



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**PUBLIC AGENDA**

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

**14 December 2011**

# AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

## 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 14 December 2011 at Council Chambers, Community Recreation Centre, Tom Price commencing at 3:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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### 1. DECLARATION OF OPENING

### 2. ANNOUNCEMENT OF VISITORS

### 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 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
Ms D Wilkes	Executive Manager, Community Development
Mr R Paull	Principal Town Planner
Miss C Shaw	Administration Assistant

#### 3.2 APOLOGIES

Mr G Brayford	Executive Manager, Technical Services
Ms F Keneally	A/Executive Manager, Operations
Ms J Smith	Executive Assistant CEO

#### 3.3 APPROVED LEAVE OF ABSENCE

Cr C Fernandez	Tom Price Ward
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### 4. QUESTION TIME

#### 4.1 PUBLIC QUESTION TIME

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

At the Ordinary meeting of Council held on 16 November 2011 the following questions were taken on notice and a written response will be provided.

Cr White tabled the following question on behalf of Murphy O'Meara from Tom Price.

**Q1. I had an idea to make the light on the tank on the hill near Mount Nameless a cyclone warning so different colours would go on the tank as a warning?**

A response to Murphy O'Meara has been sent by Morgwn Jones the Emergency Services Supervisor informing Murphy that suggested area is the reasonability of Rio Tinto and that the matter will be taken

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up with Rio Tinto and the SOA Inland Local Emergency Management Committee.

Cr Foster tabled the following letter on behalf of Marian Heame, the Manager of the Tom Price Youth Centre. She indicated a letter dated 25 May 2011 on a similar matter had not been responded to.

**Q1. "Thank you inviting us to the meeting of Friday 6<sup>th</sup> of May 2011 to discuss the town revitalisation and the opportunity for the Tom Price Youth Support Association to be included.**

**At that meeting you outlined that it was the Shires intention to revitalise the town precinct with new purpose built buildings to the house TPYSA and Nintirri (not necessarily in the same building).**

**It was also suggested that funding for a feasibility study to include concept development plans for both TPYSA & Nintirri could be sourced through the Shire of Ashburton and that it would also be cost effective that the same consultant would act for both entities.**

**As suggested, we have discussed this at our recent quarterly Management Committee meeting and all are supportive of this great opportunity. We feel it is important to develop a study with a consultant who has experience specific to the youth sector. This will ensure a study which focuses on youth needs locally. We therefore request that we identify and engage our own consultant for this process.**

**Could you please provide written confirmation that our understanding of the funding offered for a Feasibility study and Concept Plan for a new building is correct. That is, that the Shire will source the funds for the consultancy phase to progress.**

**The TPYSA Committee would like to thank the Shire for its vision to include the TPYSA in its plans to revitalise the town precinct. We are eager to participate in this process and look forward to further engagement with both the Shire of Ashburton and other potential stakeholders in the progression of the revitalisation program. "**

The Shire apologises that your letter requesting confirmation about the funding for a Feasibility Study and Concept Plan, dated 25 May 2011, has not previously been acknowledged or responded to.

You are mostly likely already aware that the Shire, in conjunction with Rio Tinto, has engaged the services of Creating Communities Australia to conduct that study and produce a concept plan for the Youth Centre and Nintirri Women's Health Centre.

Creating Communities recently conducted a series of meetings with all identified key stakeholders and have created a questionnaire for

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current and potential users of these two centres to ascertain their views and future needs from these services and facilities. The questionnaire has a return date of 8 December 2011, after which responses will be collate and a report prepared.

Once the report is drafted it will come back to the key stakeholder for final comment before being presented to Council. It is anticipated that the report will ready go before Council in the early months of 2012. Dependent on the contents of the report, and initial approval by Council, funding options will then to be identified, explored and finalised before the matter can progress further.

Cr Foster tabled the following question on behalf of Brenda Murphy, resident of Tom Price.

**Q1. When and where is the Skate Park going to be done? It is good that it is approved but we want deadlines as everything in Tom Price takes ages to be done.**

The Shire of Ashburton is currently working towards building a new skatepark on the site of the current one located between the swimming pool and Shire offices.

Currently a concept plan for what the skatepark should look like has been prepared and approved by Council. This plan was developed in conjunction with the local community, and specifically the young people who use the facility.

Knowing what the park is likely to look like has also allowed a budget to be prepared and funding avenues to be explored to raise the necessary funds for the design and construction of the skatepark.

The advertisement calling for tenders to design and construct the skatepark will be going out before Christmas and the tenders will close in late January 2012. It is a legal requirement that projects of this size and cost be advertised for tender.

From there all tenders have to be assessed. Once that is done, we then need make sure we have enough funds to build the park and can then can go to back to Council for final approval , another legal requirement, after which the successful company can be appointed and construction can begin.

While it is extremely difficult to put an accurate time line on projects such as this the Shire has an anticipated completion date of mid 2012.

Mrs Jenny Whitmore a resident from Onslow tabled the following questions.

**Q1. We want to know when we are going to get answers to our questions. There as never any answers. Nothing in writing, nothing in the minutes. Only once has one of our questions been answered.**

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- Q2. We want to know what was the cost, of litigation against us, the Whitmore's. What cost to the rate payers by the incompetent people in the Shire. We feel this was taken to a personal level and that the case was dropped two weeks before trial as there was no case to answer and never was for 5 years.**
- Q3. We also want to know when will this rule/bylaw about renting OUR private house to Fly in Fly out workers going to be abolished. Why didn't the shire make everybody renew permission/licence again this year? Why haven't they got the same law in all the other Pilbara towns, Tom Price, Pannawonica? Why don't mining companies pay it? The law is direct effect of discrimination against private house owners, in Onslow and against the companies who want to rent out properties. I thought there was to be no discrimination in Australia.**

I refer to the Public Questions you presented to Council at its November 2011 meeting.

A search of our Minutes only record two instances of Public Questions made by Mr Graeme Whitmore:

- December 2008 regarding the issuing of correct rate notices for properties at Cornish Way and First Avenue Onslow.
- April 2010 regarding purchase of take -away liquor in Onslow on Sundays.

In respect to the December 2008 Public Question we are unable to determine why a response was not made. We apologise for this oversight.

In respect to the April 2010 Question, staff presumed that the Presidents response was sufficient and a written response was not necessary. Once again we apologise if this was incorrect.

In respect to your second Question we presume that the litigation you refer to concerns the collection of rate for assessments: A1027 Lot 635 Forest Court Onslow and A3310 Lot 681 Cornish Rd. Onslow.

Unfortunately, we are unable to determine the staff costs involved as the matter continued over a number of years and most of the staff members involved are no longer employed by the Shire.

The legal cost of the two matters was approximately \$2,200 (GST inclusive) and \$15,300 (GST inclusive) respectively.

In regard to your third question, The Shire of Ashburton Local Planning Scheme No.7 defines what land uses are 'as of right', permitted with the consent of Council and what land uses are prohibited. Under the Scheme, a 'Residential Building' is a use that requires planning approval and is defined 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.”*

A residential building is a use that requires consent from Council in the Residential Zone, irrespective whether the zone is in Onslow, Tom Price or Paraburdoo.

The Shire understands these provisions currently apply to the majority of Town Planning Schemes operating within Western Australia.

There is no Shire Licence as referred to in your query. The Scheme requirement is not based on tenure. It is not possible to comment on discrimination Australia wide, but there is clearly no discrimination from the Shire

Mr Bob Harris a resident from Onslow tabled the following question.

**Q1. At a recent C.R.G Meeting I asked our former Shire President if consultation had been carried out on the rezoning of the town. He assured me that there had been consultation on this matter. This is a pack of blatant lies. Before this rezoning is adopted by council, we the residents and ratepayers of this town request an independent consultation on this issue.**

We are uncertain to which Scheme Amendment you refer to in your question to Council.

However, the previous Shire President was correct that all Scheme Amendments in the Shire are correctly advertised for community consultation. This is done in accordance with the provisions of the Planning and Development Act 2005.

In this regard, an Amendment is advertised for a minimum of 42 days and with notices in a newspaper that circulates in the locality. Where applicable, land owners directly affected are notified and a sign is placed on site.

The Shire ensures that Amendments are placed on the Shire's Website and available at the Shire offices.

As an example the two Amendments considered by Council at the November 2011 meeting (Amendment 13 and Amendment 14) although very different in their purpose, were advertised in identical

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fashion and in accordance with the manner as discussed above. However, on this occasion a sign on site was not applicable, as neither Amendment related to an individual site.

All Scheme Amendments are reviewed by the Western Australian Planning Commission to ensure they meet statutory and Town Planning guidelines.

If you are able to provide us with specific examples relating to your question, we will provide a more accurate response to you.

Mr Alistair McGregor from Apache Energy tabled the following question.

**Q1. Will Council provide Apache Energy with an opportunity to provide input and support into the Airport Development Project?**

The CEO responded indicating their interest is noted.

Mr Ken Court presented to Council copies of the biography of his late father, Sir Charles Court "I love this place" written by Ronda Jamieson.

The President thanked Mr Court for his donation.

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

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

#### **6.1 PETITIONS**

There were no petitions presented to Council.

#### **6.2 DEPUTATIONS**

There were no deputations presented to Council.

#### **6.3 PRESENTATIONS**

Dr Carolyn Ringrose, Piers Goodman and Nicole Stein from will be giving a presentation on the West Pilbara Iron Ore Project (WPIOP) Update 2011, Ben Graham from Landcorp will be giving a presentation on Scheme amendments for Residential Planning and Kathy Craig, project Manager and David Cady, Planning consultant from Landcorp will be giving a presentation on the Landcorp Development, Ashburton North.

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

**7.1 ORDINARY MEETING OF COUNCIL HELD ON 16 NOVEMBER 2011**

**Council Decision**

**MOVED: Cr XX SECONDED: Cr XX**

**That the Minutes of the Ordinary Meeting of Council held on 16 November 2011, as previously circulated on 25 November, be confirmed as a true and accurate record, subject to the following amendment:**

**1. Council Decision**

**MOVED: Cr Wright SECONDED: Cr Fernandez  
That Council reconvene from lunch at 1.56 pm.  
CARRIED 8/0**

**To**

**Council Decision**

**MOVED: Cr Wright SECONDED: Cr Fernandez  
That Council reconvene from lunch at 1.56 pm.  
CARRIED 9/0**

**2. Insert the following before public Question Q1. When and where is the Skate Park going to be done? It is good that it is approved but we want deadlines as everything in Tom Price takes ages to be done.**

**“In the absence of Cr Fernandez, Cr Foster tabled the following question on behalf of Brenda Murphy, resident of Tom Price.”**

**CARRIED XX/XX**

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

**9. DECLARATION BY MEMBERS**

That Crs White, Rumble, Dias, Shields, Foster, Eyre, Thomas and Wright have given due consideration to all matters contained in the Agenda presently before the meeting.

**9.1 DECLARATION OF INTEREST**

**Councillors to Note**

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

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

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

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- (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.

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**10. CHIEF EXECUTIVE OFFICER REPORTS**

**10.1 DELEGATED AUTHORITY - AWARDING OF TENDERS:**

**RFT15/11 SUPPLY OF PLANT AND EQUIPMENT HIRE FOR WORKS  
ASSOCIATE WITH MAJOR CONSTRUCTION PROJECTS,**

**AND**

**RFT 16/11 SUPPLY OF ELECTRICAL SERVICES FOR WORKS ASSOCIATED  
WITH THE CONSTRUCTION OF THE ONSLOW AIRPORT.**

<b>FILE REFERENCE:</b>	AS.TE.11.15
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager Corporate Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	4 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 14.12.20 Ordinary Council Meeting December 2010.

**Summary**

Two tenders concerning the upgrade of the Onslow Airport close on 19 December 2011. As Council's next meeting is not scheduled until 15 February 2012 it is very important delegated authority be given to the Chief Executive Officer (CEO) to determine the tenders allowing works to proceed.

**Background**

Two tenders were advertised on Saturday 3 December 2011 for RFT15/11 Supply of Plant and Equipment Hire for works associate with Major Construction Projects and RFT 16/11 Supply of Electrical Services for works associated with the construction of the Onslow airport. They both close on Monday 19 December 2011.

The tenders have been delayed because the design for the upgrade of the Onslow airport has only recently been received.

Chevron has agreed to fund \$30 million for the Onslow Airport upgrade and needs to be operational in November 2012.

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Since Council's next meeting is not scheduled until 15 February 2012 it is very important delegated authority be given to the CEO to determine the tenders.

### Comment

Nil

### Consultation

Nil

### Statutory Environment

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

### Financial Implications

Chevron has agreed to fund the upgrade of the Onslow airport.

Staff are unable to quantify the value of the tenders as they are for hourly rates.

### Strategic Implications

Shire's Strategic Plan 2007-2011:

*“Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire”.*

### Policy Implications

Nil

### Voting Requirement

Absolute Majority

### Recommendation

That Council:

1. Authorise the CEO to determine and award tenders:

RFT15/11 Supply of Plant and Equipment Hire for works associate with Major Construction Projects,

And

RFT 16/11 Supply of Electrical Services for works associated with the construction of the Onslow airport.

