### **Self – help television retransmission equipment upgrade**

Two companies submitted quotes for the upgrade of Onslow's Self – Help transmission equipment. Information received indicate that costs will be in the vicinity of \$145,000-\$155,000 for the upgrade, with ongoing maintenance and operating costs to be at the expense of Council and in addition to the quoted figure.

It is also mandatory that should Council elect to upgrade Onslow's self- help site, the administration will need to apply to the Australian Communications and Media Authority (ACMA) for permission to retransmit digital TV. Terms of the application state that any upgrade to Digital Self – help retransmission services are as follows;

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

Many companies have packages that can support the upgrade however ensuring that these guidelines are met are essential for the issue of the broadcasting licence and for quality of retransmission.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### **Tower**

The overall structure of Onslow's current communication tower is vital to be able to support the re-transmission of digital TV. Crown Castle was approached to assess the existing tower, ensuring that it would support the upgrade, and to review its structural integrity.

The assessment was completed on the 5 September 2012 and findings were that the middle of the tower is currently overloaded at 125% and the top of the tower is overloaded 225%. It also found that the tower foundation was overloaded in excess of 100% resulting in an increased chance of failure in an adverse weather event.

The recommendation from Crown Castle was "that the tower be upgraded immediately to bring the identified overloaded members back to 100% or less in accordance with the Australian Design Standards." By upgrading this will mean that the connections will not be overloaded, as indicated in red in Crown Castle's report.

### **ATTACHMENT 16.2**

There are 2 options being researched going forward – Lease space off existing or new tower providers (this will incur an ongoing lease fee) or construct own tower (which will incur capital investment). Administration will report back to Council as soon as definite costings are available.

### **Consultation**

Gavin Oakes

Digital Switch Over Task Force

Department of Broadband, Communications and the Digital Economy

Luke Ryan

Digital Switch Over Task Force

Department of Broadband, Communications and the Digital Economy

Scott Robson

National Program Manager

Castle Crown

Shirley Brown

Group Business Director

WIN network

Masoud Rasouli

Account Manager

Commercial Broadcast Australia

Executive Manager, Strategic & Economic Development

Executive Manager, Corporate Services

### **Statutory Environment**

Radio Communications Act 1992

Tele Communications Act 1997

Broadcasting Services Act 1992

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Financial Implications

Quotes received to date are indicating costs of approximately \$145,000 - \$155,000 for the analogue to digital switchover, with ongoing maintenance and operating costs of approximately \$20,000 per annum. It needs to be noted that a confirmed cost won't be available until a tender process is complete. Once these final accurate costs are determined there are a number of avenues of funding open to Council.

Council's 2012/13 Budget has not provide for this expenditure and either projects need to be cut or additional funding be provided.

A number of options exist:

1. A number of Council projects are grant funded so there are limited opportunities for reviewing these projects:
2. Another alternative is to raise a loan to fund the project.

As the raising of loans was not provided for in the 2012/13 Budget, Council will need to resolve to raise the loan, advertise its intention to do so seeking public comment, assess those comments, if any, before it can draw down the funds. (Section 6.20 Local Government Act 1995)

Under Section 6.38 Local Government Act 1995 (LGA) Council is able to raise a service charge to meet the cost of prescribed activities. Under Regulation 54 **Error! Use the Home tab to apply Name of Act/Reg to the text that you want to appear here.** A prescribed activity is Radio & Television rebroadcasting. In effect this regulation enables us to recoup the costs of providing a Radio and Television broadcasting service form the area in which the service is provided.

In past operational costs have been met by as part of Councils normal operations and a service charge has not been raised however if significant capital costs are incurred it may be equitable to seek a contribution from those residents that will benefit from that service.

An analysis of the land usage in Onslow reveals the following breakdown. This breakdown can be useful in determining who could contribute to a service charge.

Rate Code	Rate Description	Code	Land Usage	Number
11	Residential		Rural	1
11	Residential		Industrial	1
11	Residential		Residential	247
11	Residential		Non Rateable	3
14	Commercial		Commercial	7
14	Commercial		Tourism	17
14	Commercial		Residential	1
18	Industrial		Commercial	1
18	Industrial		Industrial	37
			Total	315

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

If we assume all residential properties and all commercial properties will access the service a total of 277 properties could contribute.

Based on a 5 year loan at interest rate of 3.5% with semi annual payments and a principal of \$155,000 the annual repayment per assessment is approximately \$123 per year for five years.

A 10 year loan with the same parameters would mean an annual repayment per assessment of approximately \$66 per year for 10 years.

It should be noted that this does not include tower constructions costs. If the tower is used for other purposes then perhaps a lesser amount would require funding.

The capital costs can also be allocated on a valuation basis. Those properties with a higher valuation would contribute proportionally higher than those with a lower valuation.

3. Seek external Grant funding eg Community Development Fund, BHP Social Investment etc...

It is proposed that operational costs be borne by the whole Shire as with other operational costs.

However in order to progress this matter accurate and final costings are required. When these have been obtained and another agenda item will be prepared for Council.

