



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**Public Document**

**Ashburton Hall, Ashburton Avenue,  
Paraburdoo**

**20 June 2012**

# MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 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 20 June 2012 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

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

The Shire President declared the meeting open at 1.01 pm.

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

The Shire President welcomed Ian Yull from Chevron, Australia, Christopher Cottam and Chris Clark from Department of State Development, Jenny Fisher from BHP, Paul Omodei and members of the public to the meeting.

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr L Shields	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr J Breen	Chief Executive Officer
Mr F Ludovico	Executive Manager, Corporate Services
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr G Brayford	Executive Manager, Technical Services
Ms D Wilkes	Executive Manager, Community Development
Mr R Paull	Principal Town Planner
Mrs J Brayford	CEO & Councillor Support Officer
Ms F Bentley	Community Liaison Co-ordinator

#### 3.2 **APOLOGIES**

Ms F Keneally Executive Manager, Operations  
Cr Fernandez was not present at the start of the meeting.

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

There were no approved Leave of Absence.

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 4. QUESTION TIME

#### Council Decision

**MOVED: Cr Shields**

**SECONDED: Cr Foster**

**That Council suspend standing orders for Cr Shields to provide a response to Public Question 18b tabled at the Ordinary Meeting of Council 16 May 2012 in regard to the proposal from Gumala to build Seniors units next Tom Price Hospital.**

**CARRIED ABSOLOUTE MAJORITY 8/0**

#### **Cr Shields response to Q18b**

Gumala Aboriginal Corporation is currently planning to build an elderly complex on land near the Tom Price Hospital.

Progress to date:

1. Land tenure is still being negotiated with RTIO.
2. An architect has been engaged for the design and construction of the project.
3. Funding for the project has been confirmed.
4. It is expected that if all goes to plan, construction will begin by the end of the year.

#### Council Decision

**MOVED: Cr Foster**

**SECONDED: Cr Eyre**

**That Council reinstate standing orders.**

**CARRIED ABSOLOUTE MAJORITY 8/0**

### 4.1 PUBLIC QUESTION TIME

At the Ordinary Meeting of Council held on 20 June 2012, the following questions were taken on notice and a written response will be provided.

Dias tabled the following question on behalf of Dave Mausfield

**Q1. The verge of the Coles Express entry is in a very poor state. I believe it is Shire area. Is the shire planning to do some repair or maintenance to the area?**

Cr Foster tabled the following question on behalf of Michelle Dudfield.

**Q2. When will the bicycle racks be installed in the Tom Price Mall? Currently there is nowhere to safely leave and secure your bicycle whilst shopping.**

Cr Foster tabled the following question from Steve and Leanne Schneider.

**Q3. We have a suggestion for Council, and we will also be addressing this issue with other Councils on our travels – all towns need somewhere for travelling businesses to park up.**

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Could businesses use the local Drive – In area in Tom Price? This would enable car parking for customers, safety for customers etc. Are there toilet/shower facilities in town that the business owners could use? Of course it would pay for services system, somewhere to plug into power, use toilets etc.

We have extended our stay in TP, however when discussing this with Council reception staff today, they were aware of any information they should provide to us. I think an information pack should be available when applying or paying fees for the Traders permit, eg Local emergency phone numbers, where the public facilities in town are, where the rubbish can be disposed of etc etc.

Cr Foster tabled the following question from Sarah Kemp on behalf of Tom Price & Paraburdoo Business Association.

- Q4. Last week at the Tom Price and Paraburdoo business Association committee meeting Sergeant Dan Anderson from the Tom Price police Station spoke at length with local businesses relating to concerns on recent theft and vandalism incidents that have occurred in the town centre of Tom Price. Can the Shire inform the TPPBA if there is intent to install CCTV into the town centre and if yes what the time frame on this will be?**

Cr Foster tabled the following question from Sarah Kemp on behalf of Tom Price Tidy Town Committee.

- Q5. At the Council Meeting of the 16 May 2012 Council resolved 'to consider any variations to its waste Management and Recycling Strategy amongst other priorities, when it receives the Community Plan and then defines its Corporate plan'.**
- **Can the Tidy Towns Committee view the current Waste Management and Recycling Strategy referred to in this statement?**
  - **What would the timeframe of a review of the current Waste Management and Recycling Strategy be, will there be the opportunity for community input into this strategy and when would it be completed by?**

Rumours persist from numerous sources that claim they have seen the recycling collected at the Tom Price Recycling Pod disposed of with general waste at the rubbish dump. Many people put significant effort into collecting; sorting and dropping off their recycling at the Pod and these rumours are disheartening and discouraging to those that already recycle and to potential new recyclers.

To put these rumours to bed, would it be possible for the Shire to release copies of transport and recycling receipts for recycling taken from the pod to date? An additional suggestion would be using the Inside Ashburton to publish a running tally of recycling completed to date by weight and type.

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

At the Ordinary Meeting of Council held on 16 May 2012, the following questions were taken on notice and a written response has been provided.

**Q1a. What is the Shire's current waste management policy, specifically related to recycling and waste minimisation?**

**Q1b. Is kerb side recycling being considered?**

**Q1c. What programs are the Shire currently looking at in this area?**

#### **Response**

On the 16 May 2012 an Agenda item regarding the viability into kerb side recycling in Tom Price was put forward to Council. Council resolved to consider any variations to its Waste Management and Recycling Strategy amongst other priorities, when it reviews the Community Plan and then defines its Corporate Plan. You can view this Agenda item on the Shire website under Publications/Agenda and Minutes 2012.

**Q18a. RE: Replacing vehicles for new ones. What process are we using for selling the old ones? Auction as it was before. If not can you inform me what process will be as some people may be interested in paying perhaps the same amount of \$ money that we receive if we trade them in.**

#### **Response**

Vehicles are normally disposed of through auction in Perth. This has been found to be the most cost-effective manner for disposal. Local tenders can and have been utilised where interest has been expressed for the purchase of vehicles.

**Q18b. I would like to know the progress of the proposal from Gumala Corporation to build Seniors units next to Tom Price Hospital. Have they presented plans and designs? Have they a deadline for completion, if not can Shire set up a time frame as I am concern of the elder fragile health need of the project ASAP. I have been approached by the Health and other service providers who are capable to run it and able to build soon if necessary.**

#### **Response**

The construction of Seniors Units by Gumala is not a Shire matter, therefore the Shire has no control over this project other than that afforded through the statutory planning and building process. Preliminary discussions with Gumala regarding drainage have occurred but no formal application has been received.

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

No application for Leave of Absence was received.

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



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### 6.1 PETITIONS

Cr White tabled a petition from Melita Raynor, Tom Price Taekwondo and asked for staff follow up on the issues raised.

### 6.2 DEPUTATIONS

There were no deputations presented to Council.

### 6.3 PRESENTATIONS

Ian Yull made a presentation to Council on an update of the Wheatstone Development Plan and Site works.

Christopher Cottam and Chris Clark spoke to Council on the planning conditions relating to Hooley Creek.

## 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 7.1 ORDINARY MEETING OF COUNCIL HELD ON 16 May 2012

#### Council Decision

**MOVED:** Cr Foster

**SECONDED:** Cr Eyre

**That the Minutes of the Ordinary Meeting of Council held on 16 May 2012, as previously circulated on 29 May 2012, be confirmed as a true and accurate record.**

**CARRIED 8/0**

## 8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

No announcements were made by the Shire President.

## 9. DECLARATION BY MEMBERS

Cr's White, Rumble, Foster, Shields, Dias, White, Thomas and Wright stated that they had given due consideration to all matters contained in the Agenda before the meeting.

### 9.1 DECLARATION OF INTEREST

#### Councillors to Note

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

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

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

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 CATTLE GRID - CAMP ROAD PARABURDOO

MINUTE: 11208

FILE REFERENCE: PA.CM.0000

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

NAME OF APPLICANT/  
RESPONDENT: Cr Ivan Dias

DATE REPORT WRITTEN: 9 June 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

The cattle grid on Camp Road Paraburdoo is in urgent need of replacement to stop cattle straying into town which poses a risk to the residents and infrastructure.

Escalating the issue to the Hon. Troy Buswell Minister for Transport; Housing; Emergency Services is recommended.

#### Background

The issue of straying cattle in the streets of Paraburdoo has been a significant issue for many years.

The grid was removed in 2010 as it was beyond repair and posed a safety risk. The grid was "replaced" with painted lines that have proven to be ineffective to constrain cattle at this location.

Agreement has been reached with RTIO regarding fencing of the town in early 2011. MRWA Pilbara Region agreed to replace the cattle grid on Camp Road however this has not been carried out to date.

Cr Dias, Cr Rumble and Shire administration have lobbied MRWA to have this work completed. The response has been that it is to be budgeted.

#### Comment

In spite of continued lobbying of MRWA Pilbara Region the cattle grid on Camp road Paraburdoo has not been replaced.

It is time to escalate the issue to the Minister for Transport.

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### **Consultation**

Cr Dias

### **Statutory Environment**

Not Applicable

### **Financial Implications**

Not Applicable

### **Strategic Implications**

Not Applicable

### **Policy Implications**

Not Applicable

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr Rumble**

**SECONDED: Cr Eyre**

#### **That Council:**

- 1. Is concerned about straying cattle in Paraburdoo particularly with regard to safety of residents and damage to infrastructure.**
- 2. Strongly supports the replacement of the cattle grid in Camp Road Paraburdoo .**
- 3. Directs the CEO to write to the Hon. Troy Buswell Minister for Transport; Housing; Emergency Services requesting urgent action on the replacement of the cattle grid in Camp Road Paraburdoo.**

**CARRIED 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 10.2 REST STOPS ON MAIN ROADS

**MINUTE:** 11209

**FILE REFERENCE:** RO.NWCH

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

**NAME OF APPLICANT/RESPONDENT:** Cr Peter Foster

**DATE REPORT WRITTEN:** 9 June 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Rest stops on main roads such as Karijini Drive are in a dilapidated state and need improvement.

Urgent action is required and it is recommended that the CEO write to the Hon. Troy Buswell Minister for Transport; Housing; Emergency Services seeking Support.

#### **Background**

Cr Forster has recently raised the issue of the poorly maintained state of rest stops on main roads within the Shire.

#### **Comment**

Rest stops on main roads such as Karijini Drive, Great Northern Highway North west Coastal Highway, Great Northern highway and Tom Price Paraburdoo Road, etc are the responsibility of MRWA.

Many of these stops are in poor condition with the structure dilapidated, graffiti present and rubbish, including tyres, syringes , glass, etc evident.

These stops provide an extremely poor image of our Shire and a low level of amenity for the travelling public.

It is recommended that this issue be brought to the attention of the Hon. Troy Buswell Minister for Transport; Housing; Emergency Services.

#### **Consultation**

Cr Foster

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### **Statutory Environment**

Not Applicable

### **Financial Implications**

Not Applicable

### **Strategic Implications**

Provide for an adequate level of amenity for tourists and travelers generally.

### **Policy Implications**

Not Applicable

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr Foster**

**SECONDED: Cr Eyre**

#### **That Council:**

- 1. Is concerned about poor state of repair and maintenance of MRWA rest stops.**
- 2. Strongly supports the upgrade of these facilities and improvements to their ongoing maintenance.**
- 3. Directs the CEO to write to the Hon. Troy Buswell Minister for Transport; Housing; Emergency Services requesting urgent action on the upgrade of MRWA rest stops and improvements to the ongoing maintenance.**

**CARRIED 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 11. CORPORATE SERVICES REPORTS

#### 11.1 ANNUAL ELECTORS MEETING MINUTES

MINUTE: 11210

FILE REFERENCE: OR.MT.1

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

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 June 2012

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

PREVIOUS MEETING REFERENCE: Minute 11169 Ordinary Council Meeting 18 April 2012.

#### Summary

The minutes of the 2010/11 Annual Electors' Meeting are presented to Council.

#### Background

The 2010/11 Annual Electors' Meeting for the Shire of Ashburton was held on 16 May 2012 and the minutes of the meeting are attached for Council information

#### ATTACHMENT 11.1

#### Comment

The minutes of the 2010/11 Annual Electors' Meeting are present to Council for their receipt and to discuss any issues that arose.

#### Consultation

Internal consultation between the CEO and the Executive Management Team

#### Statutory Environment

Under Section 5.33 of the Local Government Act 1995 all decisions made at an Electors' Meeting are to be considered at the next Ordinary Meeting of Council.

#### Financial Implications

There is no financial implications relative to this issue.

#### Strategic Implications

Strategic Plan 2007 – 2011 (Plan for the Future) Objective 6 – A Well Managed and Contemporary Corporation: Deliver effective and accountable governance, widely recognisable for high calibre staff, services, processes and interaction with key stakeholders.

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### **Policy Implications**

There is no Council policy relative to this issue

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr Wright**

**SECONDED: Cr Dias**

**That Council receive the minutes of the 2010/11 Annual Electors' Meeting held on Wednesday 16 May 2012.**

**CARRIED 8/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 11.3 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF APRIL AND MAY 2012

**MINUTE:** 11211

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

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

**NAME OF APPLICANT/RESPONDENT:** Nor Applicable

**DATE REPORT WRITTEN:** 10 June 2012

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

#### **ATTACHMENT 11.3A**

#### **Comment**

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

##### **April 2012**

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

##### **May 2012**

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

#### **ATTACHMENT 11.3B**

- Schedule of Accounts paid under delegated authority.

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ATTACHMENT 11.3C

### Consultation

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

### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

There are no strategic implications relevant to this issue.

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr Shields**

**SECONDED: Cr Eyre**

**That Council receive the Financial Reports for April 2012 and Schedule of Accounts and Credit Card Statements for May 2012.**

**CARRIED 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 11.4 PROPOSED DIFFERENTIAL RATES 2012/2013

**MINUTE:** 11226

**FILE REFERENCE:** FI.RA.00.00

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

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

**DATE REPORT WRITTEN:** 7 June 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.06.32 Ordinary Meeting of Council 17 June 2008.  
Agenda Item 16.10.66 Ordinary Meeting of Council 27 October 2009.  
Agenda Item 12.10.66 Ordinary Council Meeting 17 June 2010.  
Agenda Item 12.06.30 Ordinary Council meeting 15 June 2011

#### **Summary**

This agenda item discusses the rate increase for the 2012/2013 Financial Year.

It is recommended that Council adopt an increase in rating income of 12%.

The reasons for this increase include an 11% decrease in Federal Government Assistance Grant, increased maintenance on assets and great activity in all areas of the Council operations.

It should be noted that the Shire wide land revaluation has meant that individual rate categories have been model so that all rate categories contribute relatively equally to the increase.

In the event of Council adopting the proposed rates the Shire's total rate income will be \$11,889,739 for the year, an increase of \$1,279,240.

The proposed rate schedule must be advertised for 21 days prior to its adoption in its existing, or modified form. It is also necessary to obtain the Minister for Local Government's approval due to proposed differential rate being more than twice the lowest differential rate to be imposed. This approval is required prior to the rates in the dollar are finally adopted by Council.

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### Background

At Council June 2008 meeting (Item 12.06.32) the Officers report relating to rates settings for the 2008/09 Financial Year, stated in part:

*"It is further proposed that Council shift the significant weighting of rates collected from the individual "town based" rate payer to the mining and industrial sector..."*

It was in this context that Council adopted a strategy of increasing the total rate income from GRV properties and UV rated Rural Pastoral properties by 5 percent, which was slightly above the Perth CPI for the period of 4.4 percent, and increasing rates for the UV rates Mining Leases by 25 percent in the dollar in an attempt to address the fact that Urban GRV rated properties, in particular were paying a disproportionate portion of the Shires total rate income, despite the fact *"that much of Council infrastructure is being developed to meet the demands of the mining industry"*.

This strategy has been continued for the 2012/13 Budget.

An additional factor affecting the determination of rates for 2012/13 was the GRV revaluation that will be effective from 1 July 2012.