2. Request the CEO to place a copy of the tender evaluations in the Councilor Information Bulletin.

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

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### 10.2 MUNICIPAL SERVICES TO ABORIGINAL SETTLEMENTS

<b>FILE REFERENCE:</b>	CS.SSP
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Senior Strategic Advisor.
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of Local Government
<b>DATE REPORT WRITTEN:</b>	6 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The funding and delivery of local government services to Western Australian indigenous communities has evolved over several decades into a complex web involving multiple funding agencies and service providers, including the Commonwealth, State and local governments and to a lesser extent, in some cases, resource companies and community corporations.

In 2006 the West Australian and Commonwealth governments entered into the "Bilateral Agreement on Indigenous Affairs". Under this agreement the two governments agreed that primary responsibility for municipal services to indigenous settlements would be transferred from the Commonwealth and would become the responsibility of the state, which, in turn, would implement its policies through local government

The State Government entered into this agreement, without consultation with local government and in the absence of any practical plan of implementation, and no obvious funding source, there has been a strongly adverse reaction from the 22 affected local governments in the state. Particular local government concerns are

- The poor level of communication from the State government
- The failure of the Commonwealth and State governments to have a dialogue with individual settlements
- The failure to adopt a soundly based model for the provision of services
- The failure to provide, ongoing, long term funding for the implementation of services.

It is appropriate that Council now convey to the State government in its attitude in relation to the State's proposal that the Shire become the agency to provide municipal services to aboriginal settlements within the Shire of Ashburton.

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### Background

The funding and delivery of local government services to Western Australian indigenous communities has evolved over several decades into a complex web involving multiple funding agencies and service providers. Within this framework, no one organization or agency has primary responsibility.

Presently, the funding of local government services to these settlements relies, to some extent, on Commonwealth Government funding under the Municipal Services Funding (MUNS) scheme. Although this funding is intended to supplement state and, to a lesser extent, local government efforts it effectively comprises the core funding for community corporations to deliver services. The MUNS funding is supplemented by ad hoc inputs from a range of other sources such as state government agencies, local governments, and to a lesser extent, in some cases, resource companies and community corporations.

There is universal agreement that the existing funding arrangements are inadequate in terms of the amount of funding available. It is also agreed that there is no consistency in the quality of the services provided, or even the range of services provided. There is, however, no agreement amongst the three levels of government as to how these deficiencies should be addressed.

The magnitude of the problem is apparent when it is noted that the State government has identified 245 aboriginal settlements, of varying sizes, throughout the state. Many of the settlements are small and a large number are unsustainable, when assessed against any reasonable criteria.

In 2006 the West Australian and Commonwealth governments entered into the "*Bilateral Agreement on Indigenous Affairs*". Under this agreement the two governments agreed that primary responsibility for municipal services to indigenous settlements would be transferred from the Commonwealth and would become the responsibility of the state, which, in turn, would implement its policies through local government.

The State Government entered into this agreement, without consultation with local government.

A total of 15 services have been identified as fitting into the "municipal services" category, although not all settlements generate a need for all services.. The services identified include waste collection, roads, maintenance, street lighting, environmental health, town planning and building controls, emergency management and sport and recreational facilities.

Most significantly, "community management, administration and governance is also included, although it could be argued that at least some aspects of this area of responsibility do not fall within the legislated functions of local government.

The State has defined 11 of these services as being "Primary Services" and the remaining four as "Secondary Services".

The State proposes that services be provided to individual communities based on their categorization by size. More specifically, it is proposed that the following community categories apply.

#### *Category 1A;*

Remote communities with a population of 200 people or more and at least four dwellings;



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### *Category 1B:*

All town-based communities;

### *Category 2:*

Remote communities with a population of 100 to 200 people and at least 20 to 40 dwellings;

### *Category 3:*

Remote communities with a population of 30 to 100 people and less than 20 dwellings; and

### *Category 4:*

Remote communities of less than 30 people.

The State proposes, as a long-term objective, that all Category 1 and Category 2 settlements receive Primary and Secondary Services while Category 3 and Category 4 settlements would receive only Primary Services.

There are no Category 1A communities within the Shire of Ashburton, however, there are there is one Category 1B settlement, that being Bindi Bindi, in the town of Onslow. All other settlements in the Shire are either Category 3, or 4 settlements.

The Commonwealth Government has now advised the State that it will cease to have responsibility for services to indigenous settlements on 1 July 2012. Of particular concern is the fact that Commonwealth representatives have been advising many individual settlements throughout the state of this decision and have been stating that services are to be taken over by local government from the beginning of the next financial year.

As is noted above, the bilateral agreement was reached without consultation with local government and in the absence of any practical plan of implementation, as well as no obvious funding source, there was a strongly negative reaction to the proposal from the 22 affected local governments in the state.

In the five years since the agreement was signed there has been an ongoing, but largely unproductive dialogue between the State and Commonwealth governments. There have also been discussions between the State and the affected local governments, although it is only in recent times these have been anything like meaningful discussions.

More recently, the State, reacting to strong criticism from local government, has attempted to establish a more reasoned approach to local government service delivery and its funding. To this end it has engaged consultants to undertake a series of studies to

- Review and analyse models and approaches for local government service delivery in indigenous communities in various jurisdictions across Australia
- Map the current responsibilities for delivery of local government services to Western Australian communities
- Formulate models and options the consideration for adoption in the transition of local government service delivery and settlements from Commonwealth to local governments

The early phases of this State Government initiated research have provided valuable data in relation to the actual cost of services. More recent work, involving the formulation of options to manage and fund service delivery, has been far less convincing, as is illustrated by the latest report entitled "*Mapping of Current Responsibilities and Options for the Future Funding*

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*and Service Delivery Model*", prepared by the Australian Centre of Excellence in Local Government (ACELG), for the Department of local government.

The ACELG report has attempted to establish the existing level of funding being spent on municipal services in the state, as well as what alternative funding sources may be available. Unfortunately the consultant's endeavours to identify available funding sources were factually inaccurate and although these errors have been partly addressed in later versions of the report, the document has failed to identify anywhere near the necessary funding to meet the ongoing, annual cost of services (see "Comments" below).

### Comment

As was previously noted, the DLG has more recently improved the quality of its dialogue with local government. This has, however, tended to underscore the fact that the State still does not have a viable model on which to base the provision and funding of municipal services to settlements. Indeed, there is still no detailed agreement between the State and Commonwealth governments, in relation to funding.

At the most recent briefing of Pilbara local government Chief Executive Officers (CEOs) (held on the 28 November), the DLG stated that, since the October "Pilbara CEO" briefing, the State Government's planning committee, which is directing the project, had reported to the Premier's Department and the Department of Indigenous Affairs (DIA).

The CEOs were told that it was originally proposed that negotiations with the Commonwealth would be undertaken by the Premier's Department, however, that department has passed on responsibility for this task to DIA.

Negotiations with the Commonwealth are expected to commence over the next three or so months and during that time the planning committee will not meet. The State's objective is to complete the negotiations in time for the State's 2012-13 Budget, although this does not appear to be a very realistic objective on the part of the State.

The DLG said WALGA has requested that it be able to represent the 22 affected shires in negotiations between the State and the Commonwealth. The department said that it has no objection to this proposal, however, the Premier's Department has not yet agreed to the request.

DLG also said that it has completed four of five regional "scoping and costing" reports. The reports completed include the one for the Pilbara. These reports attempt to quantify the funding necessary to bring infrastructure up to an adequate standard prior to its transfer to local government management and then the annual, ongoing cost of maintaining it.

Precise details of the contents of the scoping reports have not been given to the local governments, however, the DLG representatives stated that its research, to date, indicates that \$600 million is necessary to bring existing municipal services infrastructure within settlements up to date, prior to being handed over to local government. Further, the ongoing cost of providing services is estimated to be \$150 million per annum.

To place this annual cost in context, it is noted that the negotiations between Queensland and the Commonwealth resulted in a Commonwealth commitment of \$23 million per annum. This is despite Queensland having approximately 27,000 residents living in aboriginal settlements whilst there are only 17,000 in Western Australia.

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The Shire representatives at the latest meeting pointed out that it was unclear from the ACELG report how much funding would be available from the three levels of governments on an ongoing basis. At best, however, it appeared that no more than about \$20 million, or so had been identified so far. The DLG representatives acknowledged that there presently exists a serious funding shortfall. It was in this context that the State proposed to put various options to the Commonwealth whereby municipal services would initially be prioritised for individual Category 1 (200+ residents) and Category 2 (100-200 residents), as well as town based settlements, only. If the Commonwealth/State negotiations are successful, this will mean that out of the 15 identified municipal services, the larger and town site settlements may receive 2, 3 or 4 upgraded services each, initially.

It is unclear what the State's position will be in relation to funding, should negotiations with the Commonwealth result in less than hoped for funding from that source, a result which is very likely to occur.

During the latest briefing the DLG advised that no discussions have yet taken place with aboriginal communities in relation to how services are to be provided the future. The department stated that it wished local government, alone, to undertake this task. Further, the department wished local government to commence this process prior to negotiations with the Commonwealth being completed.

The Shire representatives noted that there was a risk to local government's credibility in starting such a dialogue with the communities, when local government is unaware of both the precise timing and outcome of the State/Commonwealth negotiations. One of the Pilbara local government representatives suggested that discussions could perhaps commence with the three levels of government attending, however, the DLG was not supportive of that idea. The DLG, however, did say it would give consideration to any funding request for a consultant to assist local government with the consultation process. (This offer of funding has subsequently been withdrawn)

Most importantly, the DLG acknowledged that July 2012 would not be a "magical date" for local government to take over responsibility for municipal services to aboriginal settlements. Rather, it would be the beginning of a transition period as the new servicing model is introduced. This transition will occur over several years.

This should not be looked upon as a benevolent statement by the State Government. Rather, it reflects the fact that the State recognises that State, and possibly Commonwealth, legislative changes are necessary in order to implement the program it proposes. (see "Statutory Implications", below)

The meeting ended with the DLG requesting individual, local government responses to the settlement consultation process before a departmental workshop proposed for February of next year.

On 5 December the 22 affected local governments attended a WALGA initiated workshop. The stated purpose of the workshop was,

*"To ensure that all concerns from the sector are raised, The forum will discuss local government positions, the outcomes of the costing and scoping exercises, and an action plan, including the development of a sector agreement to take to Commonwealth and State Government negotiations."*

The concerns of the shires attending the workshop were remarkably consistent with those identified by this Shire.

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There was a uniform belief that it is appropriate that the provision of local government services to aboriginal settlements be rationalised and that they be funded on a sound basis. Further, there was a belief that local government has a role in providing these services, but not at a cost to it. There was, however, universal concern with regard to the following,

- The poor level of communication from the State government
- The failure of the Commonwealth and State governments to have a dialogue with individual settlements
- The failure to adopt a soundly based model for the provision of services
- The failure to provide, ongoing, long term funding for the implementation of services.

The workshop concluded with the participants agreeing that a draft communiqué, which reflects local government concerns, be submitted to individual councils for consideration and, hopefully endorsement. The theme of the communiqué will be that local government will not participate in the process, unless the outstanding matters are addressed by State and Commonwealth governments

It is anticipated that the draft statement, which it is proposed to make on behalf of the affected local governments, will be available a short time after the writing of this report. Once it is available, it will be distributed to councillors for their information and consideration.

In summary, this is a particularly complex matter which requires all three levels of government to reach agreement, if a satisfactory outcome to all is to be achieved. The fact is, however, that to date, the endeavours of both the State and Commonwealth governments have failed to produce a practical and funded outcome. Furthermore, there is no clear sign that a satisfactory outcome will be achieved in the near future.

The administration's attitude is consistent with that of the other affected shires and is that, while the principles underlying rationalising the provision and management of municipal services to aboriginal centres are very worthy and therefore should be supported, the fact remains that the Shire is potentially at significant risk if it commits to such a program in the absence of any clearly identified, funded program

This is clearly not the case at this point in time and is recommended that Council convey this fact to the Department of Local Government

### **Consultation**

Chief Executive Officer,  
Acting Chief Executive Officer,  
Pilbara Local Government Chief Executive Officers,  
Department of Local Government

### **Statutory Environment**

There are many potentially significant legal implications in relation to the State Government's proposals. It is unclear, for example, whether all the "municipal services" proposed are consistent with the definition of local government functions contained in the Local Government Act. There are also legal issues associated with local government being required to undertake both capital and operational expenditure on developments which are not on Shire land.

The State Government has also acknowledged that changes to Commonwealth legislation may be necessary if the funding model adopted involves changes to the Commonwealth Financial Assistance Grants (FAGS) program.

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The legislative implications of the proposal are not limited to the above. Rather a more detailed assessment of the legal implications should be undertaken (preferably by a solicitor) prior to the implementation of any adopted program.

In summary, it would appear that a number of legislative changes will be required prior to the full implementation of any adopted program.

### Financial Implications

The financial implications of the State Government's proposals are not able to be quantified at this time. They do, however, have the potential to have a significantly adverse impact, in the long term, on the shires operating expenditures in the event that the Shire is core required to implement a program which is not fully funded.

### Strategic Implications

Strategic Objective 2 "Include and Engage Our Community" and Strategic Objective 6 "A Well Managed and Contemporary Corporation" from the Shire's Strategic Plan 2007-11, are relevant to this matter.

### Policy Implications

There are no policy implications relative to this matter.