### **Strategic Implications**

2012 – 2020 Strategic Community Plan – Goal 4 – Distinctive and well serviced places; Objective 1 :- Quality Public Infrastructure - Provide and maintain affordable infrastructure that services the current and future needs of the community, environment, industry and business.

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

As a revocation of a previous motion is being recommended. Under Regulation 10 Local Government (Administration) Regulations 1996 indicates that one third of the members of Council (whether vacant or not) inclusive of the mover must support the revocation. In the case of the Shire of Ashburton that means 3 Councillors must support the motion before it can be dealt with.

**MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012**

**Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That Council:**

- 1. Rescinds previous decision from February 2012 Meeting (minute 11132)**

**“That Council endorse Option One – That Council switches off the self-help tower in Onslow and opt Onslow into the Satellite Subsidy Scheme.”**

**CARRIED BY ABSOLUTE MAJORITY 5/2  
Crs White, Fernandez, Dias, Wright and Thomas voted for the motion.  
Crs Foster and Eyre voted against the motion.**

**Council Decision**

**MOVED: Cr C Fernandez**

**SECONDED: Cr D Wright**

**That Council:**

- 1. Direct the CEO to call for tenders for the purchase and ongoing management of the digital retransmission equipment.**
- 2. Directs the CEO to explore options for the upgrade of the Onslow tower to enable Digital re transmission.**
- 3. Directs the CEO to investigate the funding arrangements for this project and report back to Council.**

**CARRIED BY ABSOLUTE MAJORITY 6/1**



## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### 16.3 DRAFT LOCAL PLANNING POLICY - CONSIDERATION OF GROUP HOUSING DEVELOPMENT AND BEDROOMS

**MINUTE:** 11301

**FILE REFERENCE:** PS.DV.22.00

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

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

**DATE REPORT WRITTEN:** 18 September 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

With the resource development in the Pilbara, the Shire is aware that there is strong demand on the availability of housing for both resource companies, their contractors and the like. The result has been the use of houses for purposes including offices and boarding houses. In these circumstances, rooms that may have been referred too as 'store', or 'home theatre', or 'study' or the like will be counted used as bedrooms.

The Shire has prepared a draft Local Planning Policy which seeks to ensure that rooms within group dwellings are not readily established by occupants for additional bedrooms which in turn, will impact car parking and result in amenity concerns.

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

It is recommended that draft *Local Planning Policy – Consideration of Group Housing Development and Bedrooms* be advertised for 21 days in accordance with the Scheme and should there be no objection, the Chief Executive Officer be authorised to approve the Policy.

#### **Background**

With the resource development in the Pilbara, the Shire is aware that there is strong demand on the availability of housing for both resource companies, their contractors and the like. The result has been the use of houses for purposes including offices and boarding houses. In these circumstances, rooms that may have been referred too as 'store', or 'home theatre', or 'study' or the like will be counted used as bedrooms. Generally, this has been restricted to single houses on single lots.

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

The result does impact the amenity of towns due to parking and noise issues, however, with the increased development potential for group housing, the negative impacts will be exacerbated or a densely developed site.

### ATTACHMENT 16.3

#### **Comment**

The Shire is seeking to ensure that rooms within group dwellings are not readily established by occupants for bedrooms which in turn, will impact car parking and result in amenity concerns. In this regard, rooms within the group housing unit defined as 'store', 'home theatre', 'study' or the like will be counted as bedrooms.

In addition, the maximum number of bedrooms the Shire will support for a group housing unit will be 4 bedrooms, unless the applicant can demonstrate that additional car parking is available on the site to cater for the use of these rooms for accommodation.

#### **Consultation**

A/Chief Executive Officer  
A/Executive Manager, Technical Services

Should Council wish to proceed with the proposed Local Planning Policy, it will need to be advertised for 21 days in accordance with the Scheme.

#### **Statutory Environment**

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

#### **Financial Implications**

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

#### **Strategic Implications**

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

#### **Policy Implications**

If the local planning policy is approved, the Shire will determine applications in accordance with the policy.

#### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

### Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

#### That Council:

1. Adopts the draft '*Local Planning Policy – Consideration of Group Housing Development and Bedrooms*' as a draft Local Planning Policy under the provisions of accordance with clause 2.31 of the Scheme.
2. Subject to no objection being received during the consultation period, the Chief Executive Officer is authorized to adopt '*Local Planning Policy – Consideration of Group Housing Development and Bedrooms*' and publish the adoption in accordance with the Scheme.

CARRIED 6/0

Cr Wright left the meeting at 7.36 pm.

Cr Wright entered the meeting at 7.38 pm.

Cr Eyre gave a special thanks to Shire staff for all of their work and effort.

### 19. PILBARA REGIONAL COUNCIL REPORT

There was no report presented to Councillor regarding the Pilbara Regional Council Meeting.

### 20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 17 October 2012, at the Meeting Room, Community Recreation Centre, Tom Price commencing at 1.00 pm.

### 21. CLOSURE OF MEETING

The Shire President closed the meeting at 7.39 pm.