This Revaluation resulted in GRVs increasing from \$44.5 million to \$116.4 million an increase of 161% overall. Individual locality valuations increased as follows:

Locality	Old Valuation	New Valuation	% Change
Ashburton	\$136,420	\$112,700	-17%
Onslow	\$5,219,660	\$14,114,074	170%
Pannawonica	\$4,890,539	\$11,377,490	133%
Paraburdoo	\$10,840,892	\$21,501,240	98%
Tableland	\$231,124	\$454,579	97%
Tom price	\$23,265,391	\$68,887,790	196%
<b>Total</b>	<b>\$44,584,026</b>	<b>\$116,447,873</b>	<b>161%</b>

Another analysis of the effect of the revaluation on different type of rating activities also reflects significant variation from the previous values.

Rating Activity	Old Valuation	New Valuation	% Change
Commercial/Civic	\$8,522,649	\$15,839,744	86%
Community	\$179,000	\$393,560	120%
Industrial	\$706,914	\$3,025,005	328%
Non rateable	\$759,698	\$1,035,410	36%
Residential Development	\$54,300	\$121,920	125%
Residential	\$34,016,165	\$95,484,234	181%
Tourism	\$345,300	\$548,000	59%
<b>Total</b>	<b>\$44,584,026</b>	<b>\$116,447,873</b>	<b>161%</b>

The changes in valuations will mean any adjustment in rates in the dollar will have differing effect in each of the rating categories and across different towns.

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It is interesting to note that if we levied rates using the 2011/12 rates in the dollar and the new valuations, our rating income would rise from \$10.5million received in 2011/12 to \$16.3million - a change of 55%, coming almost entirely from GRV properties.

It should also be noted that Councils Financial Assistance Grant (Federal Funding) has reduced from \$3,461,418 to \$3,069,441, a decrease of 11.32% or \$391,977.

### Comment

Detailed below is a comparison of Rates raised or levied over the last three years:

<b>Income Comparison</b>						
	<b>Actual Rates Raised</b>				<b>Rates Levied</b>	
	<b>2009/10</b>	<b>%</b>	<b>2010/11</b>	<b>%</b>	<b>2011/2012</b>	<b>%</b>
GRV	\$3,419,768	46.4	\$3,623,289	42.2	\$3,704,375	43.2
UV Rural	\$176,483	2.4	\$191,586	2.2	\$182,926	2.1
UV Industrial and Mining (including Interim Rating \$1.16m in 2009/2010)	\$3,739,621	50.7	\$4,724,441	55.1	\$5,715,820	66.6
UV Tourism	\$36,721	0.5	\$41,609	0.5	\$41,555	0.5
<b>Total Levied</b>	<b>\$7,372,593</b>	<b>100</b>	<b>\$8,580,925</b>	<b>100</b>	<b>\$9,644,676</b>	<b>112.4</b>
% Change from Previous year	22%		16%		12%	
\$ Change from Previous year	\$1,343,050		\$1,208,332		\$1,063,751	

Note as a result an interim valuation received after rates were levied actual income for 2011/12 is approximately \$0.9million higher than the Levied amount (ie approximately \$10.6million). Council used this "windfall" at its 2011/2012 Budget Review to discontinue the raising of budgeted borrowings.

In order to consider any increases the following table reflects important indices for Local Government. The Consumer Price Index measures the change in prices on a selected basket of goods or services.

The Local Government Cost Index measures inflation that applies to goods and services utilised by Local Government sector in particular.

The values of these two indices are detailed below:

<b>Indices</b>	<b>Actual 2009/10</b>	<b>Actual 2010/11</b>	<b>Forecast 2011/12</b>	<b>Forecast 2012/13</b>
Consumer Price Index	3.5	2.9	3.25	3.5
Local Government Cost Index	1.1	2.2	3.2	4.0

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Council is also experiencing additional pressures arising from the activity in the Shire. The unprecedented influx of infrastructure funding has increased workloads in many areas has necessitated the employment and accommodation of more and highly skilled staff.

Once these new facilities have been created additional maintenance and running costs are incurred (the development of the Asset Management Plan, Workforce Plan and Long Term Financial Plan will highlight these issues).

With the implementation of the Organisational Re-Structure great activity is occurring across the whole Shire.

As previously noted the decrease in Federal Assistance Grants of \$391,977 means that 4% increase in rates is required to meet this short fall.

With this in mind the following modelling was undertake:

• Scenario 1:	0% increase in the rates in the dollar for both GRV and UV, ie rates in the dollar are not increased
• Scenario 2:	Income increased by 10%
• Scenario 3:	Income increased by 12%
• Scenario 4:	Income increased by 15%
• Minimum Rate	\$550.00 (previously \$530 in 2010/2011 and 2011/12)

The outcomes of these alternative scenarios are as listed below:

Description	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Total GRV	\$9,731,582	\$4,114,962	\$4,166,576	\$4,285,310
Total UV	\$7,073,825	\$7,564,996	\$7,723,163	\$7,919,862
<b>Total</b>	<b>\$16,805,407</b>	<b>\$11,679,958</b>	<b>\$11,889,739</b>	<b>\$12,205,172</b>
% Overall Change from Forecast 2011/2012	56%	10%	12%	15%
\$ Overall Change from 2011/2012	\$6,194,908	\$1,069,459	\$1,279,240	\$1,594,673

It is considered that Scenario 3 is responsible balance between sharing the rate burden and ensuring that the Shire is adequately funded to meeting works programs and community service obligations.

In order to achieve an overall increase of 12% and to account for the revaluations that have occurred, individual rate categories have been modeled so that all rate categories contribute relatively equally to the increase. This has meant that instead of one GRV code to cover all GRV properties, different rate categories have been used.

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It would also follow the policy direction set in 2008/2009 by “*shift the significant weighting of rates collected from the individual “town based” rate payer to the mining and industrial sector...*”

The table below shows how Council has implement this policy direction.

<b>Valuation Method</b>	<b>2009/10</b>	<b>2010/11</b>	<b>Forecast 2011/12</b>	<b>Proposed 2012/13</b>
Gross Rental Value	46%	44%	35%	35%
Unimproved Value	54%	56%	65%	65%

The rates settings adopted by the Council need to be advertised Statewide for a 21 day period prior to the adoption either in their existing, or modified form. It is also necessary to obtain the Minister for Local Government’s approval due to the differential rate being more than twice the lowest differential rate to be imposed.

The first day it is possible to publically advertise the proposed rates in dollar, is Saturday 24 June 2012 and allowing for 21 days, the advertising would be completed on 16 July 2012. After allowing time for Ministerial approval this would allow Council to adopt the 2012/13 Budget at a Special Meeting of Council in late July 2012.

### **Consultation**

CEO

Executive Managers

Department of Local Government

### **Statutory Environment**

*Local Government Act* 1995, Part 6, Division 6 – Rates and Service Charges, Sections 6.32, 6.33, 6.35 and 6.36.

- Section 6.32 of the *Local Government Act* 1995 provides Council with the power to apply rates to property;
- Section 6.33 of the *Local Government Act* 1995 provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;
- Section 6.35 of the *Local Government Act* 1995 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land;
- Section 6.36 of the *Local Government Act* 1995 requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.

Part 5 of the *Local Government (Financial Management) Regulations* 1996.

### **Financial Implications**

The rate level set by Council will underpin its ability to provide services and facilities for the 2012/13 Financial Year and into the future.

### **Strategic Implications**

The rate level adopted by Council will affect the Shire’s ability to deliver on all aspects of the Strategic Plan.

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### Policy Implications

There are no Council Policy Implications relative to this issue.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr Dias

**SECONDED:** Cr Foster

**That Council:**

1. Advertise its intention, in accordance with section 6.36 of the *Local Government Act* 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2012/13 Financial Year:

Rate Code	Cents in the Dollar GRV	Cents in the Dollar UV
Residential GRV	3.3400	
Residential Development GRV	3.8419	
Commercial Civic	4.6600	
Tourism	5.9280	
Community	3.8862	
Industrial	2.0100	
UV Pastoral		2.7792
UV Rural/Commercial		30.7500
UV Rural/Industrial		30.7500
UV Rural/Tourism		13.5052
UV Mining Leases		30.7500
Minimum Rate:	\$550.00	

2. Apply to the Minister of Local Government and Regional Development to approve Council in imposing the Schedule of Rates outlined in point 1 above.
3. Call a Special Meeting of Council for the purpose adopting the Draft 2012/13 Budget.
4. That the Council authorise the CEO to determine the date, time, and place of the Special Meeting.
5. That Council approve the use of instantaneous communications for the Special Meeting in the following locations: Tom Price Council Chambers, Onslow Shire Office and Pannawonica Library.

LOST 5/3



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**Council Decision**

**MOVED: Cr Foster**

**SECONDED: Cr Wright**

**That Council suspend standing orders in order to allow members to discuss Agenda Item 11.4 Proposed Differential Rates 2012/2013.**

**CARRIED BY ABSOLOUTE MAJORITY 8/0**

**Council Decision**

**MOVED: Cr Rumble**

**SECONDED: Cr Eyre**

**That Council reinstate standing orders.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Council Decision**

**MOVED: Cr Dias**

**SECONDED: Cr Foster**

**That Council:**

- 1. Advertise its intention, in accordance with section 6.36 of the *Local Government Act* 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2012/13 Financial Year:**

<b>Rate Code</b>	<b>Cents in the Dollar GRV</b>	<b>Cents in the Dollar UV</b>
<b>Residential GRV</b>	<b>3.4369</b>	
<b>Residential Development GRV</b>	<b>3.9650</b>	
<b>Commercial Civic</b>	<b>4.8045</b>	
<b>Tourism</b>	<b>6.0868</b>	
<b>Community</b>	<b>4.0300</b>	
<b>Industrial</b>	<b>2.0950</b>	
<b>UV Pastoral</b>		<b>2.8650</b>
<b>UV Rural/Commercial</b>		<b>31.5500</b>
<b>UV Rural/Industrial</b>		<b>31.5500</b>
<b>UV Rural/Tourism</b>		<b>13.8948</b>
<b>UV Mining Leases</b>		<b>31.5500</b>
<b>Minimum Rate:</b>	<b>\$550.00</b>	

- 2. Apply to the Minister of Local Government and Regional Development to approve Council in imposing the Schedule of Rates outlined in point 1 above.**
- 3. Call a Special Meeting of Council for the purpose adopting the Draft 2012/13 Budget.**

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- 4. That the Council authorise the CEO to determine the date, time, and place of the Special Meeting.**
- 5. That Council approve the use of instantaneous communications for the Special Meeting in the following locations: Tom Price Council Chambers, Onslow Shire Office and Pannawonica Library.**

**CARRIED BY ABSOLUTE MAJORITY 5/3  
Crs Rumble, Thomas and White voted against the motion.  
Cr's Shields, Wright, Dias Eyre and Foster voted for the motion.**

**Reason for change of recommendation: Council believed that additional revenue was needed to meet expected expenditure for 2102/2013.**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

#### 12.1 REQUEST FOR EXTENSION OF TIME FOR SETTLEMENT OF LOT 604 ROCKLEA ROAD, PARABURDOO

**MINUTE:** 11225

**FILE REFERENCE:** PA.RC.0604

**AUTHOR'S NAME AND POSITION:** Anika Serer  
Land Development and Marketing Manager

**NAME OF APPLICANT/RESPONDENT:** Better Builders (WA)

**DATE REPORT WRITTEN:** 7 June 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 16.05.08 Ordinary Council Meeting 18 May 2011  
Agenda Item 10.02.03 Ordinary Council Meeting 16 Feb 2011  
Agenda Item 13.13.03 Ordinary Council Meeting 16 Mar 2011  
Agenda Item 13.11.68 Ordinary Council Meeting 17 Nov 2010  
Agenda Item 13.11.69 Ordinary Council Meeting 17 Nov 2010  
Agenda Item 12.02.09 Ordinary Council Meeting 13 Feb 2007

#### **Summary**

Better Builders (WA) were awarded Tender RFT03/11 to purchase Lot 604 Rocklea Road, Paraburdoo for the sum of \$805,000 at the Ordinary Council Meeting held on 16 February 2011.

The Tenderer requested an extension of settlement until 30 June 2012 or 30 days after rezoning of the property from Public Purposes-Community to Residential R50 (whichever occurred first) as they were unable to obtain finance under the current zoning, which was granted at the Ordinary Council Meeting held on 18 May 2011.

Better Builders (WA) are now requesting a further extension of 90 days for settlement of the property, being 30 September 2012, due to an unforeseen contract cancellation with a local company and the need to secure other purchasers to commit to their planned development.

They are also seeking approval to erect signage on the site advertising Expressions of Interest from local buyers.

#### **Background**

A Request for Tender was issued on 22 January 2011 for purchase of Lot 604 Rocklea Road, Paraburdoo for a lump sum price. Two tenders were received for the sums of \$250,000 and \$805,000 respectively, with the Tender being awarded at the Ordinary Council Meeting on 16 February 2011 to Better Builders (WA) as the highest bidder.

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The property is currently being rezoned from 'Public Purposes – Community' to 'Residential R50' as approved at the Ordinary Council Meeting held on 17 November 2010. Amendment No.7 to the Shire of Ashburton Local Planning Scheme and Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo were adopted by Council at the Ordinary Council Meeting held on 16 March 2011 to be advertised concurrently for 42 days and referred back to Council for consideration prior to final adoption.

Upon final adoption by Council, the decision whether to grant approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC. This process generally takes around six (6) months but an outcome has not been received as yet.

The purchasers forwarded correspondence to the CEO on 20 April 2011 advising that their finance applications had been declined by two major lenders based on the current zoning of the land. Their request to alter the conditions of sale was approved by Council at the Ordinary Meeting held on 18 May 2011, subject to the following conditions:

1. Deposit to be increased from \$80,500 to \$125,000 within 10 business days of acceptance of these conditions;
2. The deposit of \$125,000 paid 28 June 2011 will not be refundable to the purchaser in the event that the sale is terminated or settlement is unable to take place, and will be paid to the Shire of Ashburton;
3. Additional payment of \$50,000 to be made to Shire of Ashburton as compensation for deferred settlement, to be payable at the time of settlement;
4. Better Builders (WA) to be granted possession of property to enable development and construction of the land to commence following satisfaction of the above conditions;
5. Settlement to take place on 30 June 2012 or 30 days after the property has been rezoned to Residential R50, whichever occurs earlier;
6. Better Builders (WA) to be responsible for the payment of all rates, taxes, levies and utilities applicable to the property from the date vacant possession is granted.

Since that time Better Builders (WA) entered into a Memorandum of Understanding with a local company to develop the site in accordance with their accommodation needs. Plans were developed to meet the company's scope and were being finalised in readiness to execute a construction contract, however, the MOU has recently been terminated by the other party as they have altered their housing strategy.

Better Builders (WA) is now seeking a further extension of settlement of 90 days, being 30 September 2012, to enable them to secure other partners in the development. They are also seeking permission to engage a real estate agent to market the proposed development and erect signage on the site to attract local buyers.

### **Comment**

Better Builders (WA) are keen to develop the site as soon as possible and have developed plans for fourteen 3brm, 2bth townhouses and seven 3brm, 2bth townhouses with home office facilities. The development will expand the Paraburdoo community, providing modern accommodation and business opportunities for companies based in the region.

The proposed development takes into consideration the Rocklea Road frontage of the site and focuses on creating an attractive entry statement into the town centre.

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### Consultation

Chief Executive Officer  
Principal Town Planner  
LJ Hooker Settlements

### Statutory Environment

Local Government Act 1995 S3.58 – Disposing of Property

### Financial Implications

80% of the proceeds of the sale of the property are proposed to be used to further fund the Revitalisation Project in Paraburdoo, with the remaining 20% to be allocated to General Revenue.

If the request by Better Builders (WA) to extend the settlement date is not considered favourable then the second Tender submission of \$250,000 could be reconsidered however this represents a reduction of \$555,000 and does not represent good value.