### Voting Requirement

Simple majority required

### Recommendation

That Council:

1. Advise the Department of Local Government that while the Shire of Ashburton supports the rationalization of arrangements for the provision of municipal services delivery to aboriginal settlements, and believes there is a significant role for local government in that process, Council is not able to support current State proposals until
  - (a) A rational and practical model for the implementation of services is identified.
  - (b) Long term funding arrangements, acceptable to local government, have been agreed to by the Commonwealth and State Governments, and
  - (c) There is a commitment by the Commonwealth and State Governments to meaningful dialogue, initiated and paid for by the Commonwealth, and practically supported by state and local governments, taking place with individual communities.
- 2 Supports the release of a WALGA sponsored communiqué, with the theme that local governments will not participate in the process, unless the outstanding matters regarding the transfer of responsibility for municipal services to local government are addressed by State and Commonwealth governments.

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

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### 10.3 USE OF SHIRE OF ASHBURTON LOGOS POLICY

<b>FILE REFERENCE:</b>	OR.CI.02.00
<b>AUTHOR'S NAME AND POSITION:</b>	Lisa Hannagan Administration Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Ordinary Meeting of Council 19 May 2010

#### **Summary**

The purpose of the policy is to establish guidelines for use of the Shire of Ashburton logos. The Shire of Ashburton recognises that it is important to establish a framework for the use of its logos to ensure that a consistent and professional image of the Shire is promoted publicly.

#### **Background**

At the Ordinary Council Meeting held 16 November 2011 Council accepted an additional logo "Reef to Range", and directed the Chief Executive Officer to prepare a policy for the Council meeting to be held 14 December 2011.

#### **ATTACHMENT 10.3**

#### **Comment**

Council set clear guidelines for use of both the Crest Logo and Reef to Range Logo and the Policy clearly states these guidelines. The new Reef to Range logo has a comprehensive style guide that has been included with the policy.

#### **Consultation**

Chief Executive Officer

#### **Statutory Environment**

No applicable

#### **Financial Implications**

Not Applicable

#### **Strategic Implications**

Strategic Plan 2007-2011 – A Well Managed and Contemporary Corporation – External Communications

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### **Policy Implications**

Revised draft policy is attached.

### **Voting Requirement**

Absolute Majority Required.

### **Recommendation**

That Council adopt ADM06 "Use of the Shire of Ashburton Logo Policy"

<b>Author: Lisa Hannagan</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>



**11. CORPORATE SERVICES REPORTS**

**11.1 ADOPTION OF 2010/11 ANNUAL REPORT**

<b>FILE REFERENCE:</b>	FI.AU.10.11
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	N/A
<b>DATE REPORT WRITTEN:</b>	1 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	N/A

**Summary**

It is proposed to conduct an Audit Committee meeting in February 2012 to discuss the 2010/11 Annual Audit Report and 2010/11 Annual Report.

**Background**

It is expected that the 2010/11 Audit Report for the Shire of Ashburton will become available after the December 2011 Council meeting.

The Council is required to adopt the Annual Report within two months of the Annual Audit Report being received, and then hold its Annual General meeting within 56 days of that adoption.

Council's Audit committee is required to meet with the Auditor once a year and in the past this has occurred to coincide with the adoption of the Annual Report. This has provided the opportunity to discuss issues arising from the Annual Audit.

With those timelines in mind and to provide an opportunity to discuss the Annual Audit it is proposed that the Audit Committee meet in early February 2012 by instantaneous communications (ie electronic)

**Comment**

In the past the meeting of the Audit Committee has occurred on the day of the Council meeting and staff believe that this has been less than satisfactory.

With the Audit Committee meeting before the Council meeting a written report can be prepared so Council does not have to rely on a verbal report.

Council Audit Committee comprises of Councilors White, Shields, Eyre and Foster

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### Consultation

Chief Executive Officer (CEO)  
Council Auditors – BDO Audit

### Statutory Environment

Sections 5.27, 5.53 and 5.54 of the *Local Government Act 1995*  
Section 5.4 Local Government Act 1995  
R 14A Local Government Regulations 1996 Instantaneous Communication

### Financial Implications

Nil

### 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.

### Policy Implications

There is no Council policy relative to this issue.

### Voting Requirement

Absolute majority

### Recommendation

That Council:

1. Authorise the CEO to determine the date, time, and place of the Audit Committee meeting in February 2012
2. Approve the use of instantaneous communications for the Audit Committee Meeting in the following locations: Tom Price Council Chambers, Onslow Shire Office.

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

# AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

## 11.2 CORPORATE CREDIT CARD - COUNCIL POLICY EMP 24

**FILE REFERENCE:** FI.BA.00.00

**AUTHOR'S NAME AND POSITION:** Lisa Hannagan  
Administration Manager

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

**DATE REPORT WRITTEN:** 1 December 2011

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 11.2 Ordinary Meeting of Council 1 October 2011  
Agenda Item 12.05.24 Ordinary Meeting of Council 18 May 2011  
Agenda Item 12.10.08 Ordinary Meeting of Council 24 October 2006.  
Agenda Item 12.06.039 Ordinary Meeting of Council 20 June 2006.  
Agenda Item 12.03.10 Ordinary Meeting of Council March 2008.  
Agenda Item 12.03.06 Ordinary Meeting of Council 17 March 2009.

### Summary

Council reviewed and agreed to increase the available credit card limit to \$65,000 at the Ordinary Meeting of Council held 16 November 2011.

While allocations table presented to Council was correct, the Comment section text did not correspond and the resolution contained one error and one omission.

### Background

Council, at its meeting on 16 November 2011 agreed to the following allocations of credit card funds

Chief Executive	\$10,000
Executive Manager Community Development	\$ 10,000
Executive Manager Corporate Services	\$ 5,000
Executive Manager Engineering Services	\$10,000
Executive Manager Strategic & Economic Development	\$5,000
Executive Manager Operations	\$10,000
Manager Building Services	\$5,000
HR Manager	\$10,000
<b>Total</b>	<b>\$65,000</b>

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## Comment

The table prepared for Council showed correctly that the allocation for the Executive Manager Operations was to be \$10,000. The resolution prepared for Council stated that the Executive Manager Operations was to have an allocation of \$5,000. The table was correct and the resolution incorrect.

The resolution prepared for Council did not note that the allocation to the Executive Manager Strategic & Economic Development was to be reduced from \$10,000 to \$5,000

## Consultation

Executive Management Group

## Statutory Environment

Local Government Act (1995) Section 6.5 (a) and Section 2.7 (2)(a) and (b).

Local Government (Financial Management) Regulations 1996, Regulation 11(1)(a)

## Financial Implications

There are financial implications associated with the use of any purchasing authority.

## Strategic Implications

Strategic Plan 2004-1009, result Area – Best Practice Local Government “Develop sound financial management and reporting systems”.

## Policy Implications

Council Policy EMP24 (Corporate Credit Card) will need to be updated to reflect changes.

## Voting Requirement

Absolute Majority Required.

## Recommendation

That Council adopt the credit card allocations as detailed below:

Chief Executive	\$10,000
Executive Manager Community Development	\$ 10,000
Executive Manager Corporate Services	\$ 5,000
Executive Manager Engineering Services	\$10,000
Executive Manager Strategic & Economic Development	\$5,000
Executive Manager Operations	\$10,000
Manager Building Services	\$5,000
HR Manager	\$10,000
	<b>\$65,000</b>

<b>Author:</b> Lisa Hannagan	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

### 11.3 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF OCTOBER AND NOVEMBER 2011

<b>FILE REFERENCE:</b>	FI.RE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Leah M John Acting Finance Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 <sup>nd</sup> December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

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

#### Background

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

#### Comment

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

##### October 2011

- Statements of Financial Activity and associated statements for the Month of October 2011.

**ATTACHMENT 11.3 A**

##### November 2011

- 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 11.3 B**

- Schedule of Accounts paid under delegated authority.

**ATTACHMENT 11.3 C**

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### Consultation

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

### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

There are no strategic implications relevant to this issue.

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Recommendation

That Council receive the Financial Reports for October 2011 and Schedule of Accounts and Credit Card Statements for November 2011.

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

# AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

## 11.4 ANNUAL REVIEW OF DELEGATED AUTHORITY REGISTER

**FILE REFERENCE:** OR.DA.00.00

**AUTHOR'S NAME AND POSITION:** Lisa Hannagan  
Administration Manager

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

**DATE REPORT WRITTEN:** 1 December 2011

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

**PREVIOUS MEETING REFERENCE:** Agenda item 12.02.07 Ordinary Meeting of Council  
17 February 2010  
Agenda Item 12.03.03 Ordinary Meeting of Council  
17 March 2009  
Agenda Item 12.02.04 Ordinary Meeting of Council  
19 February 2008  
Agenda Item 12.03.12 Ordinary Meeting of Council  
20 March 2007  
Agenda Item 12.10.74 Ordinary Meeting of Council  
24 October 2006

### Summary

The Author has conducted a review of Council's Delegated Authority Register in consultation with the Chief Executive Officer (CEO) and Executive Managers.

### Background

In accordance with the Local Government Act 1995, Part 5, Division 4, Section 5.46, the author has conducted a review of the Council's Delegated Authority Register.

The recent staff restructure of the Shire of Ashburton meant that there have been many changes in the roles of Executive Managers and other staff that needed to be incorporated into the Delegated Authority Register.

**ATTACHMENT 11.4**

### Comment

Apart from minor changes to names and titles, the following significant changes are noted:

DA001	Authority raised from \$100,000 to \$250,000
DA003	Deleted – covered in DA001
DA035	Amended to provide extended delegation to CEO and reference to councilors in circumstances where delegation is intended to be carried out.
DA037	Deleted – no longer relevant
DA043	Covered by Strategic Media Policy

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### Consultation

Chief Executive Officer  
Executive Managers

### Statutory Environment

Local Government Act 1995, Part 5, Division 4, Section 5.46

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

There are no strategic implications relative to this issues.

### Policy Implications

Council Policy ADM01 requires the Delegation Register to be reviewed annually

### Voting Requirement

Absolute Majority Required.

### Recommendation

That Council adopts the Delegated Authorities Register as attached.

<b>Author:</b> Lisa Hannagan	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>



**12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS**

**12.1 LEASING OF LOT 302 SECOND AVE - COMMUNITY SERVICES**

<b>FILE REFERENCE:</b>	ON.SE.302
<b>AUTHOR'S NAME AND POSITION:</b>	Amanda O'Halloran Executive Manager Strategic & Economic Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Vince Catania MLA approached the Department of Regional Development and Lands (RDL) requesting that RDL lease the building on Lot 302 Second Ave to the Shire of Ashburton to enable VSwans Community Service Provider to operate out of it. VSwans propose to run a Youth and Drop in Centre from the building. The Shire had discussions with VSwans regarding their intent and the proposed way forward. On reviewing the matter the Shire is proposing that Council further explores the options and enters into more formal negotiations with the local Member Vince Catania MLA and VSwans to ensure the best outcomes for the community.

**Background**

RDL approached the Shire on the 27 September 2011 requesting that the Shire accept a lease on lease Lot 302 Second Ave at a peppercorn rental and then provide a sub lease to the Community services provider VSwans. The proposal put forward by VSwans was to run a Youth and Drop In Centre from the building. At the time the proposed youth services were considered by the Shire to be a duplication of the services it provides and is funded for by the State Government. As Onslow isn't big enough to perhaps cope with 2 services competing in this area, discussions with VSwans Area Manager Nicole Graves were entered into to work through the Shires concerns. Some level of understanding was reached and it was proposed to further explore the options available to all groups. VSwans subsequently extended an invitation to share service delivery from the building with the Share and have it run as a shared facility. The Shire agreed to view the building and take the matter to council.

On viewing the building the Shire is of the opinion that over \$50,000 worth of expenditure is required to make the building safe and appropriate for the services suggested to operate

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from it. There is also considerable work required to make it conform to building, safety and disability legislation.

It must also be further noted that the Shire has been planning for and is proposing to build a Youth Centre as part of the Wheatstone social infrastructure funding agreement of which funds have been committed. The youth centre is anticipated to be operational by 2014

**ATTACHMENT 12.1**

### **Comment**

**The Issue is outlined as follows**

#### **Option 1 –**

The Shire sub leases as initially proposed by RDL to VSwans. In entering into an agreement with VSwans it is noted that the Shire is prepared to lease this property until such time as the new Youth Centre is complete and operational, at which time the location of VSwans services can be renegotiated. The building requires significant repairs and upgrades to be operational the Shire is not liable for any of this and planning approvals must be obtained as per usual Shire process.

#### **Option 2**

The Shire proposes that VSwans utilise the MPC for their service delivery – this will have increased outcomes in the community and will support the collaboration between both VSwans and the Shire. Integration of the MPC into the community is continuing and to have VSwans operate out of the MPC would be a great opportunity. Youth Services are currently delivered from both the RM Forrest Hall and the MPC, this could continue in collaboration with VSwans. The Shire is prepared to offer office space within the MPC to VSwans at \$100.00 per week (daily community rate is \$100.00 per day). The current market rate has been valued at \$200 per square meter based on retail rental.

#### **Option 3 (To support Option 2 and provide for other uses of Lot 302 Second Ave)**

If Council was to support option 2, it would open up a range of opportunities to be further explored for this land. The Shire would utilize the building and land for other purposes and could explore the option to lease Lot 302 Second Ave for other community service provision including the development of a local men's shed. The Mens Shed has been a community aspiration for a long time including being the second priority of the Aboriginal Justice Agreement.

It is intended to open up a walkway from Third Ave to Second Ave linking the Sporting Precinct back to the Main Street and the Visitors Precinct – this lot is perfect for this linkage and links up with other controlled Council Land on Third Ave.

### **Consultation**

Executive Manager Deb Wilkes  
Community Development Coordinator Peta Hayto  
VSwans Area Manager Nicole Graves

### **Statutory Environment**

Local Government Act 1995 section 3.58 disposal of an asset.

### **Financial Implications**

Minimal – the Shire would collect (\$100.00p/w) \$5200.00 pa, to cover insurances and electricity. If the Shire was to enter into Community Purposes activities at Lot 302 Second Ave it is understood that any funds required would be sort through Grants applications.

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### Strategic Implications

Strategic Plan 2008 – 2011; Strategic Implication 2 – Include and Engage our Community.  
(5) Ensure community facilities are developed and maintained to standard commensurate with community expectations and affordability.

### Policy Implications

Nil

### Voting Requirement

Absolute Majority

### Recommendation

That Council:

1. That Council accepts Option Three as prepared in this report.
2. That Council enters into a lease agreement with VSwans at the Multi Purpose Complex.
3. Advertise the rental of Multi Purpose Complex Office to VSwans by private treaty in accordance with the local government Act s 3.58 for \$100.00 per week on an ongoing 12 monthly renewable lease.
4. Further if no objections are received at the finalisation of the advertising the Chief Executive Officer is authorised to enter into a tenancy agreement.
5. Enter into formal negotiations with Department of Regional Development and Lands regarding leasing Lot 302 Second Ave for "Community Purposes" to be carried out by the Shire.

<b>Author: Amanda O'Halloran</b>	<b>Signature:</b>
<b>Manager: Jeff Breen</b>	<b>Signature:</b>

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### 12.2 FOUR MILE CREEK REVITALISATION

<b>FILE REFERENCE:</b>	RO.FMCK
<b>AUTHOR'S NAME AND POSITION:</b>	Megan Walsh Project Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Onslow community has an expectation that Four Mile Creek will be upgraded and revitalised, whilst this is a key local attraction and recreational spot, funding and planning has on occasion been overlooked for projects nearer to town. The Shire requested funding for Four Mile Creek revitalization in the "Town of Onslow Infrastructure Requirement" (TOIR) with the State and Chevron in regards to the Wheatstone Development. Unfortunately the funds were underestimated and if the full extent of the revitalization is to proceed – further allocation from the Community Development Fund component of the TOIR is required to facilitate this process.

#### Background

The Wheatstone State Development Agreement has included in it the "Town of Onslow Infrastructure Requirement" (TOIR). This is a \$76.245 Million contribution by both the State Government and Chevron. The funding includes –

Description	\$ Funded
4 Mile Creek	\$ 245,000
Visitors Centre, Customer Service Centre, Council Chambers and Library	\$2,000,000
Aquatic and Recreational Centre	\$7,000,000
Old Onslow conservation and tourism development	\$1,000,000
Town Master Plan and Improvements	\$3,000,000
Onslow New town Road	\$3,000,000
Airport	\$30,000,000
Community Development Fund <i>(\$15M at FID – consisting of 10M from State, 5M from Chevron then 1,5M/yr from end of construction for 10 years)</i>	\$30,000,000
<b>Total</b>	<b>\$76,245,000</b>

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The community development fund is a fund that is available for Onslow projects. The allocation of the TOIR funding is administered by the Department of State Development (DSD). DSD have the right of Veto over the allocation of the TOIR - Community Development Fund funding to specific additional projects. All the above projects must have Project Implementation Plans (PIP's) completed prior to funding being allocated. DSD have formed a working group (Onslow Infrastructure Working Group) which approve the completed PIP's and oversee the delivery of the project. The Working Group is made up of Shire, DSD, RDL and Chevron representatives.

Council needs to be aware that the funding is administered and controlled by DSD (Through the Wheatstone State Development Agreement). The administration commits to ensuring that Council has approved submissions to the Community Development Fund prior to requests being made to the working group.

### ATTACHMENT 12.2

#### Comment

The Shire has been working with Josh Byrne and Associates (JBA) planning the revitalisation of Four Mile Creek over the last few months. JBA have been consulting with the community and have spent some quality time at the site during recent visits to town getting a feel for how the community uses the site and reviewing the potential of the area.

*"The general aim of this concept is to improve the current facilities of this well used and much loved recreational spot and caters for families, recreational anglers and visitors alike.*

*A Key element of the concept is the large "cyclone Proof" shade structure which will provide essential shade and help create a comfortable BBQ and picnic area. Seating benches and picnic tables are also being proposed in this area.*

*Other facilities include gas BBQ's, drinking water supply and toilet facilities.*

*A recycled plastic boardwalk will formalize the creek edge, creating an attractive, usable space for not only fishermen but for passive recreational users as well. Seating benches, appropriate lighting and signage for fishing regulations will also be located on the board walk.*

*Vehicle parking and pedestrian circulation had been rationalized to maximize the amount of usable pedestrian space whilst protecting the existing surrounding vegetation. Vehicular access to the recreational spots located south of this space will be limited to one track off Sea View Drive, preventing traffic from passing through this potentially busy spot.*

*The concept looks to use local materials and trades to reduce transportation costs and encourage local communities to take ownership of this highly valued recreational spot."*

Key facets of the revitalisation are to –

- Increase the shade and picnic opportunities for families
- Formalise the parking and site access
- Maintain informal small vessel launch area
- Provide dehydration toilet
- Enhance the amenity by creating more recreation area closer to the shore line and removing vehicle access to further back
- Revegetating the area

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- Installation of additional lighting
- Installation of BBQ
- Installation of relaxing seating
- Feature walls with exposed local stone

When initial estimate of the concept was completed 1-2 years ago – the allocated \$245,000 was considered adequate to support the completion of the project. Unfortunately latest quotes have put the project at approximately \$500,000.00, this would require \$255,000.00 being allocated from the community development fund. The Shire is seeking Councils endorsement of the Concept and its recommendation to the Department of State Development that the funds be allocated.

### **Consultation**

Josh Byrne and Associates  
Community Members  
Four Mile Creek Users

### **Statutory Environment**

Chevron State Development Agreement 2011.

### **Financial Implications**

It's anticipated that revenue generated by the Wheatstone development will cover the ongoing maintenance and asset management expenses.

### **Strategic Implications**

Strategic Plan 2008 – 2011; Strategic Implication 2 – Include and Engage our Community.  
(5) Ensure community facilities are developed and maintained to standard commensurate with community expectations and affordability.

### **Policy Implications**

Councils Asset Management Policy AMP1 states "The Shire also acknowledges through this policy that the acquisition of a new asset will take into account the full cost of acquisition, operation, maintenance, renewals and disposal over its life cycle. Accordingly, the future cost impact of new infrastructure assets must be fully considered as part of any new infrastructure asset investment."

The actions in the report need to be prioritised and asset management plans prepared in order to comply with Councils policy.

### **Voting Requirement**

Simple Majority Required

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### Recommendation

That Council:

1. Endorses the Four Mile Creek Concept Plan
2. Authorises the Chief Executive Officer to request the Onslow Social Infrastructure Working Group to allocate the \$255,000.00 to increase the Four Mile Creek funding allocation to \$500,000.00.

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

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### 12.3 ONSLOW DEVELOPMENT MEMORANDUM OF UNDERSTANDING BETWEEN LANDCORP AND SHIRE OF ASHBURTON AND EXPANSION PLAN

<b>FILE REFERENCE:</b>	CORP4
<b>AUTHOR'S NAME AND POSITION:</b>	Amanda O'Halloran Executive Manager Strategic & Economic Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Shire of Ashburton and Landcorp have been working together over the last 2 years to ensure that the rapidly approaching expansion of Onslow is catered for adequately. There has been an emphasis on best practice and sustainability whilst meeting the needs of the rapid growth and ensuring that the culture and "Onslow way" is maintained. In order to progress this planning and commitment to the future it is proposed that Landcorp and the Shire enter into a MOU defining the roles and responsibilities of each agency, ensuring accountability in this area. Further to this it is proposed to get Councils endorsement on the release of the Onslow Expansion Plan, which is due to go out to the public to stimulate discussion and feedback.

#### Background

With the development of the Ashburton North Strategic Industrial Area (ANSIA) and expansion of local industry, Onslow is set to experience an unprecedented level of growth. Growth rates have been estimated at 214%. Given the speed at which this growth will occur, a unified approach is required to guide future development and harness a once in a lifetime opportunity for the town and the State.

The Shire of Ashburton and LandCorp will play key roles in Onslow's expansion and revitalisation and both parties have agreed to establish a collaborative partnership to ensure a coordinated approach to planning and development

The partnership, formalized under this Memorandum of Understanding (MOU), will detail key projects to be progressed, outline roles and responsibilities and prioritize core objectives

**ATTACHMENT 12.3**



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### Comment

At the end of July this year, a comprehensive community consultation event (Charrette) was jointly hosted in Onslow by the Shire and LandCorp. The aim of this event was to progress the work commenced under the Shire's Onslow Town site Strategy (endorsed by the Western Australian Planning Commission in March 2011) and bring together the views of the local community, private industry and Government Agencies on how Onslow can grow and give direction in terms of land use planning. The event took place over 5 days and was attended by over 80 local residents.

The Expansion Plan that has been subsequently developed is an illustrative summary of the feedback received and provides an overview of past and present Onslow in order to help guide it's future. The document is in no way intended to detail a finite strategy but rather highlight where things are at and foster further consultation and feedback.

With an unprecedented level of growth fast approaching it is imperative that Onslow Land Use planning and revitalisation continues to progress, with the feedback transitioning from words into action. The MOU proposed between the Shire and LandCorp is to formalize the strong working relationship that has developed and outline the key projects to be progressed, roles and responsibilities and prioritize core objectives.

### Consultation

Chief Executive Officer  
Landcorp Executives

### Statutory Environment

Nil

### Financial Implications

Nil – direct implications – specific projects will be allocated in the annual budget.

### Strategic Implications

### Policy Implications

Nil

### Voting Requirement

Absolute Majority

### Recommendation

That Council:

1. Council agrees to delegate authority to the Chief Executive Officer to enter into an MOU with Landcorp based on the intent of the Draft MOU presented today and after final negotiation with LandCorp.
2. Council supports the publication of the Onslow Expansion Plan by LandCorp.

<b>Author:</b> Amanda O'halloran	<b>Signature:</b>
<b>Manager:</b> Jeff Breen	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

### 13. TECHNICAL SERVICES REPORTS

#### 13.1 DRAFT LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN AND DRAFT AMENDMENTS NO. 17 AND 18 TO PLANNING SCHEME NO. 7 FOR INITIATION

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

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

**NAME OF APPLICANT/RESPONDENT:** 3 December 2011

**DATE REPORT WRITTEN:** 3 December 2011

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 16.03.04 Ordinary Meeting of Council 16 November 2011

The following Items were associated with the ANSIA Strategic Industrial Area:

Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011

Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011

Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010

Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008

Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009

Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009

Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009

Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010

Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

#### **Summary**

At the Ordinary Meeting of Council 16 November 2011, Council resolved to lay Agenda Item 13.8 was 'on the Table' to allow LandCorp to address the item at a future meeting of Council.

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Land Corp has provided Council with further correspondence which is included in Attachment 13.1C. The Staff Recommendation to Council of 16 November 2011 remains the same in relation to the LandCorp proposal remains the same.

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

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

Stage 1 is further divided into sub-stages with Stage 1A comprising the Wheatstone project, a common port facility, a Multi User Access and Infrastructure Corridor (MUAIC) for the purpose of shared transport and infrastructure and Chevron's TWA camp. Stage 1B comprises the potential development site of the Scarborough LNG and the Macedon Domestic Gas Projects, portions of land associated with the FIA and TWA. Stage 1C comprises the balance of Stage 1 identified for 'Industry' development.

A draft LandCorp ANSIA Industrial Development Plan ('Development Plan') is proposed and provides the strategic planning direction and development provisions for Stages 1B and 1C. The draft Development Plan shows potential development of ammonia and ammonia nitrate plants outside of the ANSIA, which potentially can be pursued. However, these two sites are located within a 'buffer' area and positioned closer to Old Onslow than originally intended. It is considered that these be removed from the draft Development Plan. Other modifications are also recommended by the Shire.

LandCorp also seeks two Scheme Amendments associated with the draft Development Plan:

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

The draft Development Plan will need some modification to ensure that all proposed use and development is located within the boundary of the ANSIA. Both Amendments reflect the direction and objectives of the approved ANSIA Structure Plan.

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It is recommended that Council:

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

### Background

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

### ATTACHMENT 13.1A

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

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

Council has granted development approval for the first development within the ANSIA, being BHP-Billiton's 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 (FIA) incorporating downstream gas processing industries and other uses. Land with no current development intention in the short to medium term and therefore set aside for future strategic industrial expansion is referred to as Stage 2.