### Strategic Implications

The sale will assist in achieving the focus as stated in the Shire's Strategic Plan 2007-2011:  
*"Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire".*

### Policy Implications

None anticipated

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr Dias**

**SECONDED: Cr Shields**

**That Council accepts the request by Better Builders (WA) to extend the settlement date for sale of Lot 604 Rocklea Road, Paraburdoo to 30 September 2012; and grants permission for them to engage a real estate agent to market the proposed development and erect signage on the site at their own expense.**

**CARRIED 6/2**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 13. TECHNICAL SERVICES REPORTS

#### 13.1 PROPOSED HELICOPTER HANGAR AND HELIPORT AT LOT 58 (RESERVE 40965) TOM PRICE-PARABURDOO ROAD, TOM PRICE

**MINUTE:** 11224

**FILE REFERENCE:** RE.EA.R.40965

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

**NAME OF APPLICANT/RESPONDENT:** Neal Kent of Compasswest Helicopters (Kent Contracting)

**DATE REPORT WRITTEN:** 10 June 2012

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

**PREVIOUS MEETING REFERENCE:** 13.02.08 Ordinary Meeting of Council 16 February 2011

#### **Summary**

At the Council meeting of 16 February, 2011, Council considered a request from Kent Contracting to establish a heliport within the Tom Price environs. The desire of proponent was to be located as close to Tom Price as possible in order to provide the opportunity for tourist flights, corporate/company use and emergency operations. Three possible sites under the control of the Shire that could be suitable for assessment were:

- within the Speedway (concrete pad).
- disused Archery site.
- golf course (abutting the Telstra site).

Kent Contracting made application with the Shire for a helicopter hangar and heliport at Lot 58 (Reserve 40965) Tom Price-Paraburdoo Road, Tom Price in June 2011. Further information was required to be provided and in March 2012, the Application was advertised for 14 days in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7. The application was referred to residential land owners in the general area, along with agencies including Main Roads WA and CASA.

Two objections were received in the form of a joint letter signed by over 130 persons and one from RTIO, generally on grounds of impaired amenity due to the operation of the heliport.

The applicant was advised of the grounds of objection and given an opportunity to respond. The Applicant has advised the Shire that the proposal has been withdrawn. It is recommended that Council note the withdrawal and notify submitters.

#### **Background**

At the Council meeting of 16 February, 2011, Council considered a request from Kent Contracting to establish a heliport within the Tom Price environs.

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

The desire of proponent was to be located as close to Tom Price as possible in order to provide the opportunity for tourist flights, corporate/company use and emergency operations. Three possible sites under the control of the Shire that could be suitable for assessment were:

- within the Speedway (concrete pad).
- disused Archery site.
- golf course (abutting the Telstra site).

### Proposal

Kent Contracting made application with the Shire for a helicopter hangar and heliport at Lot 58 (Reserve 40965) Tom Price-Paraburdoo Road, Tom Price in June 2011. Further information was required to be provided and in March 2012, the Application was advertised for 14 days in accordance with the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The application was referred to residential land owners in the general area, along with agencies including Main Roads WA and CASA.

### ATTACHMENT 13.1A

### Comment

Two objections were received in the form of a joint letter signed by over 130 persons and one from RTIO generally on grounds of impaired amenity due to the operation of the heliport as follows:

- *A large number of people are on day/night rosters. We need to understand the potential impact of likely flight paths. Can the applicant provide this detail? There is limited detail provided in the Social Impact Statement (SIS), e.g. the applicant states the following, 'location being just out of town away from residential built up areas, minimising disturbance'.*
- *What is the distance from the proposed helipad to the closest residential property? It appears to be close to the existing Tom Price residential properties.*
- *How high in the air will the helicopter travel to take passengers sightseeing, e.g. 1000ft? This may give us a greater idea of the potential noise impacts. Has any noise modelling been undertaken?*
- *What are the proposed hours of operation? Including:*
  - *days of operation;*
  - *hours of operation per day;*
  - *length of time per flight;*
  - *intervals between each flight, e.g. length of time it will take for passenger drop off and pick up; and*
  - *number of flights per day.*
- *How will passengers be picked up?*
- *Is there any other options/areas for the applicant to operate the helicopter business from i.e. can the business operator fly from Paraburdoo Airport or the old disused airstrip south of Tom Price?*
- *In the SIS, under Section 3(B) it indicates '1 Pilot. 1 Ground crew during peak seasons'. Can the applicant indicate the timeframe of the peak season period?*
- *The helicopter may cause dust and this could impact surrounding businesses including the golf course and go kart club. How will the applicant mitigate this issue?*
- *How will the shire ensure the Tom Price residents quality of life is not negatively impacted from the proposed business?*
- *What measures will the applicant/shire put in place? E.g. has the applicant presented a management plan to the shire indicating how potential issues such as cumulative noise impacts will be mitigated?*

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- *From a noise perspective the helicopter is considered to be a disruptive vehicle. There is potential that noisy flights could disrupt workers sleeping patterns. Therefore, fatigue could result and ultimately put employees at risk when they perform their duties at work. This proposal has potential to detrimentally impact the quality of life of people.*

The applicant was advised of the grounds of objection and given an opportunity to respond. The Applicant has advised the Shire that the proposal has been withdrawn.

### ATTACHMENT 13.1B

It is recommended that Council note the withdrawal and notify submitters.

#### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

Advertising for 14 days in accordance with the provisions of the Scheme. The application was referred to residential land owners in the general area, along with notification to the following agencies:

- CASA
- Telstra
- Main Roads WA
- DEC

#### Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

#### Financial Implications

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

#### Strategic Implications

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

#### Policy Implications

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

#### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED: Cr Eyre**

**SECONDED: Cr Shields**

#### That Council:

1. **Note the withdrawal of Application for Planning Approval lodged by Kent Contracting for a helicopter hangar and heliport at Lot 58 (Reserve 40965) Tom Price-Paraburdoo Road, Tom Price.**
2. **Request the Chief Executive Officer to advise the submitters of the withdrawal of Application for Planning Approval.**

**CARRIED 8/0**



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### 13.2 ONSLOW HOSPITAL GREEN WASTE DISPOSAL

**MINUTE:** 11223

**FILE REFERENCE:** RE.OA.R.38336

**AUTHOR'S NAME AND POSITION:** Geoffrey Brayford  
Executive Manager, Technical Services

**NAME OF APPLICANT/RESPONDENT:** Facilities Manager for WA Country Health Services.

**DATE REPORT WRITTEN:** 7 June 2012

**DISCLOSURE OF FINANCIAL INTEREST:** Not Applicable

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Facilities Manager for WA Country Health Services – Pilbara Region has contacted the Shire of Ashburton seeking an exemption for Onslow Hospital from charges related to green waste disposal at the Onslow Tip.

There are many valuable community organisations that deserve support, but if free access to waste disposal is granted to all of them then Council will not recover the full cost of its operations.

If Council is of a mind to recognise valuable community operations worthy of free access to Council facilities then it is recommended that a separate cost allocation number is created in a grants area to record the entry costs, thus ensuring that the operations receive the appropriate fees for entry.

#### **Background**

Green waste charges are a new fee this financial year. Onslow Primary School was granted a waiver from fees this financial year, and recently the Ocean View Caravan Park was also granted a waiver. The latter was temporarily approved to ensure that maintenance of the Council site continued until the expiration of the lease, which will occur shortly. This would not normally be considered in a long term lease arrangement.

#### **Comment**

It is more straight forward and more efficient to deal with a single class of users who pay for entry to Council's waste facilities. Exemptions become well known in the community and can tend to escalate the approaches that Council will receive to extend such exemptions.

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In waste management facilities it is also important to maintain a public appreciation of the cost of waste disposal so as to encourage waste minimisation and reuse where applicable. Exemptions do not send any such price signals.

A government operation, whilst a valuable resource, is not a community organisation. Council does not generally receive reductions or exemptions to state government charges.

That does not mean that Council cannot support worthwhile community organisations, but it is preferred that this is arranged in the form of a formal application and approval of a grant so that costs can be tracked. This however will require additional administrative procedures to manage the cost transfers.

Similarly where Council wishes to provide a subsidy to an organisation that leases a Council facility, such as a sporting organisation, it is preferred that the lease recognise the community value of the organisation and that access to other facilities should pay commercial fees. This will maintain price signals and similarly encourage waste minimisation.

Operationally it is far simpler for the gate personnel to treat all entrants as paying customers.

In the instance at hand it has been estimated that the Onslow Hospital would generally incur a cost of \$2000 to \$3000 per annum.

### **Consultation**

Operations Division – waste management operations.

### **Statutory Environment**

There are no Statutory Environment implications relevant to this matter.

### **Financial Implications**

Reduced revenue for the waste operations if the exemption is granted.

### **Strategic Implications**

Strategic Plan 2007 -2011

Strategic Objective No.4 – Conserve and Enhance the Environmental and Cultural Heritage

### **Policy Implications**

There are implications related to a general approach to grant exemptions to a class of community organisations.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr Eyre**

**SECONDED: Cr Thomas**

**That Council not grant an exemption to the Onslow Hospital for green waste entry to the Onslow Waste facility.**

**CARRIED 8/0**

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### 13.3 DRAFT WHEATSTONE DEVELOPMENT PLAN - FOR ADOPTION (FINAL APPROVAL)

**MINUTE:** 11221

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

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

**NAME OF APPLICANT/  
RESPONDENT:** Chevron Australia Pty Ltd

**DATE REPORT WRITTEN:** 9 June 2012

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

**PREVIOUS MEETING REFERENCE:** 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**

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

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

Council, at its 15 February 2012 Meeting resolved to adopt for community consultation purposes, a draft Wheatstone Development Plan (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 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 Development Plan was prepared to the satisfaction of the Chief Executive Officer and advertised for 42 days. During this time, Chevron undertook a community consultation process to explain the intent of the draft Development Plan and explain its accommodation arrangements for the total Wheatstone workforce.

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Advertising has concluded and eight (8) submissions have been received and are addressed in Schedule 1 to this Report.

The submissions generally offer no objection but some modifications are sought that relate to the layout of the ANSIA infrastructure corridor. Associated with the finalisation of the Development Plan is a Workforce Management Plan Agreement with the Shire and Chevron. The Agreement has been prepared by the Shire (with acceptable modifications sought by Chevron) and essentially establishes corporate responsibility for housing Chevron's staff, contractors and sub-contractors.

It is recommended that draft Development Plan be adopted for final approval (as modified) by the Shire along with the associated Agreement.

### **Background**

Council, at its Special Meeting of 5 October 2011 meeting gave final approval to the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and draft Amendment No. 10 to the Shire's Town Planning Scheme No 7 ('Scheme'). The ANSIA Structure Plan facilitates the development of an industrial hydro-carbon precinct south west of the town of Onslow and Amendment 10 essentially provides the opportunity to develop 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.

The ANSIA covers an area of approximately 8000 hectares and represents a possible hydro-carbon gas hub of both state and national significance. More specifically, the location 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, 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 will still have significant impact on a town the size of Onslow. It was however able to be assessed within the framework of the planning scheme, as it presently exists. Council placed conditions on BHP-Billiton's planning approvals to address the potential negative outcomes from the development. A requirement for Macedon as part of the Planning Approval was that the proponent would seek to have the land zoned accordingly.

The ANSIA Structure Plan divides the ANSIA into several stages. Stage 1 consists of a Future Industry Area incorporating downstream gas processing industries and other uses. Land with no current development intention in the short to medium term and therefore set aside for future strategic industrial expansion is referred to as Stage 2. Stage 1 is further divided into sub-stages with Stage 1A comprising the Wheatstone project, a common port facility, a MUAIC for the purpose of shared transport and infrastructure and Chevron's TWA camp. Stage 1B comprises the potential development site of the Scarborough LNG

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

Council, at its 15 February 2012 Meeting resolved to adopt for community consultation purposes, a draft Wheatstone Development Plan (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 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 Development Plan was prepared to the satisfaction of the Chief Executive Officer and advertised for 42 days. During this time, Chevron undertook a community consultation process to explain the intent of the draft Development Plan and explain its accommodation arrangements for the total Wheatstone workforce.

A matter that needed further clarification related to Hooley Creek and the alternatives for access. The ANSIA Structure Plan states:

*"r) Should Hooley Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined;"*

The alternative access is the responsibility of the State's lead agency, the Department of State Development (DSD). The Shire wishes to ensure that access to Hooley Creek is addressed as a condition in the Development Plan as Chevron could lodge an application for planning approval seeking to construct the primary access road or even the Wheatstone plant that denies access to Hooley Creek before the alternatives are available.

### ATTACHMENT 13.3A

#### Comment

Advertising has concluded and 8 submissions have been received and are addressed in Schedule 1 to this Report.

The submissions generally offer no objection but some modifications are sought that relate to the layout of the ANSIA infrastructure corridor. Associated with the finalisation of the Development Plan is a Workforce Management Plan Agreement with the Shire and Chevron. The Agreement has been prepared by the Shire (with acceptable modifications sought by Chevron) and essentially establishes Chevron's corporate responsibility for housing Chevron's staff, contractors and sub-contractors.

In regard to Hooley Creek, DSD has provided further correspondence associated with its consultation process and alternatives to Hooley Creek (Note Item 13.6 of this Agenda) Essentially, the outcome will continue to be that community access to Hooley Creek will need to be retained until "... *unlimited community access*..." to an alternative location is made available. This is reinforced in the Development Plan.

It is recommended that Development Plan be adopted for final approval (as modified) by the Shire along with the associated Agreement.

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### Consultation

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

Referral of draft Development Plan was undertaken to the following Agencies:

- Department of State Development
- Department for Planning
- Dampier Port Authority
- Department of Environment and Conservation
- Environment Protection Authority
- Main Roads WA
- Department of Water
- Department of Mines and Petroleum
- Department of Transport
- Water Corporation
- Horizon Power
- Department of Indigenous Affairs
- Department of Health

Referral of draft Development Plan was undertaken to the following companies/organisations:

- BHP Billiton
- Forrest and Forrest
- Thalanyji

Advertising under the ANSIA Structure Plan was for 42 days. On 22 May 2012, Chevron undertook community consultation in Onslow to explain the intent of the draft Development Plan and clearly explains its accommodation arrangements for the total Wheatstone workforce. Chevron has provided the submissions lodged at the consultation and which are included in **ATTACHMENT 13.3B** (Schedule 1).

### Statutory Environment

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

### Financial Implications

The Shire has calculated and charged the fees for assessing the Development Plan in accordance with those set out in the Planning Regulations. Chevron has paid the fees.

### Strategic Implications

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

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

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

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

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### "New Industry

#### *Measures and Targets*

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

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Absolute Majority Required

### **Council Decision**

**MOVED: Cr Dias**

**SECONDED: Cr Rumble**

**That Council:**

#### **Workforce Management Plan Agreement**

1. **Receives the Workforce Management Plan Agreement.**
2. **Authorise the Shire President and Chief Executive Officer to sign the Workforce Management Plan Agreement (utilising the Council Seal).**

#### **Wheatstone Development Plan**

3. **Adopts the 'Schedule of Submissions' (ATTACHMENT 13.3B) prepared in response to the advertising of the draft Wheatstone Development Plan.**
4. **Subject to Chevron Australia Pty Ltd signing the Workforce Management Plan Agreement as referred to in 2. above, adopts the Wheatstone Development Plan for final approval pursuant to the requirements of Clause 6.4, Appendix 7 and Appendix 11 of the Shire of Ashburton Local Planning Scheme ('Scheme') subject to the Wheatstone Development Plan being modified in accordance with 'Schedule of Submissions' (ATTACHMENT 13.3B).**
5. **Refer the adopted Wheatstone Development Plan to the Western Australian Planning Commission with a request for endorsement as a framework for the future land use and development of the Wheatstone LNG/Domestic gas plant, transient workforce accommodation site and Ashburton North Strategic Industrial Area.**

**CARRIED 8/0**

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### 13.4 DRAFT LOCAL PLANNING POLICY - REGIONAL RESIDENTIAL DESIGN CODE VARIATIONS

**MINUTE:** 11222

**FILE REFERENCE:** PS.DV.21.00

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

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

**DATE REPORT WRITTEN:** 9 June 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Residential Design Codes (RCodes) provide the basis for controlling the sitting and design of residential development throughout Western Australia. The RCodes provide for 'Regional Exceptions' to some provisions subject to the adoption of a Local Planning Policy. This report addresses variations to setbacks, open space, parking and to enable single bedroom ancillary accommodation to be used by any person and not be exclusive to family members of the occupiers of the main dwelling.