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

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

### Proposal

The development of land reflected by Amendments No. 17 and 18 has already been identified in the approved ANSIA Structure Plan. The role of the '*LandCorp ANSIA Industrial Development Plan*' (*Development Plan*) is to provide detailed information associated with the development of the land associated with the above Amendments.

A draft *Development Plan* is proposed and provides the strategic planning direction and development provisions for Stages 1B and 1C. The draft *Development Plan* shows potential development of ammonia and ammonia nitrate plants outside of the ANSIA, which potentially can be pursued. However, these two sites are located within a 'buffer' area and positioned closer to Old Onslow than originally intended. It is considered that these be removed from the draft *Development Plan*. LandCorp also seeks two Scheme Amendments associated with the draft *Development Plan*:

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

### ATTACHMENT 13.1A

### Comment

As the following indicates, it is considered that the draft *Development Plan* requires some degree of modification and further information before it is acceptable.

### *Environment Protection Authority*

Draft Amendments No. 17 and No. 18 and draft *Development Plan* will need to be referred to the Environment Protection Authority (EPA) to determine the level of assessment. The proponent is currently undertaking the following environmental reviews to provide support for the Amendments and the draft *Development Plan*:

- hydrological study/ Water Management;
- lighting and noise on the Ashburton River area;
- risk assessment;
- assessment/mitigation of traffic impacts; and
- servicing/staging.

Should Council resolve to initiate the Amendments and support the draft *Development Plan*, the proponent will be required to address the above environmental matters before the EPA is likely to determine the level of assessment and before the planning process proceeds to advertising.

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### ***Social Impact Assessment***

The Shire's Local Planning Policy requires a Social Impact Assessment (SIS) for any Amendment or planning matter that is advertised for public comment. LandCorp has not been exempted from undertaking an SIS. The Amendments and draft *Development Plan* will need to include an SIS as it will direct future SIS requirements for other sites and address Onslow infrastructure contributions.

The level of detail may be less than the one prepared for Wheatstone, however it will need to address matters including workers accommodation and infrastructure contributions. LandCorp has essentially requested that infrastructure contributions be deferred to future proponents. For the draft *Development Plan* to be supported by the Shire, it will need to establish the criteria and the mechanisms for infrastructure contributions for Onslow, such that the Shire can be assured that contributions will form part of any future development and/or State Agreement.

This has been discussed with representatives from LandCorp and Shire Staff but yet to be addressed by LandCorp. Should Council resolve to initiate the Amendments, the proponent will be required to address infrastructure contributions before the planning process proceeds to advertising.

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

With respect to the Workforce Management Plan, it is reasonable that such a plan would not be required for the initial *Development Plan*, as no specific uses or proponents are envisaged. However the report that accompanies the *Development Plan* needs to reference the development of land for Stages 1B and 1C will require that 'workers' need to be housed without adding residential pressure on Onslow. This accommodation could be either associated with the 'Second TWA site' or a Shire/LandCorp Multi-User Camp.

Should Council resolve to initiate the Amendments, the proponent will be required to address the requirements and mechanism for future developers to undertake a workforce management plan as part of a planning application. Importantly, the draft *Development Plan* will need to have measures in place that ensure that all future proponents will be required to submit such a plan before any works are approved and that these measures are clearly enforceable.

### ***Modifications required to the draft Development Plan***

As the following indicates, the draft *Development Plan* will need some modification to ensure that all proposed use and development is located within the boundary of the ANSIA.

#### *Ammonia and Ammonia Nitrate Plants*

The draft *Development Plan* shows potential development of ammonia and ammonia nitrate plants outside of the ANSIA. It would appear that these abut the boundary of what used to be the Old Onslow townsite boundary. It is possible for a proponent to pursue industrial development outside of the ANSIA boundary, however not information or assessment has been provided to justify such a modification.

These two sites are proposed to be positioned closer to Old Onslow than originally intended. It is considered that these identified plants be removed proposed plants from the draft *Development Plan*.

#### *Future Industrial Area*

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The draft *Development Plan* shows an area defined as 'Future Transport & Laydown Precinct' with a total area in the vicinity of 625ha. It is proposed to be located on the Onslow Solar Salt boundary. This doesn't reflect the area for industry defined in the ANSIA Structure Plan and it is understood that the proponent does not anticipate developing this area in the short term. It is possible to pursue additional areas of development outside of the approved ANSIA Structure Plan but should be in the form of an amendment to the ANSIA Structure Plan. Accordingly, the area can be shown on the Development Plan but needs to be conditioned that it is subject to future planning assessments.

### *General Modifications*

The *Development Plan* will require a scale and include conditions that can appropriately direct the more detailed assessment of proposals as planning applications. It should be noted that the clear majority of future applications will exceed \$7M in development costs and thus, under current statutory provisions, be assessed by the Pilbara Joint Development Assessment Panel (JDAP). It is vital that appropriate statutory mechanisms are provided in the 'final' *Development Plan* such that it provides direction the JDAP and ensures that the Shire's requirements are protected.

### **Conclusion**

The information provided by the proponent is considered sufficient for Council to consider initiating draft Amendments No. 17 and No. 18. Both Amendments reflect the direction and objectives of the approved ANSIA Structure Plan.

Accordingly, it appropriate for Council to favourably consider:

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

### **Consultation**

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

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

Department of State Development  
Department for Planning  
Dampier Port Authority  
Department of Environment and Conservation  
Environment Protection Authority  
Main Roads WA  
Department of Water  
Department of Mines and Petroleum

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

Advertising under the Planning and Development Act and Regulations is a minimum of 42 days.

### **Statutory Environment**

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

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

The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

### *Environmental Protection Act*

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

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

Under the Section 41 of EP Act, decision-making authorities (including the Shire or a JDAP) are not to make any decision that would allow the proposal to be implemented until the EPA's assessment of the proposal and the Minister for the Environment's decision making is complete. Section 41 of the EP Act would not prevent the advertising or referral of a planning application however it would prevent a decision on an application until the Minister for the Environment determines the environmental assessment.

### **Financial Implications**

The Shire has calculated the fees charged for assessing the planning scheme amendment and structure plan fees in accordance with those set out in the Planning Regulations, in order to meet the administrative and other costs it incurs as a result of it



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processing the company's draft amendment and draft *Development Plan*. An invoice will be sent to the proponent before referral to the EPA commences for the Shire's consideration of the Amendments and draft *Development Plan*.

### Strategic Implications

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

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

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

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

#### *"New Industry*

#### *Measures and Targets*

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

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required.

### Recommendation

That Council:

#### **(A) RAISE AGENDA 'FROM THE TABLE'**

1. Raise Agenda Item 16.03.04 Ordinary Meeting of Council 16 November 2011 'from the Table'

#### **(B) DRAFT ANSI INDUSTRIAL DEVELOPMENT PLAN**

2. Advise LandCorp that subject to the submission of a development plan prepared to the satisfaction of the Chief Executive Officer, Council is willing to accept the draft LandCorp ANSIA Industrial Development Plan pursuant to the provisions of the Scheme and more specifically, providing strategic direction for (draft) Amendments No. 17 and No. 18.
3. Request LandCorp to undertake the modifications as addressed in the Report along with any other modifications identified by the Chief Executive Officer as being appropriate and then refer the document to the Environmental Protection Authority (EPA) in association with (draft) Amendments No. 17 and No. 18.
4. Advise LandCorp that in relation to the modifications sought in a). above, and the referral to the EPA (in 2. above) it should not be construed that further changes to the draft LandCorp ANSIA Industrial Development Plan will not be required as an

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outcome of the referral of draft Scheme Amendments No. 17 and No. 18 and further assessment of information received.

### (C) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 17

5. That the Council in pursuance of Section 75 of the Planning and Development Act 2005 ("Act"), initiate Scheme Amendment No. 17 to the Shire of Ashburton Local Planning Scheme No. 7 by:
  - a) Rezoning portion of Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 350, 505, 508, 518, 530, 535 and 536 and Lots 500, 506, 507, 520, 548 and 541 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve.
  - b) Rezoning Portion of Lot 152, Onslow Road from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.
  - c) Insert after Clause 6.11.8 of the Scheme the following:

LandCorp ANSIA Industrial Development Plan

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

6.11.10 All use and development shall be in accordance with LandCorp ANSIA Industrial Development Plan.
  - d) Amending the Scheme Maps accordingly.
6. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council for further consideration.
7. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
8. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:
  - Department of State Development
  - Department for Planning
  - Dampier Port Authority

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- 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
- Chevron Australia Pty Ltd

9. That following response from the EPA in accordance with Part 7 or Part 8, the matter be referred back to Council for consideration.

### **(D) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 18**

10. That the Council in pursuance of Section 75 of the Planning and Development Act 2005 ("Act"), initiate Scheme Amendment No. 18 to the Shire of Ashburton Local Planning Scheme No. 7 by:

- a) Rezoning Portion of Lot 152, Onslow Road from 'Rural' zone to 'Industry' zone.
- b) Amending the Scheme Maps accordingly.

11. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council for further consideration.

12. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.

13. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:

- 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
- Chevron Australia Pty Ltd

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14. That following response from the EPA in accordance with Part 12 or Part 13 the matter be referred back to Council for consideration

<b>Author: Rob Paul</b>	<b>Signature:</b>
<b>Manager: Geoffrey Brayford</b>	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

### 13.2 DRAFT AMENDMENT NO. 20 TO PLANNING SCHEME NO. 7 - REQUEST FOR IN PRINCIPLE SUPPORT

<b>FILE REFERENCE:</b>	PS.TP.7.20
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/ RESPONDENT:</b>	LandCorp
<b>DATE REPORT WRITTEN:</b>	4 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The Author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

DB Hitchcock Transport lessee of Lot 50 Nameless Valley Drive, Tom Price seeks an amendment to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') to rezone the land from 'Rural Living' to 'Industry' to facilitate a transport depot. The land is owned by the State and although it has not been directly addressed by the proponent, it is understood from discussion with officers from State Lands that they have no objection to the rezoning. Should an Amendment be supported by Council then written acceptance from State Lands will be required.

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

The request for the land to be zoned 'Industry' is not supported as the site is relatively small and uses such as abattoir, noxious, resource processing and general industries are either permitted or discretionary. However the use of the land for transport depot (defined under the Scheme as storage facility/depot/laydown area) as sought by the proponent is considered appropriate as the land has direct access to Nameless Valley Road to RTIO and other local industrial areas.

It is concluded that the most appropriate zoning is a 'Special Use' zone under the Scheme and accompanied by a development plan that provides for adequate landscape and development setbacks and access to Nameless Valley Road. The zone can ensure that no residential or sensitive uses (including 'caretakers dwelling') are permitted.

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It is recommended that Council advise the applicant that it supports in principle a Scheme Amendment (No. 20) for the rezoning of Lot 50 Nameless Valley Drive, Tom Price for 'Special Use – transport depot'.

### Background

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

Lot 50 Nameless Valley Drive, Tom Price has an area of 2.3941 ha and is zoned 'Rural Living' under the Scheme. In the past the site has been used for purpose of an egg farm however it is now largely abandoned. It would appear that the site has been used for truck parking which is prohibited under the 'Rural Living' zone. The site is located approximately 2.5 km from the Tom Price Town site and within approximately 100 metres from the town's sewerage/effluent ponds.

### ATTACHMENT 13.2

### Proposal

DB Hitchcock Transport lessee of Lot 50 Nameless Valley Drive, Tom Price seeks an amendment to the Scheme to rezone the land from 'Rural Living' to 'Industry' zone in order to facilitate a transport depot. The land is owned by the State and although it has not been directly addressed by the proponent, it is understood from discussion with officers from State Lands that no objection to the rezoning.

If an Amendment is supported by Council then written confirmation of support from State Lands will be required.

### Comment

The 'Rural Living' zone provides the opportunity for a number of residential uses which include as follows:

Aged or Dependent Persons Dwelling	Discretionary
Caretaker's Dwelling	Incidental
Grouped Dwelling	Discretionary (subject to advertising)
Holiday Accommodation	Incidental
Hotel	Discretionary (subject to advertising)
Motel	Discretionary (subject to advertising)
Movable Dwelling	Discretionary
Residential Building	Discretionary
Rural Settlement	Discretionary (subject to advertising)
Single House	Permitted
Transient Workforce Accommodation	Discretionary

None of the above uses are considered appropriate on land in such close proximity of sewerage/effluent ponds due to amenity issues for occupants. In addition, such uses can over time lead to operation concerns for the town's sewerage/effluent ponds and pressure to relocate.

In this regard, the opportunity to rezone the land and to limit residential or sensitive uses is supported.

The request for the land to be zoned 'Industry' is however not supported as the site is relatively small and importantly, the following 'industrial' uses either permitted or discretionary in the 'Industry' zone:

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Abattoir	Discretionary
Hire Service (Industrial)	Permitted
Industry - Extractive	Discretionary
Industry - General	Discretionary
Industry - Light	Permitted
Industry - Noxious	Discretionary
Industry - Resource Processing	Discretionary
Industry - Rural	Discretionary
Industry - Service	Permitted
Infrastructure	Discretionary
Intensive Agriculture	Discretionary
Research Laboratory	Permitted
Stockyard	Discretionary
Storage facility/depot/laydown area	Permitted

However the use of the land for transport depot (defined under the Scheme as 'storage facility/depot/laydown area') as sought by the proponent is considered an appropriate as the land has direct access from Nameless Valley Road to RTIO and other local industrial areas.

This use can be included as 'Special Use' zone under the Scheme and accompanied by a development plan that addresses matters including adequate landscape and development setbacks, along with access to Nameless Valley Road.

It is noted that the proponent's planning consultant has referred to an opportunity to address the zoning of adjoining land as part of this Amendment. It is their preference that any such arrangements not hold up their client's proposal. This is acknowledged and agreed. Lot 65 Nameless Valley Road is abuts the sewerage/effluent ponds, is occupied by the Wildlife Sanctuary and leased by the State to RTIO. Hamersley Iron Infrastructure (a subsidiary of RTIO) is the licence holder of the sewerage/effluent ponds and it is considered to be unlikely that RTIO would pursue development that would jeopardise sewerage operations. In any case, any proposal by RTIO to rezone Lot 65 could be considered under a separate Scheme Amendment.

### Conclusion

It is recommended that Council advise the applicant that it supports in principle a Scheme Amendment (No. 20) for the rezoning of Lot 50 Nameless Valley Drive, Tom Price for 'Special Use – transport depot'. Given the need to protect the sewerage/effluent ponds from odour complaint, the Special Use provisions will need to ensure that no residential (including caretakers) use is permitted on the land.

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

### Statutory Environment

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

### Financial Implications

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

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### 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."*

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

#### *"New Industry*

##### *Measures and Targets*

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

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required.

### Recommendation

That Council:

1. Request the Chief Executive Officer to advise the proponent that Council supports in principle a Scheme Amendment (No. 20) for the rezoning of Lot 50 Nameless Valley Drive, Tom Price from 'Rural Living' zone to 'Special Use – transport depot' subject to the following being addressed by the proponent:
  - a) Preparation of a development plan that to accompany rezoning of the land and which addresses the following:
    - i. necessary visual buffers to the land;
    - ii. fire protection measures for the land and for the protection of surrounding land;
    - iii. access arrangements to Nameless Valley Road;
    - iv. adequate guidance for future subdivision and development of the land; and
    - v. details of revegetation planting.
  - b) The applicant to provide documentation (addressing issues highlighted in this Report) with an application for initiation of a Scheme Amendment for Lot 50 Nameless Valley Drive, Tom Price (as above).
  - c) Formal Scheme Amendment documentation consistent with the requirements of the *Town Planning Regulations*.
  - d) The proponent to liaise with the Shire staff through preparation of the formal documentation to determine the most appropriate wording for the 'Special Use – transport depot' zone and whereby no residential (including caretakers) use is permitted on the land
  - e) Provide written confirmation from State Lands that is supports the proposed rezoning and draft development plan.



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Request the Chief Executive Officer to advise the proponent that in-principle support is regarded as an informal/conceptual support to gain some indication as to whether or not a Town Planning Scheme Amendment (rezoning) is likely to be viewed favourably and it should not be construed that the amendment is initiated or will be finally adopted, or as support for the Amendment

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

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### 13.3 DRAFT LANDCORP ONSLOW EXPANSION DEVELOPMENT PLAN AND DRAFT AMENDMENTS NO. 21 AND 22 TO PLANNING SCHEME NO. 7 FOR INITIATION

<b>FILE REFERENCE:</b>	PS.TP.7.21 PS.TP.7.22
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Landcorp
<b>DATE REPORT WRITTEN:</b>	4 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	No specific Agenda Item relates to the matter before Council, however the following Items were associated with the Onslow Townsite Strategy: Agenda Item 13.05.28 Ordinary Meeting of Council 16 May 2010. Agenda Item 13.12.88 Ordinary Meeting of Council 16 December 2009.

#### Summary

Between 26 & 28 July 2011 the Shire hosted a LandCorp inspired 'enquiry by design' process (also referred to as a 'charette') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential development needs for Onslow. One of the clear outcomes from the 'charette' was the need for expanded residential and open space opportunities for Onslow.

The planning consultant associated with the 'charette' has prepared an overall 'Vision Plan' for Onslow which although has not been adopted by the Shire or the State is likely to be represented by LandCorp in the form of a brochure. Draft *Onslow Expansion Development Plans* ('*Development Plans*') for the expansion of Onslow have been prepared which are generally consistent with the objectives of the Pilbara Framework Regional Profile, draft Pilbara Planning and Infrastructure Framework, Onslow Regional Hot Spots Land Supply Update and Onslow Townsite Strategy.

This Report addresses the draft *Development Plans* along with two Amendments (No's 21 and 22) to the Shire's Town Planning Scheme No 7 ('*Scheme*') that reflect the development of an expanded Onslow in the Planning Scheme as follows:

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- Draft Amendment 21 comprises parcels of land including land referred to as '*horse lots*' fronting on to Onslow Road. The Amendment seeks to have land zoned 'Urban Development' without a prescribed density coding, for the intended use as future urban development. The density of subdivision and development is reflected in the draft *Development Plan*
- Draft Amendment 22 comprises lots and parcels currently zoned '*Urban Development*' within the current Onslow Townsite. The Amendment seeks to remove the prescribed density coding and have it reflected in the draft *Development Plan*. Modifications to the Scheme are considered necessary to ensure that the density provisions of a development plan can be implemented. The draft Amendment addresses potential noise impacts from Onslow Salt on subdivisions and development in the form of a new '*Special Control Area*' provision.

The draft *Development Plans* will need some modification to ensure that all proposed subdivision and development is addressed through specific design guidelines. With changes as addressed by the Shire, both Amendments reflect the strategic direction for Onslow. It is also appropriate that potential noise impacts from Onslow Salt on subdivisions and development be addressed in a further report to Council in the New Year.

It is recommended that Council:

- initiate draft Amendments No. 21 and No. 22 and to refer the Amendments to the EPA for assessment and once the EPA has responded, the matter be referred back to Council for consideration; and
- advise LandCorp that subject to the submission of draft *Development Plans* prepared to the satisfaction of the Chief Executive Officer that Council is willing to accept the draft *Development Plans* pursuant to the provisions of the Scheme and more specifically, (draft) Amendments No. 21 and No. 22.

### Background

Between 26 & 28 July 2011 the Shire hosted a LandCorp inspired '*enquiry by design*' process (also referred to as a '*charette*') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential development needs for Onslow. One of the clear outcomes from the '*charette*' was the need for expanded residential and open space opportunities for Onslow. LandCorp has prepared an overall '*Vision Plan*' that has been prepared as an outcome for the '*charette*' and in conjunction with key stakeholders and the community for the town of Onslow.

### ATTACHMENT 13.3A

It is emphasised that the '*Vision Plan*' has not been adopted by the Shire or the State and is represented by LandCorp in the form of a brochure.

### Proposal

The development of land reflected by draft Amendments No's 21 and 22 are identified in the draft *Onslow Expansion Development Plans* ('*Development Plan*') associated with the above draft Amendments. A draft *Development Plan* is proposed and provides the strategic planning direction and development provisions for both draft Amendments No's 21 and 22. The draft *Development Plan* shows potential residential densities (R Coding) for the respective precincts.

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**ATTACHMENT 13.3B**

**ATTACHMENT 13.3C**

This Report addresses the request from LandCorp to have a draft *Development Plan* along with two Scheme Amendments (No's 21 and 22 that reflect the Development in the Planning Scheme) as follows:

- Draft Amendment 21 comprises parcels of land including land referred to as '*horse lots*' fronting on to Onslow Road. This Amendment seeks to have land zoned '*Urban Development*' without a prescribed density coding, for the intended use as future urban development. The density of subdivision and development is reflected in the draft *Development Plan*.

**ATTACHMENT 13.3D**

- Draft Amendment 22 comprises lots and parcels currently zoned '*Urban Development*' within the current Onslow Townsite. The Amendment seeks to remove the prescribed density coding and have it reflected in the draft *Development Plan*.

**ATTACHMENT 13.3E**

### **Comment**

The planning consultant associated with the '*charette*' has prepared a draft Development Plan for the expansion of Onslow which generally consistent with the objectives of the *Pilbara Framework Regional Profile*, *draft Pilbara Planning and Infrastructure Framework*, *Onslow Regional Hot Spots Land Supply Update* and *Onslow Townsite Strategy*. The following discusses the strategic planning for Onslow along with servicing and other relevant matters.

#### ***Pilbara Framework Regional Profile (2009)***

The *Pilbara Framework Regional Profile* has been published by the WAPC and provides the Pilbara with a settlement-focused development structure to provide guidance for infrastructure investment and context for local government to prepare strategic direction documents and scheme amendments. The *Profile* identifies pressure for land in Onslow (limited), although to a lesser extent than Karratha, Port Hedland and Newman.

#### ***Draft Pilbara Planning and Infrastructure Framework (2011)***

The draft *Pilbara Planning and Infrastructure Framework* defines a strategic direction for the future development of the Pilbara region, over the next 25 years. It seeks to ensure that development and change in the Pilbara is achieved in a way that improves people's lives and enhances the character and environment of the region.

#### ***Onslow Regional Hotspots Land Supply Update (2011)***

The *Onslow Regional Hot Spots Land Supply Update* is part of a series of publications prepared by the Department of Planning for the WAPC to assess the future land supply in regional centres in Western Australia.

#### ***Onslow Townsite Strategy (2011)***

The proposal to locate LNG facilities at the Ashburton North Strategic Industrial Area (ANSIA) and the potential change in operational practices at Onslow Salt has prompted the development of the *Onslow Townsite Strategy (OTS)* to provide the town of Onslow with a long term plan for sustainable future growth. The *OTS* aims to ensure that the characteristics that set Onslow apart from other resource driven towns in the Pilbara are maintained and enhanced. Five development scenarios are generated in the *OTS* to gauge the potential demand for housing and residential land. A 'high' development scenario is

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anticipated for Onslow based on the anticipated development of the ANSIA and Council's position on fly-in fly-out activities. The OTS therefore anticipates an additional 1,600 dwellings will be required for Onslow.

### ATTACHMENT 13.3F

#### ***Environment Protection Authority***

Draft Amendments No. 21 and No. 22 and draft the draft *Development Plan* will need to be referred to the Environment Protection Authority (EPA) to determine the level of assessment. Should Council resolve to initiate the Amendments and support the draft *Development Plan*, the proponent will be required to address the above environmental matters before the EPA is likely to determine the level of assessment and before the planning process proceeds to advertising.

#### ***Shire of Ashburton Town Planning Scheme No. 7***

The proposed amendments are consistent with the objective of the 'Urban Development' zone in that it allows for the future growth of Onslow. As the draft Development Plans demonstrate, this area will provide residential, community, commercial and public open space in a logical and orderly manner. The area to be developed corresponds with a number of State and local growth plans for Onslow, which indicate urban development would be appropriate for this area.

#### ***Shire of Ashburton Local Planning Policy 17 – Consultation for Planning Proposals***

The Shire's Local Planning Policy 17 – Consultation for Planning Proposals, identifies the form of consultation and parties to be consulted for the proposed scheme amendment. It is anticipated that the proposed draft Amendments and draft *Development Plans* will be advertised by notification to persons with an interest in the land along with a public notice in a local newspaper and with notification signs installed around the site.

#### ***Shire of Ashburton Local Planning Policy 20 – Social Impact Assessment***

A Social Impact Statement (SIS) will be prepared in support of the draft Amendments and draft *Development Plans* as required by the Shire.

#### ***European heritage***

From a desktop search of the Shire of Ashburton's Municipal Inventory and the Heritage Council of Western Australia and National Trust databases, the proponent advises that the subject site has no known European heritage listings or constraints.

#### ***Indigenous heritage***

A desktop search of the Department of Indigenous Affairs Aboriginal Heritage Enquiry System has revealed a number of Registered Aboriginal Sites affecting Onslow.

#### ***Native title***

The Thalanyji people are the local Traditional Owners in the Onslow area as determined on the 18 September 2008, with the determination covering approximately 11,120 kilometres of land located across the Shire of Ashburton. The site is affected by Native Title. Native Title will be resolved by LandCorp as part of the purchase/alienate of the Unallocated Crown Land lots the subject of the amendments.

#### ***Site contamination***

A study of the town has revealed a small number of potentially contaminated sites within the scheme amendment area. All contamination issues within the subject site area will be addressed prior to any development occurring on affected areas.

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### **Acid Sulphate soils**

Based on desktop information available, Acid Sulphate Soils is not expected to represent a constraint to the development of the site the subject of draft Amendments and Development Plans. This will also be addressed by the EPA.

### **Onslow Salt buffer**

EPA Guidance Statement No. 3 (2005) specifies a generic buffer distance of one kilometre between solar salt manufacturing activities and sensitive land uses such as residential areas due to potential noise impacts. The one kilometre buffer impacts the most of the western portion of the site and the existing town. Although Guidance Statement No. 3 did not exist in 1991 when the EPA originally assessed the Onslow Salt proposal, an acoustic study was undertaken by the proponent to determine the potential for noise impacts. The study highlighted the main sources of noise as being tracked vehicles (the bulldozers working on the salt stockpiles) and the power station. Onslow Salt also prepared a management plan for addressing noise related impacts, which was deemed acceptable by the EPA. Onslow Salt operates under Ministerial Statement 168 (August 1991), 401 (November 1995) and 451 (June 1997) and with respect to noise is required to implement noise control strategies to meet the requirements of Environmental (Noise) Regulations 1997.