It is recommended that draft Local Planning Policy – Regional Residential Design Code Variations be advertised for 21 days in accordance with the Scheme and should there be no objection, the Chief Executive Officer be authorised to forward the Local Planning Policy to the Western Australian Planning Commission for final approval.

#### **Background**

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

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



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### Comment

The following 'variations are recommended for the Residential zones under the Scheme and which the RCodes apply:

<b>Section:</b>	6.2.1 – Setback of buildings generally
<b>Original R Code provision:</b>	A1.1 Buildings setback from the primary street in accordance with Table 1
<b>Variation:</b>	In relation to Acceptable Development Standard A1.1, where side and rear vehicle access is provided, setbacks of buildings from the primary street as specified in Table 1 of the Residential Design Codes may be halved.
<b>Reason for Variation:</b>	Residents of the Shire have a high reliance on motor vehicles. In addition, climatic conditions make the provision of landscaping in street setback areas difficult to maintain. These factors contribute to the street setback area often being used for parking of vehicles and lacking landscaping. By encouraging vehicle access to the rear of properties and allowing reduced street setbacks, it is envisaged that the streetscape amenity will be improved. The reduced area will also limit the area available for parking in the front street setback and as access to the rear of the property is available it should be utilised as an alternative.

<b>Section:</b>	6.2.5 – Street walls and fences
<b>Original R Code provision:</b>	A5 Front walls and fences within the primary street setback area that are visually permeable 1.2 m above natural ground level.
<b>Variation:</b>	Acceptable Development Standard A5 shall also apply to the fencing of secondary or other streets within the street setback area and boundaries with public reserves where passive surveillance is required.
<b>Reason for Variation:</b>	Secondary or other streets often incorporate 1.8 m solid fencing on boundaries which obstruct surveillance and detract from the streetscape. Restricting secondary and other streets fencing as well as public reserves to be consistent with the primary street fencing will encourage passive surveillance and interaction with the streetscape.

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<b>Section:</b>	6.3.1 – Buildings setback from the boundary
<b>Original R Code provision:</b>	A1 iv Minor projections such as a chimney, other architectural feature or an eaves overhang not projecting more than 0.75 m into a set-back area and to be no closer than 0.75 m to a boundary.
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A1 iv, eaves overhang may be closer than 0.75 m to a boundary subject to conformity with the <i>Building Code of Australia</i> .
<b>Reason for Variation:</b>	Environmentally sustainable development encourages eaves overhang in the municipality due to the extreme climatic conditions. As such, development where buildings meet with the Acceptable Development Standards for wall setback could need a permit solely due to encroachment of eaves overhang.

<b>Section:</b>	6.4.1 – Open Space Provision
<b>Original R Code provision:</b>	A1 Open space provided in accordance with table 1 and design elements 6.2 and 6.3. The site of the grouped dwelling, for the purpose of calculating the open space requirement, shall include the area allocated for the exclusive use of the dwelling and the proportionate share of any associated common property.
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A1, open space includes (but is not limited to) floor areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 25 per cent of the site area or 125 sq m whichever is the lesser.
<b>Reason for Variation:</b>	The extreme climatic conditions experienced in the Shire has led to a desire and need by residents to predominately cover outdoor living areas to make them useable.

<b>Section:</b>	6.4.2 – Outdoor living areas
<b>Original R Code provision:</b>	A2 An outdoor living area to be provided: <ul style="list-style-type: none"> <li>• to have at least two-thirds of the required area without permanent roof cover.</li> </ul>
<b>Variation:</b>	Acceptable Development Standard A2 dot point 5 is removed. Permanent roof cover is permitted.
<b>Reason for Variation:</b>	The extreme climatic conditions experienced in the Shire has led to a desire and need by residents to predominately cover outdoor living areas to make them useable.

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<b>Section:</b>	6.5.3 – Design of Parking Spaces
<b>Original R Code provision:</b>	A3.2 Spaces in accordance with AS2890.1.
<b>Variation:</b>	Parking spaces are to meet with the design standards identified within Section 6.17 and Appendix 8 and 9 of the Scheme.
<b>Reason for Variation:</b>	The average vehicle for the Shire is generally larger than that identified within AS2890.1. As a result the Shire has consistently required parking spaces be designed to a level greater than that required by AS2890.1.

<b>Section:</b>	6.5.4 – Vehicular Access
<b>Original R Code provision:</b>	A4.5 Formed driveways for multiple and grouped dwellings: <ul style="list-style-type: none"> <li>• With a minimum width of 4 m where the number of dwellings served is five or more, which may be reduced to 3 m where necessary to retain an existing dwelling; and</li> <li>• Are designed to allow vehicles to pass in opposite directions at one or more points, where the number of dwellings served by the driveway is five or more.</li> </ul>
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A4.5, design of two way access shall be in accordance with Appendix 8 and 9 of the Scheme.
<b>Reason for Variation:</b>	To provide for greater traffic and pedestrian safety wider access has been required for two way access. The wider access enables access to and egress from the site simultaneously preventing traffic congestion on the street.  Wider access also increases sightlines for both vehicular and pedestrian traffic.

<b>Section:</b>	6.11.1 – Ancillary Accommodation
<b>Original R Code provision:</b>	A1 i) the sole occupant or occupants are members of the family of the occupiers of the main dwelling.
<b>Variation:</b>	Notwithstanding Acceptable Development Standard A1 i), any person may occupy approved Ancillary Accommodation provided the building is limited to a single bedroom dwelling and where it reflects the Shire Local “Planning policy Transportable Dwellings New and second hand”.
<b>Reason for Variation:</b>	Provides for housing choice and is expected to assist in addressing housing shortages and affordability issues being experienced within the municipality. However, unlike other local governments that have supported similar amendment, the intent is that the accommodation be limited to single bedroom to ensure that matters such as parking, amenity and affordability are addressed.

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### Conclusions

Should draft *Local Planning Policy – Regional Residential Design Code Variations* be approved, variations to setbacks, open space, parking and to enable single bedroom ancillary accommodation to be used by any person and not be exclusive to family members of the occupiers of the main dwelling. By removing the requirement for occupiers of ancillary accommodation (and limiting it to single bedroom), it will facilitate the development of additional ancillary accommodation dwellings which will help provide housing choice as well as helping to address housing shortages and affordability issues.

Council may recall that Ms Alannah MacTeirnan and Mr David Somerville from Questus Limited gave a presentation on subsidies available for the construction of rental housing to the 17 August 2011 Council meeting. They also identified that new ancillary accommodation dwellings may be eligible to receive incentives under the National Rental Affordability Scheme (NRAS), which requires dwellings to be rented at least 20% below market value and to eligible persons (low income persons).

It is understood that the City of Vincent, City of Fremantle, Town of Port Hedland, Shire of Roebourne and Shire of East Pilbara have adopted similar variations to allow the ancillary accommodation provisions, although none appear to limit the accommodation to single bedrooms only.

Department of Planning staff have advised that changes to the RCodes that address ancillary accommodation are anticipated in the latter half of 2012 however this time frame is not definite. It is appropriate to consider the changes as recommended in the form of the Local Planning Policy and should the RCodes be modified by the WAPC, then it may become an obligation on local government.

### Consultation

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

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 and then referred to the WAPC for consent. In this regard, initial discussions with offers from the Department have been undertaken where the above modifications are informally supported.

### 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

There are no strategic implications that relate to this matter. However, it is noted that the Strategic Plan (2007 – 2011) states:

*“The Council recognises that in the face of rapid change due to economic development and population growth as well as social and environmental challenges, it is important for residents to be given the opportunity to become involved in the development of projects, programs and services. Effective community involvement allows Council to tap into diverse perspectives and potential solutions thus improving the quality of its decisions”. (Page12)*

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This draft local planning policy will enable the community to be aware and informed of development proposals and participate in the decision process.

### Policy Implications

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

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr Wright**

**SECONDED: Cr Dias**

**That Council:**

1. Council adopts the draft *Local Planning Policy – Regional Residential Design Code Variations* as a draft Local Planning Policy under the provisions of clause 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 and be advertised in 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 forward *Local Planning Policy – Regional Residential Design Code Variations* to the Western Australian Planning Commission (WAPC) for final approval.
3. After obtaining the WAPC final approval, the Chief Executive officer be authorised to adopt *Local Planning Policy – Regional Residential Design Code Variations*, and publish the adoption in accordance with the Scheme.

**CARRIED 8/0**

Jeff Breen left the meeting at 2.31pm.

Jeff Breen re-entered the meeting at 2.35pm.

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### **Declaration of Interest**

Prior to consideration of this Agenda Item Cr White and Cr Dias declared an interest in Agenda Item 13.5 in accordance with 5.60A / 5.61 of the Local Government Act. The interest being both Cr White and Cr Dias own shares in BHP.

Shire President Kerry White and Cr Dias left the meeting at 2.39 pm

Deputy President Cr Rumble assumed the chair.

### **13.5 PLANNING APPLICATION - PROPOSED RESIDENTIAL BUILDING LOTS AT 410, 411 & 412 THIRD AVENUE, ONSLOW**

**MINUTE:** 11212

**FILE REFERENCE:** ON.TH.0410.00  
ON.TH.0411.00  
ON.TH.0412.00

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

**NAME OF APPLICANT/RESPONDENT:** CLE Town Planning on behalf of BHPB

**DATE REPORT WRITTEN:** 9 June 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

### **Summary**

CLE Town Planning on behalf of BHPB has lodged an application for Planning Approval to construct a two level 16 bedroom, 'residential building' at Lots 410, 411 & 412 Third Avenue, Onslow. The combined total site area is 3036m<sup>2</sup>. The purpose of the building is to accommodate operational staff associated with the Macedon domestic gas plant located at the Ashburton North Strategic Industrial Area.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential R12.5 and includes it within the Onslow Coastal Hazard Special Control Area. Amendment No. 13 has been adopted for final approval that seeks to rezone land in Third Avenue to R20. The Amendment also provides the opportunity for land with an area greater than 1500m<sup>2</sup> to develop to R30. A 'residential building' is a land use in the zone that Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and no submissions were received.

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The finished floor level of the building is proposed to be at 5.9m AHD which reflects the requirements of the Scheme and the Western Australian Planning Commission's State Planning Policies 2.6 and 3.4. The applicant advises that site level typically ranges from 1.8 metres AHD to 2.2m AHD, with the kerb of Third Avenue at 2.0m AHD. The application proposes some filling of the site in order to achieve adequate drainage levels from car parking areas, resulting in a finished ground level of 2.62m AHD, and slab level of 2.72m AHD, exceeding the 2.5m AHD maximum required by the Shire under draft Scheme Amendment 24. The finished ground level for the development as proposed is not considered excessive however the overall filling of the site should not exceed 2.5m AHD.

The Application reflects the provisions of the development requirements of the Residential Design Codes. Although the proposed 'Residential Building' is essentially a 'fit for purpose' building (i.e. it isn't simply a converted dwelling) it has been assessed against the Council's 'Local Planning Policy - Conversion of Dwellings to Residential Buildings' in the absence of another policy assessment. The Application complies with the policy direction of the above local planning policy.

It is recommended that the "residential building" be approved subject to conditions

### Background

Lots 410, 411 & 412 Third Avenue, Onslow is has an combined area of 3036m<sup>2</sup>. The site is a vacant lot and contains no vegetation of any significance although a 'low point' drainage line is located in the north-west corner of the site (abutting the ROW).

The site is located in a developed residential area opposite drainage/recreation facilities. Adequate existing reticulated services are available to support the proposed dwelling and will be utilised. This includes, stormwater drainage, sewer, rubbish disposal, electricity, lighting and emergency services. Water supply will need to be negotiated with WaterCorp.

### Proposal

CLE Town Planning on behalf of BHPB is proposing to construct a 16 bedroom each with private ensuite, communal facilities comprising a commercial kitchen, dining area, lounge/recreation room and decked area. The proposal also provides extensive undercroft parking area, communal laundry facilities and service area. The purpose of the building is to accommodate operational staff associated with the Macedon domestic gas plant located at the Ashburton North Strategic Industrial Area.

In support of the Application, the Applicant notes:

*"The building itself is of a high quality, with an excellent presentation to all four elevations. All habitable spaces, including accommodation and communal facilities are provided on a Single level with undercroft parking and service areas provided below. Decked areas address the southern (street), eastern and western elevations, providing shaded high amenity outdoor spaces for future residents and promote mutual surveillance to and from public areas. A central breezeway connects the accommodation units and allows for air circulation throughout.*

*Designated portions of the site are to be landscaped to a high standard, comprising of plant species with low water consumption, and the use of alternative ground treatments such as mulch where appropriate."*

### ATTACHMENT 13.5

### Comment

The proposed use fits within the definition of a 'residential building' which is defined in the Local Planning Scheme No. 7 ('Scheme) as:

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

- a) temporarily by two or more persons, or*
- b) permanently by seven or more persons,*

*who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation”.*

The subject land is zoned Residential in the Scheme with an R Coding of 12.5. Within such a zone a Residential Building is a ‘D’ (discretionary) use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and no objections were received.

Amendment No. 13 has been adopted for final approval that seeks to rezone land in Third Avenue to R20. The Amendment also provides the opportunity for land with an area greater than 1500m<sup>2</sup> to develop to R30.

### Details

- i. The proposed building has a total floor area of approximately 1000m<sup>2</sup> (including verandahs).
- ii. Site Area: 3036m<sup>2</sup>
- iii. Setbacks:
  - To Third Avenue - 10m (7.5m required under R12.5 or 6m under R20).
  - To the ROW - 5.67m (6m required under R12.5 but can be reduced subject to addressing ‘RCodes Performance Criteria. No defined setback under R20).
  - To adjoining lots - 4m (To the east - a setback of 7m is provided (from the verandah). To the west, 13m setback is provided).
- iv. Elevations: Two level building to be constructed and externally clad.
- v. Landscaping: Indicative only.
- vi. Car Parking: Spaces required:

One per every two sleeping units, plus two per every seven units for visitors and staff	12
Spaces provided	14 (including disabled parking bay)

Setbacks from boundaries generally comply with the R Codes however the rear setback (to the ROW) is some .330m less than defined in the Table 1 to the RCodes. However, the RCodes provide the opportunity to reduce the rear setback subject assessment against the defined Performance Criteria of S6.3.1 ‘Building Setbacks from Boundary’ of the RCodes. The criteria addresses both onsite and offsite impacts. In this regard, it is unlikely that the reduction of a setback to 5.67m would negatively impact occupants of the proposed residential building. In



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addition, due to the ROW, the separation of 'rear neighbours' to the building is approximately 10.67m, hence no negative amenity impacts are anticipated. The proposal provides privacy to both the occupants of the house and neighbouring residents.

### Planning Policy

Whilst no particular local planning policy applies to the application, the proposal has been assessed under the provisions of Council Policy *PLA10 – Non-Residential Land Users in Residential Areas*. While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

- Location
- Residential Amenity
- Noise generation
- Essential Services and Waste Disposal
- Traffic/parking implications
- Building design
- Open space

### Location

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

### Residential Amenity

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

### Noise Generation

Noise made by residents has the greatest potential to impact on the amenity of the local area. This is the case the establishment will be managed by the Shire. Although vehicles with operating audible reversing warning systems are not anticipated, any approval should prohibit such systems or require management arrangements that vehicles are reversed into parking spaces. In addition, it is appropriate that air-conditioning systems be designed and located such that they do not negatively impact adjoining properties when operating.

### Essential Services and Waste Disposal

The proposed use and development will have a minimal impact on sewerage and power supplies, as well as other essential services. However, the significant issue for the application is the provision of reticulated water. It is suggested that the Applicant be provided with the opportunity to address the water supply issue with Water Corporation before such a determination. Council essentially has two choices in relation to determining the Application in light of the inability of Water Corp to provide a reticulated water service to the site – either:

- 1 Refuse the Application and allow the Applicant to seek redress at the State Administrative Tribunal; or
- 2 approve the Application with a condition that the development shall not commence until a water supply to the requirements of the Corporation is available.

The Shire has previously discussed the matter of dealing with applications in Onslow with the Shire's solicitor. The advice provided is that Council would be well within its rights to refuse any

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development Application because an important element of infrastructure (i.e. reticulated water) is not available.

However, it is acknowledged that the Water Corporation has indicated that the time frame to upgrade the system is 2015. It is questioned as to whether the Applicant should be penalized for the limitations of the water system that is not within their control. In this regard, it is suggested that if Council seeks to approve the Application, a condition be included that links the issue of the Building Permit with an agreement with the developer and Water Corporation with the provision of water. Any time limit for an approval should be extended from the normal 2 year period to 5 years - to account for the Water Corporation's upgrade of the system. Should the upgrade not be available after the 2015 approval time limit, the Applicant could seek an extension of time or the approval would lapse.

### Traffic/parking Implications

The plans submitted with the Application depict twelve (14) car parking spaces. Appendix 8 of the Scheme requires provision of 1 bay for every two sleeping units, plus 2 bays for every 7 units for visitors and staff. On the basis of 16 sleeping units, this equates to a total parking provision of 12 bays. The application proposes 12 formally designated parking bays, including one disabled bay in the undercroft area. A further two bays are provided within the street setback area, providing a total of 14 bays, and thereby satisfying the Scheme requirements. Whilst not required, it is worth noting that in the unlikely event of an increase in parking demand in the future, there is sufficient undercroft space on the eastern side of the building to accommodate additional 5-6 bays, as well as a street frontage in excess of 60 metres, allowing for on street parking.

While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site.

### Emergency Escape Plan

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

### Building Design

The policy requires that the appearance of the proposed use should not impact on the residential character of the surrounding area. The proposed 'Residential Building' is essentially a 'fit for purpose' building (i.e. it isn't simply a converted dwelling) and has been designed to complement the residential neighbourhood. One aspect of the design that is considered an opportunity for improvement is to reduce the apparent bulk of the building by having the lower portion constructed with 'lighter' materials such as lattice. The application proposes a 5.88 metre wall height and 8.3 metre ridge height which satisfies the RCode building height requirements.

### Open Space

Table 1 of the RCodes requires that a minimum of 55% of the site is retained as 'open space'. This equates to 1,670m<sup>2</sup> being provided as open space. The application proposes a gross building footprint of 1,000m<sup>2</sup>, with the balance of the site (2036m<sup>2</sup>) remaining open. This equates to a gross open space provision of 67% of the total site area. This percentage is further increased when taking into consideration that the deck area is classified as open space under the R-Codes definition as well. The application proposes a large communal deck area, providing a high quality, useable communal open space to the residents.

### Further Comment

*BHPB's obligations to house Macedon Operational Staff in Onslow*

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At a Special Meeting of Council on 4 August 2010, Council resolved to issue planning approval for the Macedon domestic gas plant. Condition 24 (ii) of the approval stated as follows:

*“The transient workforce accommodation shall be used only for the accommodation of construction staff. Maintenance staff will also be permitted but only for a 3 week period (after 12 months of operation) when the plant is closed down for maintenance activity. The transient workforce accommodation will be a temporary camp facility and remain in-situ a total period 4 years or other as agreed to by the Chief Executive Officer. All operational staff shall reside in Onslow.”*

This planning application seeks to comply with the direction of Council in relation to the Macedon approval.

### *Finished floor levels*

As noted, the site is located within the *Onslow Coastal Hazard Special Control Area* pursuant to the Scheme, and as such consideration must be given to the potential for flood and storm surge, and any resultant impact on the development. The finished floor level of the building is proposed to be at 5.9m which reflects the requirements of the Scheme and the Western Australian Planning Commission's (WAPC) State Planning Policies 2.6 and 3.4.

### *Filling*

The site is predominantly level, with the exception of the eastern boundary, which grades up by approximately 1 metre to the adjoining property. The applicant advises that site level typically ranges from 1.8 metres AHD to 2.2m AHD, with the kerb of Third Avenue at 2.0m AHD.

The application proposes some filling of the site in order to achieve adequate drainage levels from car parking areas, resulting in a finished ground level of 2.62m AHD, and slab level of 2.72m AHD, exceeding the 2.5m AHD maximum required by the Shire under draft Scheme Amendment 24. The finished ground level for the development as proposed is not considered excessive however the overall filling of the site should not exceed 2.5m AHD.

This also reflects the RCode requirement that considers filling up to 0.5 metres between the street and the building line to be Acceptable Development.

### *Amalgamation of Titles*

The Shire would normally require the amalgamation of the three lots comprising the subject site prior to the issue a building permit. The landowner (State Housing) and BHPB has sought (and received) subdivision approval from the WAPC to amalgamate the lots. It is important that amalgamation forms part of any planning approval to ensure that the layout and setbacks are retained.

## **Conclusions**

The proposal is consistent with the Scheme and State Planning Policy 3.1. Importantly, the development is also in accordance with Council direction to pursue higher density development opportunities pursuant to Amendment No. 13 of the site and surrounding land. Given the 3036m<sup>2</sup> site area and the setbacks provided, the development is unlikely to negatively impact on the streetscape and surrounding area.

## **Statutory Environment**

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

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### Consultation

Chief Executive Officer  
Executive Manager, Technical services  
Executive Manager, Strategic and Economic Development

Although not specified by the Scheme, the application was advertised for 21 days by sign on the site and notification to all adjoining and nearby landowners. No submissions were received.

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

There are no strategic implications relative to this issue.

### Policy Implications

There are no policy implications relative to this issue.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr Wright

**SECONDED:** Cr Eyre

**That Council:**

Having considered all the matters required under Part 6 of the Shire of Ashburton Local Planning Scheme and State Planning Policy 3.1 (Residential Design Codes), approve Planning Application made by CLE Town Planning on behalf of BHPB for the purpose of a residential building at Lots 410, 411 & 412 Third Avenue, Onslow subject to the following conditions:

1. The use shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the holiday accommodation, to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton.
2. This Planning Approval lapses if the development is not substantially commenced by 20 June, 2018 and/or a reticulated water supply is not available to service the development by this date.
3. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the to the satisfaction of the Shire of Ashburton.
4. Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the Shire and endorsed to this Planning Approval:
  - i. Revision of the lower section of the building to lessen the bulk using materials such as lattice and the like.

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- ii. **An external lighting strategy detailing external lighting whilst minimising glare or adverse impacts on adjoining properties or road/s. The lighting shall be installed in full accordance with the approved details prior to the occupation of the development hereby approved, and thereafter maintained.**
- iii. **An internal and external lighting plan detailing all security and safety lighting in communal areas. The lighting shall be installed in full in accordance with the approved details prior to the occupation of the development hereby approved, and thereafter maintained.**
- iv. **An acoustic report prepared by a qualified consultant addressing both internal and external design needs. The development shall be constructed in accordance with the approved details and thereafter maintained.**
- v. **Management of audible reversing warning systems. Arrangements that prohibit such systems or establish management arrangements that vehicles are reversed into parking spaces.**
- vi. **Full details of the colour, design and installation of the metal screens to be provided to the balconies and windows of the development. All screens are to be installed in accordance with the approved details and thereafter maintained.**
- vii. **Full details of an external drying area. The clothes drying facilities shall be fully installed and screened from view from surrounding street/s in accordance with the approved details and installed prior to the occupation of the development hereby approved.**
- viii. **The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing should generally consist of a minimum 1.8 metres in height (except for the Third Avenue frontage) and should complement the development and be designed to protect the amenity of adjoining dwellings.**
- ix. **Amalgamation of land. The applicant to provide the Shire with a Dealing Order to Landgate identifying that the land subject of this Planning Approval is amalgamated.**
- x. **All proposed ventilation and exhaust systems, including the location of plant equipment, vents, and air-conditioning units. All equipment must be adequately screened from view from the street, designed so as not to impact adjoining land owners and shall be installed in accordance with the approved details prior to the occupation of the development hereby approved.**
- xi. **A geotechnical engineer's report is to be provided at the owner's/applicant's cost for any construction works on site. The geotechnical report is to identify existing soil conditions at the site and is to provide recommendations for piling and footing details to be incorporated in the structural design of the building.**

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- xii. A landscape plan for the development hereby approved. The Plan should indicate the location and species of all trees to be removed and/or retained; the location and type of fencing to be installed; the location and type of reticulation to be installed; and the location and type of paving to be installed. The Plan should also include a plant schedule nominating each species, the spacing's of each species, the numbers of plants required; and 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 should identify and include the adjoining road verge. Landscaping and reticulation 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 Shire.

- xiii. An emergency response plan/s (i.e. fire escape route maps, evacuation contingency associated with cyclone threat etc).
- xiv. A stormwater management plan prepared by a certified practising Hydraulic Engineer and includes an analysis of the existing hydrology of the site, having regard to and addressing the method of disposal of ground water for the disposal and management of stormwater. All methods for the disposal and management of stormwater are to be contained on site unless expressly permitted by the Shire.

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.

- xii. 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.

5. Prior to the occupation of the development hereby approved, the following matters shall be undertaken to the satisfaction of the Shire:

- i. The provision on-site of a minimum number of 14 carparking bays. All car parking spaces together with their access aisles shall be clearly paved, sealed, marked, drained and arranged so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles shall thereafter be maintained to the satisfaction of the Shire. The dimensions of all car parking bays and access ways with the following minimum dimensions: 5.4 metres in length and 2.4 metres in width, unless where abutting a wall, column or pier where they must be a minimum of 2.7 metres in width. Disabled persons parking bays shall be a minimum of 3.2 metres in width.

- ii. All external fixtures, including but not restricted to air-conditioning units,

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satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the street.

iii. The development shall be connected to the reticulated sewerage system.

iv. Implementation of the emergency response plan/s.

6. The finished ground level for the building and associated works shall not exceed 2.62m AHD (noting a slab level of 2.72m AHD) and the overall filling of the site shall not exceed 2.5m AHD.

7. The Use hereby approved shall comply with definition of 'Residential Building' of the Shire of Ashburton Town Planning Scheme No. 7 as follows:

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

- a) temporarily by two or more persons, or*
- b) permanently by seven or more persons,*

*who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation".*

### Advice Notes

i. This approval is for residential building only and does not include approval for use as serviced apartments, transient workforce accommodation, holiday accommodation or the like. Any other use will require the submission of a new application for planning approval.

ii. You are reminded to submit a landscape plan in accordance with Condition 4 xii) of this approval at your earliest convenience so as to avoid any unnecessary delay at the building permit stage.

The Water Corporation recommends that with respect to the provision of any landscaping in Onslow, the following should be undertaken to ensure the most efficient use of water. The Shire anticipates that this advice will be provided on any approved landscaping plan:

- Appropriate soil amendment / conditioning for the region, which forms the best basis for plants to survive and thrive (depth of 300mm for garden beds)  
[http://www.watercorporation.com.au/W/waterwise\\_karratha.cfm](http://www.watercorporation.com.au/W/waterwise_karratha.cfm)
- Waterwise irrigation with improvements in irrigation scheduling and application and use of rain sensors  
[http://www.watercorporation.com.au/files/waterwise/Waterwise\\_Display\\_Village\\_Criteria2010.pdf](http://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria2010.pdf)
- Adequate mulching to retain moisture (5 to 7.5cm thickness recommended).

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**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 5/1**

Cr's White and Dias re-entered the meeting at 2.46 pm.  
Geoff Brayford left the meeting at 2.46 pm.  
Geoff Brayford re-entered the meeting at 2.46 pm.  
Shire President Kerry White resumed the chair.

### **Council Decision**

**MOVED: Cr Foster**

**SECONDED: Cr Shields**

**That Council adjourn for afternoon tea at 2.47 pm**

**CARRIED 8/0**

### **Council Decision**

**MOVED: Cr Wright**

**SECONDED: Cr Dias**

**That Council reconvene from afternoon tea at 3.09 pm.**

**CARRIED 8/0**



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### 13.6 DEPARTMENT OF STATE DEVELOPMENT - RESPONSE TO ALTERNATIVE TO HOOLEY CREEK ACCESS

**MINUTE:** 11227

**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:** 9 June 2012

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

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

#### **Summary**

The community currently has access to a site near the mouth of Hooley Creek 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 18 April 2012 Council meeting, DSD advised as to the progress of achieving 'unlimited' access to an alternate site and where 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.*

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

- 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.*

In response, DSD has further advised that it has undertaken further public consultation whereby it concludes that proposed access to the western banks of the Ashburton River and Secret Creek is a suitable alternative to Hooley Creek.

To this end, DSD has secured the written agreement of BHP Billiton (BHPB) to allow a Public Access Route (PAR) to be created over the portion of the access track within Urala Station.

### **Background**

The community currently has access to a site near the mouth of Hooley Creek by traversing existing tracks in the south eastern corner of Urala Station. Appendix 11 to the Shire of Ashburton Local Planning Scheme ('Scheme') states:

- "r) Should Hooley Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined;"*

To reinforce this requirement, the "Ashburton North Strategic Industrial Area Structure Plan" requires the provision of an equivalent access in lieu of the current informal access to Hooley Creek, stating:

*"Prior to the issue of any planning approval that, as a result such approval, limits community access to Hooleys Creek and/or approval of a development plan(s), the Department of State Development (DSD) will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire."*

It is also noted that the decision of the Development Assessment Panel in 30 November 2011 in relation to Chevron Australia's 'limited' development application included the following condition and advice note:

### *Hooley Creek Access*

- "3. Without the further written consent from the Chief Executive Officer of the Shire of Ashburton, community access to Hooley Creek will not be restricted in any form."*

*"Advise the Applicant as follows:*

- 1. In relation to Condition No. 3, it is noted that Chevron Australia Pty Ltd has advised in correspondence to the Shire of Ashburton dated 10 October 2011 and endorsed to this Planning Approval that the development will not restrict community access to Hooley Creek."*

Clearly, the progress of the alternate site vital to the establishment of the Wheatstone LNG Plant and the Dampier Port Authority's port.

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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."*

The community currently has access to a site near the mouth of Hooley Creek 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 18 April 2012 Council meeting, DSD advised as to the progress of achieving 'unlimited' access to an alternate site as follows:

- DSD proposed to establish access to the western banks of the Ashburton River and to Secret Creek by way of an agreement with BHPB which would provide ongoing public access to the tracks and be immediately established. DSD recommend that there be a review in 12 months to evaluate the impact of the access, as well as the effectiveness of the signage and any fencing requirements to limit unauthorised access to other areas of Urala Station.
- DSD's investigations would allow it to follow through with its community consultation process to establish whether the western banks of the Ashburton River and to Secret Creek as an alternative to Hooley Creek is acceptable to the Onslow community. Until the views of the community are established and unfettered access is confirmed, the Shire is unable to determine whether the Scheme and Structure Plan provisions have been complied.

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 be 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."*

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### Comment

In response to Council's 18 April 2012 resolution, DSD has further advised that it has undertaken further public consultation whereby it concludes that proposed access to the western banks of the Ashburton River and Secret Creek is a suitable alternative to Hooley Creek.

### ATTACHMENT 13.6

DSD advise that it held a consultation session at the Onslow Town Hall on 21 May 2012 to engage with community members and establish their views as to whether the proposed access to the western banks of the Ashburton River and Secret Creek is a suitable alternative to Hooley Creek. Attendees of the community consultation session were given the opportunity to comment on the proposal. Of the 19 community members who provided their comments, DSD advise that 13 (over two thirds) of the respondents indicated support for the proposal, with 8 of those strongly in support.

DSD conclude as follows:

*"While the community consultation clearly demonstrated that there is support for the proposal, the low level of community response was also an indication that the closure of land access to Hooley Creek is not a significant issue for the majority of residents.*

*This consultation process now concludes the requirements of the Town Planning Scheme Amendment (Appendix 11) and Condition 8 of the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan by establishing an alternative access."*

In relation to access to the western banks of the Ashburton River and Secret Creek, DSD advise as follows:

*"As the community has demonstrated a majority view that the proposed access to the western banks of the Ashburton River and Secret Creek is a suitable alternative to Hooley Creek, DSD now proposes to work with the Shire of Ashburton to implement and formalise the access given that it lies within the Shire's jurisdiction.*

*To this end, DSD has secured the written agreement of BHP Billiton (BHPB) to allow a Public Access Route (PAR) to be created over the portion of the access track within Urala Station. As indicated in our previous submission, DSD has verified with Landgate that the portion of the access track within Minderoo is already a dedicated road and community members do not require the permission of the pastoral lessee to access the road. Furthermore, DSD agrees to meet a range of costs required to establish the access, including signage, fencing (if required), and aboriginal heritage site avoidance studies.*

*DSD will now formally request that the Lands Division of the Department of Regional Development and Lands (RDL) commence the process of implementing suitable tenure to secure public access. In initial discussions, RDL have indicated that while the establishment of a PAR may be an acceptable interim solution, they have also suggested that consideration be given to dedicating the remainder of the access track within Urala Station as a public road. Dedication as a public road will give the community long term security over access to the track, and will also allow the Shire to control and manage the access track as it sees fit.*

*Given that RDL's processes to create the required tenure may take some time, DSD have also procured the agreement of the Dampier Port Authority (DPA) to allow community access to Hooley Creek by boat. This ability to continue to access Hooley*

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*Creek by sea after the land access is closed was seen by a number of participants at the community consultation as largely offsetting the loss of land access.*

*Additionally, while RDL are working through the process associated with creating formal tenure, the community will be able to continue to access the Secret Creek track on the same terms as their current access to Hooley Creek, i.e. access by permission of the pastoralist given on a case by case basis. This arrangement is already in place and does provide immediate access to the track, but will not be necessary once the formal tenure is granted by RDL."*

The community consultation undertaken by DSD is noted. On the basis of the advice from DSD, access to the Secret Creek is now available to the community along with Hooley Creek. It is appropriate to advise the community of DSD's conclusions and commitments and accordingly, the DSD correspondence should be made available on the Shire's Website and published in the Onslow Telegraph newspaper.

It is noted that the arrangements are still interim and until unfettered access is confirmed to Secret Creek, access to Hooley Creek should remain open.

At this stage, Chevron has not sought to close access to Hooley Creek. Should closure be sought, the Shire would need irrevocable confirmation from DSD that unfettered access to Secret Creek is provided. Clearly, the arrangements identified in the DSD correspondence appear to be achieving this aim.

It would also be appropriate to again advise DSD that the Shire is not willing to accept any cost in relation to establishing access to Secret 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.

### **Consultation**

Chief Executive Officer

Executive Manager, Technical Services

Executive Manager, Strategic and Economic Development

### **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 recommendation seeks to ensure 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.

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

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

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

### "New Industry

#### *Measures and Targets*

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

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED:** Cr Rumble

**SECONDED:** Cr Thomas

#### **That Council:**

- 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.**
  - 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**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

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.
- 2) 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.

CARRIED 7/1

**Reason for change:** Council felt the community always had access to Secret Creek, the increase in population means more coastal access is required and that there was insufficient consultation with the community.

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Declaration of Interest

Prior to consideration of this Agenda Item Crs Wright, Foster and Dias declared an interest in Agenda Item 13.7 in accordance with Sections 5.60A / 5.61 of the Local Government Act. The interest being that Cr Wright is an employee of Rio Tinto, Cr Dias is an employee of Rio Tinto and has shares in the company and Cr Foster's partner is employed by Rio Tinto and part of his employment conditions is that he is provided with a home owned by Rio Tinto.

Cr's Wright, Dias and Foster leave the meeting at 3.20 pm.

### **13.7 PROPOSED AMALGAMATION OF PORTION OF UNNUMBERED UCL INTO ADJACENT LEASE 3116/4591 BEING LOT 35 ON DEPOSITED PLAN 241590 TOM PRICE ROAD, PARABURDOO - SHIRE OF ASHBURTON**

**MINUTE:** 11214

**FILE REFERENCE:** PA.CM.0000

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

**NAME OF APPLICANT/RESPONDENT:** Department of Regional Development and Lands/RTIO

**DATE REPORT WRITTEN:** 9 June 2012

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

**PREVIOUS MEETING REFERENCE:** Not applicable

### **Summary**

Lease 3116/4591 is held for the purpose of "Establishment and Maintenance of a Greenbelt or Rural Zone for the Townsite of Paraburdoo" by Hamersley Iron Pty Ltd.

RTIO seek to amalgamate portion of unnumbered unallocated Crown land into adjacent Lease 3116/4591 by Rio Tinto on behalf of Hamersley Iron. Rio Tinto would like to formalise access to Lease L215248 which is held for the purpose of "Communication Site" by Hamersley Iron Pty Ltd.

The request from RTIO is acceptable, as it simply seeks to formalise access to Lease L215248.

### **Background**

Lease 3116/4591 is held for the purpose of "Establishment and Maintenance of a Greenbelt or Rural Zone for the Townsite of Paraburdoo" by Hamersley Iron Pty Ltd.

**ATTACHMENT 13.7**



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### Proposal

The Department of Regional Development and Lands (RDL) has written to the Shire advising that it has received a request to amalgamate portion of unnumbered unallocated Crown land into adjacent Lease 3116/4591 by Rio Tinto on behalf of Hamersley Iron. Rio Tinto would like to formalise access to Lease L215248 which is held for the purpose of "Communication Site" by Hamersley Iron Pty Ltd.

RDL is seeking initial comment on the basis of a section 87 of the *Land Administration Act 1997* amalgamation of the subject area of UCL into Lease 3116/4591 being Lot 35 on Deposited Plan 241590.

### Comment

The request from RTIO is acceptable as it simply seeks to formalise access to Lease L215248.

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

### Statutory Environment

*Land Administration Act*

### Financial Implications

There are no financial implications relevant to this matter

### Strategic Implications

There are no strategic implications relevant to this matter

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr Eyre

**SECONDED:** Cr Shields

**That Council offers no objection to RTIO's request to amalgamate portion of unnumbered unallocated Crown land into adjacent Lease 3116/4591 to formalise access to Lease L215248.**

**CARRIED 5/0**

Cr's Wright, Dias and Foster re-enter the meeting at 3.22 pm.

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### 13.8 PROPOSED NEW TWO STOREY KITCHEN MESS AND RECREATION BUILDING ON LOTS 557 & 563 BEADON BAY VILLAGE WITH ASSOCIATED IRRIGATION OF WASTE WATER ON LOTS 555 & 556 PARSLEY STREET, ONSLOW

**MINUTE:** 11215

**FILE REFERENCE:** RE.BD.R.34101

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

**NAME OF APPLICANT/RESPONDENT:** Master Plan SA Pty Ltd

**DATE REPORT WRITTEN:** 10 June 2012

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

**PREVIOUS MEETING REFERENCE:** 13.02.08 Ordinary Meeting of Council 16 February 2011

#### **Summary**

Master Plan SA Pty Ltd has lodged an application for planning approval on behalf of Discovery Parks for the construction of a new two storey, mess (dining) hall with associated kitchen and recreation room at Lot 563 and Lot 557 Beadon Creek Road, Onslow. In addition, the application seeks a temporary solution for effluent disposal (until the upgrade of the Onslow Common Wastewater Treatment Plant) for wastewater to be irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire).

The application for the 'mess' as a potential landuse is supported in principle. However, there are numerous matters that need to be addressed relating to the development of the 'mess' including floor levels and the use of Lots 556 and 557 for wastewater irrigation. In addition, the Council would need to consent to the application for Planning Approval form to be signed in order to enable Master Plan SA to pursue the waste water being irrigated to the adjoining Lot 555 (owned by the Shire). This does not force the Shire as landowner into accepting such arrangements over the land, but simply allows the applicant to have the matter assessed through a planning process. Any land arrangement will be subject to a further report to Council.

In this regard, it is recommended that Council agree to accept an application over Lot 555 and Lot 556 for waste water irrigation and authorise the Chief Executive Officer to determine the application in accordance with the relevant provisions of the scheme and addressing matters raised in this Report.

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### Background

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m<sup>2</sup> with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres.

Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to Parsley Street road reserve of approximately 60 metres.

Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

Access to both Lots 563 and 577 is currently provided by Parsley Street road reserve. An internal access road is provided between Lots 563 and 557. Lots 563 and 557 are generally flat with a predominant existing ground level at 3.0m AHD albeit areas of previous development for the purposes of transient workers accommodation have been filled to a level of 4.0m AHD in accordance with previous approvals.

In addition to the current existing use as a caravan park, Beadon Bay Village accommodates transient workers accommodation comprising 130 single bed units together with associated facilities including:

- dining hall and commercial kitchen facilities;
- recreation room;
- converted single men's quarters accommodating a gymnasium and storage; and
- on-site car, truck and bus parking.

The existing caravan park comprises:

- 38 powered caravan sites;
- 25 sites for on-site vans;
- four accommodation cabins;
- a managers residence;
- camp kitchen; and
- swimming pool

The current approvals allow for an existing 60 single bed transient workforce accommodation units to exist together with the existing caravan park, and an additional 64 transient workforce accommodation units to temporarily exist until November 2018.

Lot 555 and Lot 556 have a combined area of approximately 2.4ha, are vacant and have frontage to Parsley Street road reserve (unconstructed). These lots are owned by the Shire and generally have a ground level of between 2.5m – 4m AHD.

The land subject of the application is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and include in the 'Onslow Coastal Hazard Area'.

### Proposal

This application before Council proposes to construct a new two storey mess hall with associated kitchen facilities at the first floor and a new recreation room and ablutions at ground level.

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### ATTACHMENT 13.8

The proposed building is to be sited adjacent the western boundary of the property close to the existing on-site Wastewater Treatment Plant which will require the reorientation of some of the existing caravan and camping sites to accommodate the new building footprint. The applicant proposes a building with a:

- finished ground floor level of 3.2 AHD;
- finished first floor level of 6.2 AHD;
- ground floor area of 696.96 square metres;
- first floor area of 696.96 square metres able to accommodate meals for up to 200 persons at a time;
- ground floor comprising toilets and ablutions, storage areas, workshop and refuse store;
- first floor comprising a commercial kitchen, including dry store, cool rooms, crib and dining room; and
- rear loading area for the delivery of goods to the first floor.

Access to the first floor dining hall is to be provided by stair access on either side of the building.

The proposed building is to be setback 12m and 20m from the western boundary of the site and 42m from the northern boundary of the site. The western boundary abuts vacant land (Lots 555 and 556) owned by the Shire of Ashburton. Should Council not agree to Lots 555 and 556 being included in the proposal then the Application may need to be amended to delete this land from the proposal. This is likely to have implications on the ability to develop Beadon Bay Village as proposed. The northern boundary of the site abuts existing land under the care and control of the Crown which is currently a dune system separating the subject land from the coast.

The proposed building has the ability to accommodate additions provided for an expansion of the facility in two further stages with each staged expansion increasing the respective ground and first floor areas by an additional 174.24 square metres. However, the Applicant has been asked to clarify whether this extension forms part of the current application before Council.

An assessment of the available water resource and wastewater management for the site has been undertaken on behalf of the Applicant for the overall development of the site including both the development of the new mess hall and the development of new transient workers accommodation (which is the subject of a separate development application). The assessment of the water supply identifies that the site has an existing licence for 14,000 KL per annum. To supply the proposed population of the site associated with the development of the land, additional on-site storage of 180,000 litres is required to manage collection of the potable water supply required for the site through a combination of mains water, supplied and roof water, collected. It is understood that the storage on site would require the consent of the Department of Health.

The Applicant advises as follows:

*"In respect to the wastewater management, the report identifies two means by which to cater for the increase load on the system. The existing system can either be upgraded to cope with the increase load or a new system constructed. In either event and until the existing Onslow Common Wastewater Treatment facility is upgraded the wastewater will require disposal by irrigation.*

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

*Correspondence from WaterCorp indicates that the existing common wastewater treatment facility is likely to be upgraded between 2013 and 2015 at which time the disposal of wastewater from the site could readily be accommodated.*

*As a temporary solution and until the upgrade of the Onslow Common Wastewater Treatment Plant, the wastewater will be irrigated to the adjacent land under licence which is currently under the care and control of Council."*

### **Comment**

The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and Council is able to consider the 'mess' as use associated with the approved transient workforce accommodation. It is understood that the 'mess' will be for patrons from Beadon Bay Village only. On this basis additional parking would not be necessary.

Advertising of the 'mess' is not a mandatory requirement under the Scheme. In addition, the development is located within the site of Lot 557 and would only potentially only impact the land owned by the Shire.

However, the use of Lots 555 and 556 for wastewater irrigation is essentially a 'use not listed' as it is not a defined use in the Scheme. In this regard, where a specific use is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the use categories, under Clause 4.4.2 of the Scheme Council may determine:

*"(a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or"*

*(b) that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4."*

The use of Lots 555 and 556 for wastewater irrigation would require the assessment of regulatory agencies such as the Department of Health and potentially, the Environment Protection Authority. Given the land is with WaterCorp's licenced area, acceptance of the proposal by WaterCorp may also be necessary.

However, for the proposal to be given wider assessment and advertising, the Council would need to resolve that wastewater irrigation is *".... consistent with the objectives and purposes of the zone or with the strategic intentions for the land...."*

Given the location in close proximity to industrial land, the distance from any residential development (approximately 500 metres to Bindi Bindi) and the linkage to the development of the Beadon Bay Village, it is considered appropriate to resolve that wastewater irrigation would be a 'use not listed' thus allowing the applicant to address matters to the satisfaction of the State agencies, WaterCorp and the Shire.

It is open for Council not to accept that wastewater irrigation is a 'use not listed' and therefore it would be deemed prohibited.

The subject site is also within the Onslow Coastal Hazard Area and Clause 7.3 of the scheme states in part, the following in relation to this area:

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*“7.3.8 In considering applications for planning approval, Local Government shall have regard for the following matters:*

- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
- (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
- (e) That any building development or building alteration approval in the hazard area be endorsed with the following:  
“The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events.”*

The floor level of 3.2mAHD of the proposed development of the ‘mess’ does not reflect the provisions of the Scheme. Clause 7.3 of the Scheme specifies a minimum finished floor level of 4.0mAHD in the Coastal Zone or 5.0mAHD in the frontal dune areas for habitable structures. The Scheme notes that non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.

The development proposed at 3.2mAHD includes offices, conference facilities, wet mess and gymnasium and cannot reasonably be regarded as ‘ablution facilities in caravan parks’. On this basis and without considering sea level rise, the floor level would need to be at a minimum of 4.0mAHD. To address sea level rise (without increasing the floor level), the development would be potentially limited to a development life of 25 years. This would need to form part of the planning application (which it doesn’t) and needs to be addressed by the Applicant.

Further, it is not clear whether the Physical Process Setback (PPS) will impact the building or not. The Applicant has been asked to reference the plan to show the PPS line. If it is impacted by the PPS, it will need to be addressed in further technical report.

### **Conclusions**

The application for the ‘mess’ as a potential landuse is supported in principle. The Applicant concludes in the report accompanying the application as follows:

*“The new facility will result in a significant improvement of existing facilities serving the transient residents and visitors on the site and support future development of the site to accommodate additional TWA units which have been identified as a high priority in supporting the development of much needed building and infrastructure project associated with the Ashburton North Strategic Industrial Area.”*

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However, there are numerous matters that need to be addressed relating to the development of the 'mess' along with the use of Lots 556 and 557 for wastewater irrigation. The Shire has not had the opportunity to address all of the outstanding issues associated with this application. In addition, the Council would need to consent to the Application for Planning Approval form to be signed in order to enable Master Plan SA to pursue the wastewater being irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire).

This does not force the Shire into having such arrangements over the land, but simply allows the applicant to have the matter assessed through a planning process. In this regard, it is recommended that Council:

1. Request the Chief Executive Officer to sign the Application form to enable Master Plan SA to pursue the wastewater to be irrigated to the adjoining Lot 555 and 556.
2. Accept proposed wastewater irrigation on Lot 555 and Lot 556 may be as described in the Application as a 'use not listed' (for the purpose of this Application); and
3. Authorises the Chief Executive Officer to determine the Application in accordance with the relevant provisions of the Scheme and addressing matters raised in this Report.

### **Consultation**

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

### **Statutory Environment**

Planning and Development Act  
Shire of Ashburton Town Planning Scheme No. 7  
State Planning Policy 2.6 - The State Coastal Planning Policy  
State Planning Policy 3.4 - Natural Hazards and Disasters

### **Financial Implications**

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

### **Strategic Implications**

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

### **Policy Implications**

Local Planning Policy *Transient Workforce Accommodation*  
Local Planning Policy *Interpretation of Onslow Coastal Hazard Area*

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### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr Eyre**

**SECONDED: Cr Shields**

#### That Council:

- 1 Request the Chief Executive officer to sign the Application for Planning Approval form to enable Master Plan SA to pursue the proposal that wastewater to be irrigated onto the adjoining Lot 555 and Lot 556 (owned by the Shire).**
- 2.. With respect to the Planning Application made by Master Plan SA Pty Ltd for a two storey, mess (dining) hall at Lot 563 and Lot 557 Beadon Creek Road, Onslow and wastewater irrigation on Lot 555 and Lot 556 Parsley Street that Council in accordance with Clause 4.3.2(b) of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') considers that the proposed wastewater irrigation on Lot 555 and Lot 556 may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and the application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.**
- 3. Authorises the Chief Executive Officer to determine the Planning Application in accordance with the relevant provisions of the Scheme and addressing matters raised in this Report.**

**CARRIED 8/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 13.9 PROPOSED NEW THREE, TWO STOREY BUILDINGS WITH UNDERCROFT CAR PARKING ACCOMMODATING 96 TRANSIENT WORKERS ACCOMMODATION UNITS ON LOTS 557 & 563 BEADON BAY VILLAGE WITH ASSOCIATED IRRIGATION OF WASTE WATER ON LOTS 555 & 556 PARSLEY STREET, ONSLOW

**MINUTE:** 11216

**FILE REFERENCE:** RE.BD.R.34101

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

**NAME OF APPLICANT/RESPONDENT:** Master Plan SA Pty Ltd

**DATE REPORT WRITTEN:** 10 June 2012

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

**PREVIOUS MEETING REFERENCE:** Item 13.6, Minute No. 11070 Ordinary Meeting of Council 16 November 2011

#### **Summary**

Master Plan SA Pty Ltd has lodged an application for planning approval on behalf of Discovery Parks for three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units at Lot 563 and Lot 557 Beadon Creek Road, Onslow. In addition, the application seeks a temporary solution for effluent disposal (until the upgrade of the Onslow Common Wastewater Treatment Plant) for wastewater to be irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire).

The application for the additional transient workers accommodation units a potential landuse is supported in principle. However, there are numerous matters that need to be addressed relating to the development of the accommodation units including, Physical Process Setback associated with State Planning Policy 2.6, along with the use of Lots 556 and 557 for wastewater irrigation. In addition, the Council would need to consent to the Application for Planning Approval form to be signed in order to enable Master Plan SA to pursue the waste water being irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire). This does not force the Shire into having such arrangements over the land, but simply allows the applicant to have the matter assessed through a planning process.

In this regard, it is recommended that Council agree to accept an Application over Lot 555 and Lot 556 for wastewater irrigation and authorise the Chief Executive Officer to determine the Application in accordance with the relevant provisions of the Scheme and addressing matters raised in this Report.

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### Background

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m<sup>2</sup> with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres.

Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to Parsley Street road reserve of approximately 60 metres. Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

Access to both Lots 563 and 577 is currently provided by Parsley Street road reserve. An internal access road is provided between Lots 563 and 557. Lots 563 and 557 are generally flat with a predominant existing ground level at 3.0m AHD albeit areas of previous development for the purposes of transient workers accommodation have been filled to a level of 4.0m AHD in accordance with previous approvals.

In addition to the current existing use as a caravan park, Beadon Bay Village accommodates transient workers accommodation comprising 130 single bed units together with associated facilities including:

- dining hall and commercial kitchen facilities;
- recreation room;
- converted single men's quarters accommodating a gymnasium and storage; and
- on-site car, truck and bus parking.

The existing caravan park comprises:

- 38 powered caravan sites;
- 25 sites for on-site vans;
- four accommodation cabins;
- a managers residence;
- camp kitchen; and
- swimming pool

The current approvals allow for an existing 60 single bed transient workforce accommodation units to exist together with the existing caravan park, and an additional 64 transient workforce accommodation units to temporarily exist until November 2018. A memorial on the titles has been established by the State Government limiting the number of transient workforce accommodation units on the land. This is essentially a 'private treaty' between the State and the landowner and does not involve the Shire.

Lot 555 and Lot 556 have a combined area of approximately 2.4ha, are vacant and have frontage to Parsley Street road reserve (unconstructed). These lots are owned by the Shire and generally have a ground level of between 2.5m – 4m AHD.

The land subject of the application is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and include in the 'Onslow Coastal Hazard Area'.

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### Proposal

This application before Council proposes to construct three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units.

### ATTACHMENT 13.9

The proposed building is to be sited adjacent the northern boundary of the property which will require the removal of some existing caravan and camping sites to accommodate the new building footprint. The proposal development consists of the construction of three interconnected two storey buildings with undercroft car parking accommodating 96 'Transient Workers Accommodation' Units (TWA) in accordance with the definition of 'transient workers accommodation' in the Ashburton Town Planning Scheme;

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

The buildings are sited adjacent the northern boundary and replace 24 caravan and camping sites and the existing singles men's quarters building currently used for storage and gymnasium to accommodate the new building footprints.

Each of the three buildings accommodate 32 TWA units and is connected to the other buildings by a central three metre wide walkway and stair access at both first and second floor levels. The ground level of each building accommodates at grade car parking (undercroft) together with either store rooms or laundry facilities. The ground level has a finished of 3.0 metres AHD consistent with the existing site levels for this portion of the site.

The first floor of each building provides accommodation in four pods, each comprising four rooms with ensuites suitable for transient workers accommodation providing a total of 16 TWA units per floor. The first floor has a finished floor level of 6.3 metres AHD.

The second floor of each building replicates the first floor accommodating a total of 16 TWA units and has a finished floor level of 9.0 metres AHD. Each pod measures 14.4 metres by 4 metres and is separated by a central walkway of 3 metres in width. Each room for TWA accommodation, measures 3.5 metres by 4.0 metres having a floor area of 14 square metres and includes a single bed, bedside tables, built in wardrobe, desk, bar fridge, television, ensuite and a private balcony of 5.25 square metres, having a minimum dimension of 1.5 metres.

The lightweight internal construction of the pods allows for a conversion of the accommodation to accommodate flexible future needs allowing for a conversion to two single bedroom holiday units with separate living rooms or one two bedroom holiday unit with separate kitchen meals and living room. These configurations do not form part of the current planning application and are provided for the benefit of demonstrating the future potential for conversion to accommodate a range of tourism accommodation options.

Each building has a building footprint of approximately 445 square metres. The buildings have a wall height of 8.4 metres to the eaves of the roofline and total height of 10.12 metres to the apex of the curved roof structure above ground level. The built form is setback 8.0 metres from the northern boundary of the site allowing for the construction of a vehicle

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access aisle to the north of the buildings and the retention of existing perimeter tree planting along the boundary.

The buildings are setback 16.4 metres from the western boundary of the site and 16.9 metres from the existing retaining wall to the east separating the different ground levels upon which the existing 'donga' accommodation is located.

The proposal includes the establishment of a defined internal vehicle access aisles to the north and south of the buildings allowing for convenient access to the undercroft car parking areas. A total of 52 undercover car parking spaces are dedicated to the proposed two accommodation with an additional 12 car parking spaces provided adjacent the buildings to the south providing a total of 64 car parking spaces at a rate of 2 on site car parking spaces per 3 TWA Units developed.

Bus parking is available in the open area to the south of the proposed new Mess Hall and Kitchen Facility which is also used for the purpose of service vehicle manoeuvring. Services are provided in the form of non habitable spaces at the ground floor in the form of store rooms for maintenance and cleaning purposes and laundry facilities. At both the first floor level and second floor level, areas separating the pods are also used for the positioning of plant accommodating the hot water units and air-conditioning compressors servicing the adjacent units.

An assessment of the available water resource and wastewater management for the site has been undertaken on behalf of the Applicant for the overall development of the site including both the development of the new transient workers accommodation and new mess hall (which is the subject of a separate development application). To supply the proposed population of the site associated with the development of the land, additional on-site storage is required to manage collection of the potable water supply required for the site through a combination of mains water, supplied and roof water, collected. It is understood that the storage on site would require the consent of the Department of Health.

The Applicant advises as follows:

*"In respect to the wastewater management, the report identifies two means by which to cater for the increase load on the system. The existing system can either be upgraded to cope with the increase load or a new system constructed. In either event and until the existing Onslow Common Wastewater Treatment facility is upgraded the wastewater will require disposal by irrigation. Correspondence from WaterCorp indicates that the existing common wastewater treatment facility is likely to be upgraded between 2013 and 2015 at which time the disposal of wastewater from the site could readily be accommodated.*

*As a temporary solution and until the upgrade of the Onslow Common Wastewater Treatment Plant, the wastewater will be irrigated to the adjacent land under licence which is currently under the care and control of Council."*

### **Comment**

The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and Council is able to consider transient workforce accommodation. Advertising transient workforce accommodation in the 'Tourism' zone is not a mandatory requirement under the Scheme. In addition, the development is located within the site of Lot 557 and would only potentially only impact the land owned by the Shire.

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However, the use of Lots 555 and 556 for wastewater irrigation is essentially a 'use not listed' as it is not a defined use in the Scheme. In this regard, where a specific use is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the use categories, under Clause 4.4.2 of the Scheme Council may determine:

*“(a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or”*

*“(b) that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.”*

The use of Lots 555 and 556 for wastewater irrigation would require the assessment of regulatory agencies such as the Department of Health and potentially, the Environment Protection Authority. Given the land is with WaterCorp's licenced area, acceptance of the proposal by WaterCorp may also be necessary.

However, for the proposal to be given wider assessment and advertising, the Council would need to resolve that wastewater irrigation is “.... consistent with the objectives and purposes of the zone or with the strategic intentions for the land.”

Given the location in close proximity to industrial land, the distance from any residential development (approximately 500 metres to Bindi Bindi) and the linkage to the development of the Beadon Bay Village, it is considered appropriate to resolve that wastewater irrigation would be a 'use not listed' thus allowing the applicant to address matters to the satisfaction of the State agencies, WaterCorp and the Shire.

It is open for Council not to accept that wastewater irrigation is a 'use not listed' and therefore it would be deemed prohibited.

The subject site is also within the Onslow Coastal Hazard Area and Clause 7.3 of the scheme states in part, the following in relation to this area:

*“7.3.8 In considering applications for planning approval, Local Government shall have regard for the following matters:*

*(f) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*

*(g) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*

*(h) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*

*(i) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*

*(j) That any building development or building alteration approval in the hazard area be endorsed with the following:*

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

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The first floor level of the proposed development of the transient workforce accommodation reflects the provisions of the Scheme. Clause 7.3 of the Scheme specifies a minimum finished floor level of 4.0m AHD in the Coastal Zone or 5.0m AHD in the frontal dune areas for habitable structures. With State Planning Policy 2.6 taken into account, this would reflect a minimum required floor level of 5.9m AHD. The Scheme notes that non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level. In this case parking is proposed on the ground level which is acceptable.

However it is not clear whether the Physical Process Setback (PPS) will impact the building or not. The Applicant has been asked to reference the plan to show the PPS line. If it is impacted by the PPS, it will need to be addressed in further technical report.

### Conclusions

The application for the transient workforce accommodation landuse is supported in principle. However, there are matters that need to be addressed relating to the use of Lots 556 and 557 for wastewater irrigation and PPS. The Shire has not had the opportunity to address all of the outstanding issues associated with this Application. In addition, the Council would need to consent to the Application for Planning Approval form to be signed in order to enable Master Plan SA to pursue the wastewater being irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire).

This does not force the Shire into having such arrangements over the land, but simply allows the applicant to have the matter assessed through a planning process. In this regard, it is recommended that Council:

1. Request the Chief Executive Officer to sign the Application for Planning Approval form to enable Master Plan SA to pursue the proposal that wastewater to be irrigated onto the adjoining Lot 555 and Lot 556;
2. Accept proposed wastewater irrigation on Lot 555 and Lot 556 may be as described in the Application as a 'use not listed' (for the purpose of this Application); and
3. Authorises the Chief Executive Officer to determine the Application in accordance with the relevant provisions of the Scheme and addressing matters raised in this Report.

### Consultation

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

### Statutory Environment

Planning and Development Act  
Shire of Ashburton Town Planning Scheme No. 7  
State Planning Policy 2.6 - The State Coastal Planning Policy  
State Planning Policy 3.4 - Natural Hazards and Disasters

### Financial Implications

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

### Strategic Implications

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

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Policy Implications

Local Planning Policy *Transient Workforce Accommodation*

Local Planning Policy *Interpretation of Onslow Coastal Hazard Area*

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr Eyre

**SECONDED:** Cr Shields

#### That Council:

1. Request the Chief Executive Officer to sign the Application form for Planning Approval to enable Master Plan SA to pursue the proposal that wastewater to be irrigated to the adjoining Lot 555 and Lot 556 (owned by the Shire).
2. With respect to the Planning Application made by Master Plan SA Pty Ltd for three, two storey buildings with undercroft car parking accommodating 96 transient workers accommodation units at Lot 563 and Lot 557 Parsley Street, Onslow and wastewater irrigation on Lot 555 and Lot 556 that Council in accordance with Clause 4.3.2(b) of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') considers that the proposed wastewater irrigation on Lot 555 and Lot 556 may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and the application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.
3. Authorises the Chief Executive Officer to determine the Planning Application in accordance with the relevant provisions of the Scheme and addressing matters raised in this Report.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### 13.10 DRAFT 'LOCAL PLANNING POLICY - 'BEADON BAY VILLAGE CONCEPT PLAN' FOR LOTS 557 & 563 BEADON CREEK ROAD AND LOTS 555 & 556 PARSLEY STREET, ONSLOW - FOR INITIATION

**MINUTE:** 11217

**FILE REFERENCE:** RE.BD.R.34101

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

**NAME OF APPLICANT/RESPONDENT:** Master Plan SA Pty Ltd

**DATE REPORT WRITTEN:** 10 June 2012

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

**PREVIOUS MEETING REFERENCE:** Item 13.6, Minute No. 11070 Ordinary Meeting of Council 16 November 2011

#### **Summary**

This report relates to the preparation of a draft Local Planning Policy (LPP) to facilitate the development of additional transient workforce accommodation and associated facilities to complement the existing development at Lot 563 and Lot 557 Beadon Creek Road, Onslow. Master Plan SA Pty Ltd has lodged a concept development plan on behalf of Discovery Parks for Lot 563 and Lot 557 and includes land at Lot 555 and Lot 556 Parsley Street Onslow (owned by the Shire).

The concept development plan would be defined in the form of a *'Local Planning Policy - Beadon Bay Village Concept Plan'* to provide a 'strategic' direction of the development of the site for transient workforce accommodation and ancillary uses. The submitted concept development plan is light on detail with respect to servicing, flood and storm surge levels, and Physical Process Setback as defined under the State Planning Policy 2.6. This information would need to be addressed by the proponent before the draft LPP can be advertised and referred to State agencies for comment. In addition to above provisions, Lots 556 and 557 are also included in Onslow Airport Height Restrictions Area, which will require an assessment of any potential impacts on the Onslow aerodrome.

It is noted that concept development plan impacts land Discovery Parks does not own (namely Lots 556 and 557). It would be appropriate for Council to acknowledge its consent for the land to form part of the draft 'Local Planning Policy - Beadon Bay Village Concept Plan' although it would not result in the Council being forced to dispose of the land. In this regard, it is recommended that Council agree to include Lots 556 and 557 Parsley Street Onslow in a draft LPP for Lot 563 and Lot 557 Beadon Creek Road, Onslow, adopt draft *'Local Planning Policy - Beadon Bay Village Concept Plan'* and authorise the Chief Executive Officer to determine the level of additional information required.



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Once this information is received, it should be advertised for 21 days and then referred back to Council for determination.

### **Background**

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m<sup>2</sup> with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres.

Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to Parsley Street road reserve of approximately 60 metres. Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

Access to both Lots 563 and 577 is currently provided by Parsley Street road reserve. An internal access road is provided between Lots 563 and 557. Lots 563 and 557 are generally flat with a predominant existing ground level at 3.0m AHD albeit areas of previous development for the purposes of transient workers accommodation have been filled to a level of 4.0m AHD in accordance with previous approvals.

In addition to the current existing use as a caravan park, Beadon Bay Village accommodates transient workers accommodation comprising 130 single bed units together with associated facilities including:

- dining hall and commercial kitchen facilities;
- recreation room;
- converted single men's quarters accommodating a gymnasium and storage; and
- on-site car, truck and bus parking.

The existing caravan park comprises:

- 38 powered caravan sites;
- 25 sites for on-site vans;
- four accommodation cabins;
- a managers residence;
- camp kitchen; and
- swimming pool

The current approvals allow for an existing 60 single bed transient workforce accommodation units to exist together with the existing caravan park, and an additional 64 transient workforce accommodation units to temporarily exist until November 2018.

Lot 555 and Lot 556 have a combined area of approximately 2.4ha, are vacant and have frontage to Parsley Street road reserve (unconstructed). These lots are owned by the Shire and generally have a ground level of between 2.5m – 4m AHD.

The land subject of the application is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and include in the 'Onslow Coastal Hazard Area'.

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Proposal

Master Plan SA Pty Ltd has lodged a concept development plan on behalf of Discovery Parks for Lot 563 and Lot 557 and includes land at Lot 555 and Lot 556 Parsley Street Onslow (owned by the Shire).

The concept development plan would be defined in the form of a *'Local Planning Policy - Beadon Bay Village Concept Plan'* to provide a 'strategic' direction of the development of the site for transient workforce accommodation and ancillary uses.

### ATTACHMENT 13.10

### Comment

The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Council may recall that under the Scheme, a 'development plan' may be prepared for Urban Development Zone, Industrial and Mixed Business Development Zone, Rural Zone and Rural Living Zone. No reference is made for the preparation of 'development plans' for the Tourist zone. However, Council could establish a Local Planning Policy (LPP) that generally reflects the purpose and direction of a 'development plan'. This is the same 'strategic' process carried out for RTIO's Rocklea Palms development at Paraburdoo (*'LPP - Rocklea Palms Paraburdoo Concept Plan'*)

The subject site is also within the Onslow Coastal Hazard Area and Clause 7.3 of the scheme states in part, the following in relation to this area:

*"7.3.8 In considering applications for planning approval, Local Government shall have regard for the following matters:*

- (k) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (l) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (m) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
- (n) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
- (o) That any building development or building alteration approval in the hazard area be endorsed with the following:  
"The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events."*

To address sea level rise (without increasing the floor level), the development would be potentially limited to a development life of 25 years.

This would need to be addressed by the Proponent. Further, the Physical Process Setback (PPS) will impact the land subject of *'Local Planning Policy - Beadon Bay Concept Plan'* and will need to be addressed by the proponent in further technical report that reflects the requirements of the Scheme and State Planning Policies 2.6 and 3.4.

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In addition to above provisions, Lots 556 and 557 are also included in Onslow Airport Height Restrictions Area. Clause 7.5.1 of the Scheme requires:

*“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.”*

In consultation with the Shire’s development of the Onslow Airport, will need to be addressed by the proponent in order to reflect the requirements of the Scheme.

### Conclusions

It is noted that concept development plan impacts land Discovery Parks does not own (namely Lots 556 and 557). It would be appropriate for Council to acknowledge its consent for the land to form part of the draft ‘Local Planning Policy - ‘Beadon Bay Village Concept Plan’ although it would not result in the Council being forced to dispose of the land.

The submitted concept development plan is light on detail with respect to servicing, flood and storm surge levels, impacts of development on the Onslow aerodrome, and the Physical Process Setback. This information will need to be addressed before the draft can be advertised and referred to State agencies for comment.

In this regard, it is recommended that Council:

- Agree to include Lots 556 and 557 Parsley Street Onslow in a draft LPP for Lot 563 and Lot 557 Beadon Creek Road, Onslow.
- Adopt draft ‘Local Planning Policy - ‘Beadon Bay Village Concept Plan’ as a Local Planning Policy under the provisions of Cl. 2.3 of the Scheme.
- Authorise the Chief Executive Officer to determine the level of additional information required to assess the draft ‘Local Planning Policy - ‘Beadon Bay Concept Plan’ and once it is received, advertise in accordance with the provisions of the Scheme.
- Request the Chief Executive Officer to prepare a further report to Council once advertising is complete.

### Consultation

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

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

### Statutory Environment

Planning and Development Act  
Shire of Ashburton Town Planning Scheme No. 7  
State Planning Policy 2.6 - The State Coastal Planning Policy  
State Planning Policy 3.4 – Natural Hazards and Disasters

### Financial Implications

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

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Strategic Implications

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

### Policy Implications

Local Planning Policy *Transient Workforce Accommodation*

Local Planning Policy *Interpretation of Onslow Coastal Hazard Area*

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr Eyre

**SECONDED:** Cr Shields

**That Council:**

1. Agree to include Shire owned land at Lots 556 and 557 Parsley Street Onslow in a draft LPP for Lot 563 and Lot 557 Beadon Creek Road, Onslow.
2. Adopt draft *'Local Planning Policy - 'Beadon Bay Village Concept Plan'* as a Local Planning Policy under the provisions of Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').
3. Authorise the Chief Executive Officer to determine the level of additional information required to prepare documents comprising the draft *'Local Planning Policy - 'Beadon Bay Concept Plan'* and once it is received, advertise in accordance with the provisions of the Scheme.
4. Request the Chief Executive Officer to prepare a further report to Council once advertising is complete.

**CARRIED 8/0**

**MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012**

**14. OPERATIONS REPORTS**

There were no Operations reports for this meeting.

**15. COMMUNITY DEVELOPMENT REPORTS**

There were no Community Developments reports for this meeting.

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

**Council Decision**

**MOVED: Cr Dias**

**SECONDED: Cr Eyre**

**That Council considers the following late Agenda Items:**

**16.1 DRAFT PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK**

**17.2 CONFIDENTIAL - COMMERCIAL IN CONFIDENCE – PROPOSED PURCHASE OF OCEAN VIEW CARAVAN PARK FIXTYRES AND FITTINGS**

**CARRIED 7/1**

**16.1 DRAFT PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK**

**MINUTE:** 11219

**FILE REFERENCE:** OR.IG.03.05

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

**NAME OF APPLICANT/RESPONDENT:** Western Australian Planning Commission

**DATE REPORT WRITTEN:** 11 June 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.5, Minute 11141 Ordinary Meeting of Council 21 March 2012  
Agenda Item 13.04.22 Ordinary Meeting of Council 20 April 2011

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Summary

At the April 2011 meeting of Council it considered the draft Pilbara Planning and Infrastructure Framework ('Framework') prepared by the Western Australian Planning Commission (WAPC) and which sought to define a strategic direction for the future development of the Pilbara region, over the next 25 years. The Shire Report to Council addressed the main issues associated with the Framework as it affected the Shire. Council resolved to request the CEO to prepare a submission to the draft Framework based on the matters identified in this Report. This was undertaken and now the WAPC has produced the 'final' Framework.

The Shire reviewed the 'final' Framework and found that the majority of issues raised by the Shire/Council have not been addressed. At the Council meeting of 21 March 2012, Council resolved to request the Chief Executive Officer to write to the Minister for Planning seeking advice as to why the Shire submission was generally not addressed in the 'final' Framework report.

The Minister has responded to the Council's concerns explaining that the Framework is a 'living document' that will be regularly reviewed. The Minister thanked the Shire for its constructive comments.

### Background

In February 2011, the Western Australian Planning Commission (WAPC) prepared and released for public comment the draft *Pilbara Planning and Infrastructure Framework* ('Framework') which seeks to define a strategic direction for the future development of the Pilbara region, over the next 25 years. The *Framework* concludes that:

*"...by 2035, the region will have a resident population of more than 140 000, based on a more diverse economy that has capitalised on its competitive advantages. As part of the Pilbara Cities vision, the Pilbara will have two cities: Karratha and Port Hedland, each with a population of 50 000.*

*These would be supported by the Newman sub-regional centre with a population of 15 000 and the major towns of Tom Price, Onslow and Wickham."*

At the Council meeting of April 2011, Council considered the draft *Framework* in a Report that addressed the main issues associated with the *Framework* as it affected the Shire. Council resolved to request the CEO to prepare a submission to the draft *Framework* based on the matters identified in this Report which was undertaken.

The Shire reviewed the 'final' *Framework* and found that the majority of issues raised by the Shire/Council have not been addressed. At the Council meeting of 21 March 2012, Council resolved to request the Chief Executive Officer to write to the Minister for Planning seeking advice as to why the Shire submission was generally not addressed in the 'final' *Framework* report.

### Comment

The Minister has responded to the Council's concerns explaining that the *Framework* is a 'living document' that will be regularly reviewed. The Minister thanked the Shire for its constructive comments.

**Consultation**

Chief Executive Officer

**Statutory Environment**

None applicable

**Financial Implications**

There are no financial implications relevant to this matter.

**Strategic Implications**

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

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

**Policy Implications**

The WAPC will utilise the directions provided in the *Framework* when considering planning scheme amendments, the review of the planning scheme and when considering any policy for the Shire. On a wider basis, it is anticipated that government agencies will use the *Framework* as a tool to direct resources within the Pilbara. In this regard, it is important that the Council reviews the *Framework* and ensures that any considered inconsistencies and concerns are addressed during the consultation stage.

**Voting Requirement**

Simple Majority Required

**Council Decision**

**MOVED: Cr A Eyre**

**SECONDED: Cr P Foster**

**That Council:**

1. **Note the correspondence from the Minister for Planning: Culture & Arts: Science and Innovation dated 6 June 2012.**
2. **Request the Chief Executive Officer to provide copies of the Minister's correspondence referred to in 1. above to the :**
  - **Western Australian Local Government Association;**
  - **Shire of Roebourne;**
  - **Town of Port Hedland; and**
  - **Shire of East Pilbara.**

**CARRIED 8/0**

## 17. CONFIDENTIAL REPORTS

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

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

*(a) a matter affecting an employee or employees;*

*(b) the personal affairs of any person;*

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

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

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

*(I) a trade secret;*

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

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

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

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

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

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

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

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

*(h) such other matters as may be prescribed.*

### Council Decision

MOVED: Cr Foster

SECONDED: Cr Eyre

That Council close the meeting to the public at 3.33pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995

CARRIED 8/0

Rob Paull left the meeting at 3.33 pm.

Fran Bentley left the meeting at 3.33 pm



**MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012**

**17.1 CONFIDENTIAL ITEM - WITTENOOM LITIGATION**

**MINUTE:** 11218

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

**AUTHOR'S NAME AND POSITION:** Keith Pearson.  
Senior Project Officer

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

**DATE REPORT WRITTEN:** 10 June 2012

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

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 17.3. Ordinary Meeting of Council, 18 April, 2012.

Please refer to Confidential Item Attachment under separate cover.

**Council Decision**

**MOVED:** Cr SHIELDS                      **SECONDED:** Cr EYRE

**That Council resolved to adopt the officers recommendation in relation to the Supreme Court of Western Australia case A Roerig v CSR Ltd & Ors (CIV 1760 of 2012), as set out in the body of this agenda report.**

**CARRIED 8/0**

**MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012**

**17.2 CONFIDENTIAL - NEW BUSINESS - COMMERCIAL IN CONFIDENCE - PURCHASE OF OCEAN VIEW CARAVAN PARK FIXTURES AND FITTINGS**

**MINUTE:** 11220

**FILE REFERENCE:** SE.R.04405.000  
OR.MT.2

**AUTHOR'S NAME AND POSITION:** Hannah Scott  
Research/Administration Assistant

**NAME OF APPLICANT/RESPONDENT:** Peter Adams

**DATE REPORT WRITTEN:** 15 June 2012

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

**PREVIOUS MEETING REFERENCE:** Minute 11205 - Ordinary Council Meeting of the 16 May 2012.

Please refer to Confidential Item Attachment under separate cover.

**Council Decision**

**MOVED:** Cr P Foster

**SECONDED:** Cr A Eyre

**That Council**

1. Authorise the purchase of Mr Adams fixtures at the negotiated prices as listed
  - 
  - Office Building - \$20,000.00
  - 8 x Accommodation Units - \$ 50,000.00
  - 7 x Maytag Washing Machines \$3,000.00
2. Make provision in the 2012/2013 budget to meet this expenditure.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Council Decision

**MOVED:** Cr Foster

**SECONDED:** Cr Eyre

**That Council re-open the meeting to the public at 3.43 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 8/0**

Amanda O'Halloran left the meeting at 3.43 pm.

Amanda O'Halloran re-entered the meeting at 3.48 pm.

Rob Paull re-entered the meeting at 3.48 pm.

## 18. COUNCILLOR AGENDA ITEMS

### 18.1 STRATEGIC ISSUES - PILBARA REGIONAL COUNCIL (PRC) 2012/2013

**MINUTE:** 11228

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

**AUTHOR'S NAME AND POSITION:** Cr L Thomas

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

**DATE REPORT WRITTEN:** 8 May 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 18.1 Ordinary Meeting of Council 16 May 2012

#### Issue

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

1. The 4 Loc. Gov. CEO's review the Regional Business Plan prepared by KPMG with their Executive team and identify projects from the Regional Business Plan, plus any additional projects which could be undertaken by P.R.C. The identified projects shall be workshopped with Councillors, and ideally should align with each Council's Operational Plan.

2. \*A workshop with PRC Councillors and member CEO's will be held from 11.30 am to 2 pm on Friday 30 March to review the PRC Strategic Plan and the projects suggested by the Member Councils.\*

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

3. A draft PRC Operational Plan and budget will be prepared following the workshop. Any changes to the draft plan will be made in April, prior to going to each Member Council for approval prior to 30 June 2012.

4. Once the project and budget have been approved by each Member Council the Operational Plan and Budget will be submitted for approval at the 27 August 2012 P.R.C. meeting in order to meeting compliance requirement.

### PRC Project – Pilbara Connections

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

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

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

Priority works for stage one, endorsed by the steering group. Port Hedland: De Grey station sites – Shellborough / Condon / Tichla. Shire of East Pilbara: Cape Keraudren. Shire of Roebourne: Cleaverville and possibly 40 Mile / Gnoorea Point. Shire of Ashburton: Information Bays at either end of Karijini Drive and Onslow turn off.

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

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

Jenella Voitkevich – TOPH, Manager Infrastructure Development

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

Allen Cooper – CEO SOEP

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

Gary Player – Regional Manager MRWA, Pilbara

Felicity Gilbert – PDC, Assistant Direction Regional Development

Shelley Pike – PRC, CEO

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

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

### **Councillor Recommendation**

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr Foster**

**SECONDED: Cr Eyre**

**That Council raise Agenda Item 18.1 from the table.**

**CARRIED 8/0**

Cr Fernandez arrived at the meeting at 3.51 pm.

**Following discussion Crs Fernandez and Shields withdrew their motion**

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

## **MINUTES - ORDINARY MEETING OF COUNCIL 20 JUNE 2012**

### **19. PILBARA REGIONAL COUNCIL REPORT**

There were no Pilbara Regional Council reports for this meeting.

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 18 July, at the Council Chambers, Tom Price Recreation Centre, commencing at 1.00 pm.

### **21. CLOSURE OF MEETING**

The Shire president closed the meeting at 3.55pm.