In addition, noise abatement measures were part of the conditions of Onslow Salt's Part IV approval under the *Environmental Protection Act 1986*. Although the generic buffer distance for solar salt manufacturing facilities is one kilometre, the EPA's approval of the Onslow Salt operation is an example of how buffers can be refined with further analysis. Given that a significant proportion of the existing residential development of the Townsite is also within the buffer, it is considered that any potential noise impacts will need to be appropriately managed, possibly through noise abatement design features in dwellings and notifications on Title. This will need to be addressed in a further report to Council in the New Year.

### **Acoustic assessment**

An acoustic assessment prepared by Lloyd George Acoustics has found that the subject site is generally located in areas subject to noise levels between 45-50 dB generated by Onslow Salt operations. In these areas, the assessment recommends that notifications be provided on Title and facades of buildings fronting or perpendicular to the mine incorporate architectural treatments to minimise noise impacts. It is noted however that the acoustic assessment acknowledges that the predicted noise levels need to be further discussed with Onslow Salt to confirm the accuracy of the modelling assumptions in the absence of detailed plant operation information being provided. Given the nature of these recommendations and the need for further detailed noise modelling in consultation with Onslow Salt it is considered that any noise impacts will need to be appropriately managed, possibly through noise abatement design features in dwellings and notifications on Title. This will need to be addressed in a further report to Council in the New Year.

### **Servicing Water Supply**

Onslow is supplied with potable water by the Water Corporation, sourced from the Cane River alluvial aquifer located approximately 30km east of Onslow. It comprises 12 production bores and is licensed to draw 0.35 gegalitres per annum (GL/a) of water. The Onslow Water Supply Scheme is currently operating close to full capacity, drawing 0.31 GL (i.e. supplying 370 services) from the source in 2009/10. While meeting all current

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service obligations, the Water Corporation at this stage cannot guarantee the availability of water services for additional connections.

Investigations are currently underway to expand the water supply system to support additional growth in Onslow.

Drilling investigations to expand Cane River to support additional growth in Onslow commenced in August 2010 and are expected to be completed by early 2012.

Four additional production bores have been installed as part of the investigations for connection to the water supply scheme. A booster pump station and upgrading of the transfer pipeline is also required to transfer the water into town, which is scheduled for completion in mid 2013. The additional bores and infrastructure will increase capacity from 1250kL/day to 1900kL/day and 0.31GI/yr to 0.55GL/yr increasing the capacity by approximately 60% by servicing an additional 200 services (460 people) up from the current 370 services.

As there is currently an issue with the back-up supply of water, Water Corporation will also likely require a new tank and booster pump station to be commissioned prior to providing the additional 200 services which may take another year. Beyond the additional supply from the bore expansion, further expansion of the bore field by increasing the groundwater extraction licence may provide additional capacity, however, an alternative source, for example desalination, will need to be investigated to ultimately service the expected growth. Aside, Water Corporation are currently seeking a grant for \$4.5M which would make provision for a tank, two pump stations, filtration and chlorination to use treated waste water for oval which may save 100kL/day which would free up water for approximately 30 homes.

In addition, there are water efficiency improvements currently being undertaken. Based on the above, surety of water supply for additional lots in the town is not expected until mid 2013. As additional water supply is an on-going issue for the town that is being addressed by WaterCorp it is considered practical to look at servicing of development on a case by case basis as applications are received by the Shire and Western Australian Planning Commission.

### ***Wastewater***

Water Corporation manages the wastewater system that currently serves Onslow. Existing sewerage infrastructure is located within the existing limits of the town. The Onslow wastewater treatment plant (WWTP) has a treatment capacity for 1000 equivalent population, estimated at 460kL/d. The plant is licensed to treat 200kL/d which was previously considered sufficient to cater for natural growth in the town. The plant's disposal capacity is estimated at 290kL/d by way of two infiltration areas. There is capacity to support nominal population growth, with the wastewater flow currently at 180kL/d.

### ***Stormwater Drainage***

Detailed stormwater drainage design for the site the subject of this scheme amendment request will be undertaken at a future stage, as part of the subdivision process, so that this matter is resolved prior to the creation and development of the lots.

### ***Electricity***

Electricity is provided for Onslow by a 3.MW (installed capacity) gas engine turbine power plant operated by Onslow Electric Power (OEP), a privately owned independent power producer. The plant is connected to DBNGP through BHP Billiton Petroleum's gas lateral to the Tubridgi facilities and then via a Horizon Power pipeline to the power station. The

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plant's capacity is augmented by Horizon Power's 2.6 MW emergency diesel generators provided with 15 days of fuel supply.

The State Government announced on 29 January 2010 that it has committed the funds required to complete the \$130 million Pilbara Underground Power Project, funded through the Royalties for Regions. The project, managed by Horizon Power will see the overhead lines replaced with underground cables in the towns of Karratha, South Hedland, Onslow and Roebourne.

The Onslow and Roebourne undergrounding projects are both scheduled to commence in 2012, with the entire project expected to be completed by the end of 2012.

### **Specific servicing**

Specific servicing arrangements for the entire development site are not currently available, however, will be addressed in detail during the Development Plan and subdivision stages of development. Servicing within the town of Onslow is acknowledged as a challenge to development, however, responsible Government agencies are working to expand networks for all services as the growth demand expected in the town has been widely publicised.

### **Planning Scheme requirements**

Under the Scheme, reference to the residential density requirements and the provision of sewer is as follows:

#### *"6.6 Special Application of the Residential Planning Codes*

*6.6.1 Split coding of R12.5/R30 applies to existing and future development areas. The higher density is applied when connection to reticulated sewerage is available."*

The draft Amendments seek to reflect development densities and provisions within draft *Development Plans*. It is considered appropriate that draft Amendment No. 22 modify Clause 6.6 as follows (changes shown in **bold**):

#### *"6.6 Special Application of the Residential **Design** Codes*

*6.6.1 Split coding of R12.5/R30 applies to existing and future development areas. The higher density is applied when connection to reticulated sewerage is available.*

*6.6.2 **Where a development plan is prepared and approved in accordance with this Scheme over land zoned 'Residential' or Urban Development' and where it provides density coding in accordance with the Residential Design Codes, servicing, development and subdivision will be in accordance with the R Code density of the development plan."***

Under the Scheme, reference to the Urban Development zone is addressed in Clause 6.8:

#### *"6.8 Urban Development Zone*

*6.8.1 Before considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government may require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by*



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### *Local Government.*

- 6.8.2 *Applications for development under the R Codes for land zoned Urban Development and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Water and Catchment Protection.*
- 6.8.3 *In considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government shall have regard to any existing or proposed extractive industry operations within the zone, and may require staging of development and subdivision to minimise land use conflict during the life of the extractive industry operation.”*

The only land in the Shire zoned ‘Urban Development’ is located in Onslow. It is appropriate that draft Amendment No. 22 modifies Clause 6.8 such that it requires a ‘development plan’ before subdivision and development can be considered. In the regard, it is recommended that Clause 6.8 be amended to read as follows (changes shown in **bold** or ~~crossed out~~):

#### “6.8 *Urban Development Zone*

- 6.8.1 *Before considering any proposal for subdivision or **residential** development of land (**not including a single dwelling**) within the Urban Development Zone, the Local Government **will** require the preparation of a **development plan** for the entire development area or any part or parts as is considered appropriate by Local Government **and which will define the relevant R Coding for individual precincts.***
- 6.8.2 *Before considering any proposal for development of land (**other than residential**) within the Urban Development Zone, the Local Government may require the preparation of a **development plan** for the entire development area or any part or parts as is considered appropriate by Local Government.*
- 6.8.3 *Applications for development ~~under the R Codes~~ for land zoned ‘Urban Development’ and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the ~~satisfaction~~ **requirements** of the Department of Environmental ~~Water and Catchment~~ Protection.*
- 6.8.4 *In considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government shall have regard to any existing or proposed extractive industry operations within the zone, and may require **or recommend to the WAPC** staging of development ~~and~~ **or** subdivision to minimise land use conflict during the life of the extractive industry operation.*

### **Conclusion**

The information provided by the proponent is considered sufficient for Council to consider initiating draft Amendments No. 21 and No. 22. The draft *Development Plans* will need

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some modification to ensure that all proposed subdivision and development is addressed through specific design guidelines. With changes as addressed by the Shire in this Report, both Amendments reflect the strategic direction for Onslow. It is also appropriate that potential noise impacts from Onslow Salt on subdivisions and development be addressed in a new '*Special Control Area*' provision. It is recommended that Council:

- initiate draft Amendments No. 21 and No. 22 and to refer the Amendments to the EPA for assessment and once the EPA has responded, the matter be referred back to Council for consideration; and
- advise LandCorp that subject to the submission of draft *Development Plans* prepared to the satisfaction of the Chief Executive Officer that Council is willing to accept the draft *Development Plans* pursuant to the provisions of the Scheme and more specifically, (draft) Amendments No. 21 and No. 22.

### Consultation

Chief Executive Officer

Executive Manager, Technical Services

Executive Manager Strategic & Economic Development

Referral of draft Amendments No. 21 and 22 along with draft *Development Plan* to the following Agencies:

- Department of State Development
- Department of Planning
- 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
- Chevron Australia Pty Ltd
- BHP Billiton
- Onslow Solar Salt

Advertising under the Planning and Development Act and Regulations is a minimum of 42 days.

### Statutory Environment

*Planning and Development Act 2005*

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

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

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approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

### *Environmental Protection Act*

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

Under the Section 41 of EP Act, decision-making authorities (including the Shire or a JDAP) are not to make any decision that would allow the proposal to be implemented until the EPA assessment of the proposal and the Minister for the Environment's decision making is complete. Section 41 of the EP Act would not prevent the advertising or referral of a planning application however it would prevent a decision on an application until the Minister for the Environment determines the environmental assessment.

### **Financial Implications**

The Shire will calculate the fees charged for assessing the planning scheme amendment and structure plan fees in accordance with those set out in the Planning Regulations, in order to meet the administrative and other costs it incurs as a result of it processing the draft amendments and draft *Development Plans*. An invoice will be sent to the proponent before referral to the EPA commences for the Shire's consideration of the Amendments and draft *Development Plans*.

### **Strategic Implications**

The proposed amendment is considered to address the strategic objectives of the plan in that the proposed '*Urban Development*' zoning of the subject site will provide future growth areas for Onslow, helping to grow the population of Onslow and strengthen the economic and social vitality of the town. The Shire's Strategic Plan 2007-2011 (Incorporating Plan for the Future) seeks to:

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

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

#### *"New Industry*

##### *Measures and Targets*

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

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Simple Majority Required.

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### Recommendation

That Council:

#### **(A) DRAFT ONSLOW EXPANSION DEVELOPMENT PLAN**

1. Advise LandCorp that subject to the submission of a development plan prepared to the satisfaction of the Chief Executive Officer, Council is willing to accept the draft *Onslow Expansion Development Plans* pursuant to the provisions of the Scheme and more specifically, providing strategic direction for (draft) Amendments No. 21 and No. 22.
2. Request LandCorp to undertake the modifications as addressed in the Report along with any other modifications identified by the Chief Executive Officer as being appropriate and then refer the document to the Environmental Protection Authority (EPA) in association with (draft) Amendments No. 21 and No. 22.
3. Advise LandCorp that in relation to the modifications sought in a). above, and the referral to the EPA (in 2. above) it should not be construed that further changes to the draft *Onslow Expansion Development Plan* will not be required as an outcome of the referral of draft Scheme Amendments No. 21 and No. 22 and further assessment of information received.

#### **(B) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 21**

4. That the Council in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Scheme Amendment No. 21 to the Shire of Ashburton Local Planning Scheme No. 7 by:

a) Rezoning:

- i. Lot 301 (Conservation, Recreation & Nature Landscape reserve - portion only);
- ii. Lot 41 (Conservation, Recreation & Nature Landscape reserve - portion only);
- iii. Lot 303 (Conservation, Recreation & Nature Landscape reserve - portion only);
- iv. Lot 571 (Conservation, Recreation & Nature Landscape reserve - portion only);
- v. Lot 448 (Conservation, Recreation & Nature Landscape reserve);
- vi. Eagles Nest Road Reserve (Road Reserve);
- vii. UCL 214441 (Rural Living zone);
- viii. Lot 76 (Rural Living zone);
- ix. Lot 77 (Rural Living zone);
- x. Lot 78 (Rural Living zone);
- xi. Lot 75 (Rural Living zone);
- xii. Lot 74 (Rural Living zone);
- xiii. Lot 73 (Rural Living zone);
- xiv. Lot 129 (Public Purposes – Waste Disposal and Treatment reserve);
- xv. Lot 80 (Rural Living zone);
- xvi. Lot 72 (Public Purposes – Water and Drainage reserve );
- xvii. Lot 71 (Rural Living zone);
- xviii. Lot 70 (Rural Living zone);

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- xix. Lot 69 (Rural Living zone);
- xx. Reserve 219198 (Public Purposes – Waste Disposal and Treatment reserve - portion only); and
- xxi. Lot 302 (Public Purposes – Waste Disposal and Treatment reserve - portion only)

to 'Urban Development zone.

b) Amending the Scheme Maps accordingly.

5. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council for further consideration.
6. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
7. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:
  - Department of State Development
  - Department of Planning
  - 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
  - Chevron Australia Pty Ltd
  - BHP Billiton
  - Onslow Solar Salt
8. That following response from the EPA in accordance with Part 6 or Part 7, the matter be referred back to Council for consideration.

### **(C) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 22**

9. That the Council in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Scheme Amendment No. 22 to the Shire of Ashburton Local Planning Scheme No. 7 by:
  - a) Amending Clause 6.6 of the Scheme to read as follows:

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*“6.6 Special Application of the Residential Design Codes*

*6.6.1 Split coding of R12.5/R30 applies to existing and future development areas. The higher density is applied when connection to reticulated sewerage is available.*

*6.6.3 Where a development plan is prepared and approved in accordance with this Scheme over land zoned ‘Residential’ or Urban Development’ and where it provides density coding in accordance with the Residential Design Codes, servicing, development and subdivision will be in accordance with the R Code density of the development plan.”*

b) Amending Clause 6.8 of the Scheme to read as follows:

*“6.8 Urban Development Zone*

*6.8.1 Before considering any proposal for subdivision or the residential development of land within the Urban Development Zone (not including a single dwelling), the Local Government will require the preparation of a Development Plan for the entire development area or any part or parts as is considered appropriate by Local Government and which will define the relevant R Coding for individual precincts.*

*6.8.2 Before considering any proposal for development of land (other than residential) within the Urban Development Zone, the Local Government may require the preparation of a development plan for the entire development area or any part or parts as is considered appropriate by Local Government.*

*6.8.3 Applications for development for land zoned Urban Development and which could be potentially contaminated through previous land uses shall not be determined by the Local Government unless issues relating to possible soil and groundwater contamination are first resolved to the satisfaction of the Department of Environmental Protection.*

*6.8.4 In considering any proposal for subdivision or development of land within the Urban Development Zone, the Local Government shall have regard to any existing or proposed extractive industry operations within the zone, and may require or recommend to the WAPC staging of development or subdivision to minimise land use conflict during the life of the extractive industry operation.”*

c) Amending the Scheme Maps by removing reference to the Residential Design Codes density to the Urban Development zone.

10. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a

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response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council for further consideration.

11. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this assessment is to be prepared by the proponent prior to advertising of the draft Amendment.
12. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:
  - Department of State Development
  - Department of Planning
  - 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
  - Chevron Australia Pty Ltd
  - BHP Billiton
  - Onslow Solar Salt
13. That following response from the EPA in accordance with Part 11 or Part 12, the matter be referred back to Council for consideration.

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

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### 13.4 EXTENTION OF TIME - PLANNING APPROVAL - HOTEL / MOTEL DEVELOPMENT COMPRISING 132 TOURIST ACCOMMODATION UNITS AND ANCILLARY RESTAURANT, CAFÉ, GYMNASIUM AND ASSOCIATED CAR PARKING AT LOT 3011, CENTRAL ROAD TOM PRICE.

<b>FILE REFERENCE:</b>	TP.CX.3011
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Auzcorp Pty Ltd
<b>DATE REPORT WRITTEN:</b>	5 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.12.90 Ordinary Meeting of Council 15 December 2009

#### **Summary**

At the Council meeting of 15 December 2009, Council approved a development application for a Hotel/ Motel development comprising 132 tourist accommodation units and associated restaurant, café, gymnasium and car parking at Lot 3011, Central Road, Tom Price. The proposed development will result in a key tourist/commercial asset for Tom Price. The site of the proposed development is of strategic importance to the town due to its location and affording views across to Mount Jundunmunnah (Mt Nameless).

The proponent has written to Council requesting to extend the Planning Approval issued by Council in 2009 for an additional 12 months.

It is recommended that the extension of time be approved.

#### **Background**

At the Council meeting of 15 December 2009, Council approved a development application for a Hotel/ Motel development comprising 132 tourist accommodation units and associated restaurant, café, gymnasium and car parking at Lot 3011, Central Road, Tom Price.

#### **ATTACHMENT 13.4 A**

Lot 3011, Central Road, Tom Price is a vacant, 2.95 ha leasehold site which is heavily strewn with boulders and rocks. The land slopes downwards towards Central Road and sealed access is from Central Road via a sealed 'road' referred to as '*Stothers Court*'.

The Application and plan/elevations before Council comprised the following:



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- Hotel / Motel Development comprising 132 Tourist Accommodation Units (96 Single Bedroom Villas, 20 Single Bedroom Apartments, 16 Two Bedroom Tourist Units)
- Restaurant including Bar (140m<sup>2</sup>)
- Café (80m<sup>2</sup>)
- Circular decks (120 m<sup>2</sup>)
- Gymnasium (60m<sup>2</sup>); and
- 163 car parking spaces in total (comprising 137 totally on site and 26 partially on site and within Lot 3017 'Stothers Court').

Amongst the 19 conditions of the Council Approval, amending plans are required to be submitted that address the following:

### *Parking*

- All 'two way' access with a minimum width of 6m.
- All parking bays and reversing areas comply with the minimum requirements of the Shire of Ashburton Local Planning Scheme No. 7.
- Not less than 137 car parking spaces and a minimum of three (3) bus parking bays.
- Deletion of the reference to '26 optional' car parking spaces.
- Removal of parking bays over Lot 3017 Stothers Court.
- Details on any proposed parking security arrangements.
- Disabled parking located close to the facilities.

### Survey plan

- Survey plan of the subject land (i.e. Lot 3011 and Lot 3017) correctly locating the pavement seal.

### Design, materials and colours

- Detailed plans and elevations of all buildings.
- Unit V1 set back at least 5m to Lot 3017 Stothers Court.
- External wall colours and materials for the development.

The plans are yet to be provided by the Applicant.

Condition G of the Approval states:

*"A building licence for the development should be obtained prior to 15 December 2011. This Planning Approval lapses if a building licence for the development has not been obtained by 15 December 2011. Further to this, if the development is not substantially commenced in accordance with the building licence by 15 December 2011, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended."*

### **Proposal**

The proponent has written to Council requesting to extend the Planning Approval issued by Council in 2009 for an additional 12 months.

### **ATTACHMENT 13.4B**

### **Comment**

The proposed development will result in a key tourist/commercial asset for Tom Price. The site of the proposed development is of strategic importance to the town due to its location and affording views across to Mount Jundunmunnah (Mt Nameless). The issue of an extension of time is reasonable as it is likely that the development of the land would have been interrupted by the global financial crises and limitations on funding by most banks on tourist accommodation.

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The land is owned by the State and negotiations have been ongoing in relation to an extended lease. The proponent advises that this matter has been resolved.

### Conclusion

As there has been no change in the Shire planning or policy direction since the issue of the planning approval in 2009, an extension of time is considered reasonable.

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

### Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

### 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."*

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

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

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Resolve to extend the Planning Approval approved by Council on 15 December 2010 for a Hotel/Motel development comprising 132 tourist accommodation units and associated restraint, café, gymnasium and car parking at lot 3011, Central Road, Tom Price until 14 December 2012
2. The Chief Executive officer be requested to advise State Lands of Council's decision.

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

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### 13.5 DRAFT LOCAL PLANNING POLICY - SHIRE REQUIREMENTS FOR PLANNING APPLICATIONS WITHIN THE ONSLOW COASTAL HAZARD AREA - SCHEME CONTROL AREA.

<b>FILE REFERENCE:</b>	PS.DV.11.00
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	5 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

#### **Summary**

Under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), much of the land within the Onslow townsite is included with the Onslow Coastal Hazard Area – Scheme Control Area (SCA). The SCA applies to all land up to 4m Australian Height Datum (AHD) in the coastal zone and 5m AHD in the frontal dune areas of the townsite, between Four Mile Creek in the south-west and Beadon Creek in the north-east.

The Shire is aware that some modification to the minimum AHD is likely due to a review undertaken by LandCorp and other State Agencies. This review is still to be finalised however the Shire is becoming increasingly aware of numerous proposals looming with the SCA. Clause 6.20.4 of the Scheme provides:

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

In light of the review of AHD levels and Clause 6.20.4, a draft Local Planning Policy has been prepared requiring the applicant to undertake an assessment in accordance with Clause 6.20.4. It is recommended that the draft Policy be advertised in accordance with the Planning Scheme and referred back to Council for consideration.

#### **Background**

Under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), much of the land within the Onslow townsite is included with the *Onslow Coastal Hazard Area – Scheme Control Area (SCA)*. The SCA applies to all land up to 4m Australian Height Datum (AHD) in the coastal zone and 5m AHD in the frontal dune areas of the townsite, between Four Mile Creek in the south-west and Beadon Creek in the north-east.

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### Comment

The Shire is aware that some modification to the minimum AHD is likely due to a review undertaken by LandCorp and other State Agencies. This review is still to be finalised however the Shire is becoming increasingly aware of numerous proposals looming with the SCA.

Clause 6.20.4 of the Scheme provides: *“Council may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development.”*

In light of the review of AHD levels and Clause 6.20.4, a draft Local Planning Policy has been prepared requiring the applicant to undertake an assessment in accordance with Clause 6.20.4.

### ATTACHMENT 13.5

It is recommended that Council adopt draft *“Local Planning Policy - Shire requirements for Planning Applications within the Onslow Coastal Hazard Area – Scheme Control Area”* and advertise for 21 days in accordance with the Shire’s Local Planning Scheme

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

### Statutory Environment

Planning and Development Act 2005  
Council of Ashburton Town Planning Scheme No. 7

### Financial Implications

None anticipated.

### Strategic Implications

None anticipated

### Policy Implications

None anticipated

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Adopt the draft *“Local Planning Policy - Shire requirements for Planning Applications within the Onslow Coastal Hazard Area – Scheme Control Area”* as included as Attachment 13.5 to the Report and advertise in accordance with clause 2.31 of the scheme.
2. Directs that upon completion of the advertising period referred to in 1. above, the matter to be referred back to Council for further consideration.

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

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### 13.6 DEVELOPMENT APPLICATION - EXTENSION TO SHIRE OF ASHBURTON ADMINISTRATION CENTRE, LOT 246 POINCIANA STREET TOM PRICE (72M2 TRANSPORTABLE OFFICE BUILDING)

<b>FILE REFERENCE:</b>	TP.PO.0246.000
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	5 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.09.56, Ordinary Meeting of Council 15 September 2009 Agenda Item 10.07.18, Ordinary Meeting of Council 21 July 2009

#### Summary

The Shire has lodged Planning Application to erect and use a 72m<sup>2</sup> transportable building for up to 7 existing staff associated with the existing Tom Price Shire Administration Centre. The purpose of the extension is to relieve existing cramped working conditions. The building will be located behind the existing 1.8m fence. In addition, it is proposed to extend and seal the carparking area in South Street to cater for existing staff and visitors.

The Application has been assessed and found to comply with the relevant provisions of the Scheme. Accordingly, it is recommended that Planning Approval issue subject to conditions.

#### Background

The Shire's Tom Price Administration Centre site is located at Lot 246 Poinciana Street Tom Price and has a total area of 3062m<sup>2</sup>. Council has made funding available for the construction of a transportable extension to the Shire's Tom Price Administration Centre, in order to address a severe shortage of office accommodation space.

Council issued planning approval for a 108m<sup>2</sup> transportable building on the site in September 2009 however the approval was not acted upon and has since expired.

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### Proposal

The Application is to erect and use a 72m<sup>2</sup> transportable building for an office for up to 7 existing staff associated with the existing Shire Administration Centre. As was noted above, the purpose of the extension is to relieve existing cramped working conditions.

The building will be located behind the existing 1.8m fence. The building has been used as an office associated with the Tom Price Revitalisation Program and sited on Lot 2 Stadium Road, Tom Price. The Shire will be extending and sealing the carparking area in South Street to cater for existing staff and visitors. A statement from the Applicant, location and building plan along with a photograph of the proposed building is attached.

### ATTACHMENT 13.6

### Comment

The proposed structure is a prefabricated transportable and generally reflects the existing design of the Shire offices in terms of colour and roof pitch. The transportable building is considered to be the most effective means of relieving the immediate shortage of work space at the Administration Centre. The building is essentially located on the western boundary however the zoning of the land does not provide a minimum building setback. It is considered that the siting of the transportable building will not unduly impact on the amenity of the adjoining land.

### Conclusions

The plans provided to Council are conceptual however, it is appropriate to condition any Approval to require submission of finalised plans and elevations for endorsement at Building Licence. The conditions recommended reflect those that would be anticipated for any commercial development of a similar standard and impact.

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

Although the Scheme does not prescribe the need for public advertising, it is open for Council to advertise any application. However, the Approval sought is in keeping with area of existing development and accordingly, advertising is not recommended.

### Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7.

The land is zoned *Commercial and Civic* under the Scheme. Clause 6.15 of the Shire of Ashburton Local Planning Scheme No.7 states as follows:

#### **6.15 Transportable Structures**

6.15.1 *When considering planning applications which include transportable buildings and structures Local Government shall have regard for:*

- (a) whether the structure is to be permanent or temporary,*
- (b) the location and design of the structure in relation to surrounding structures and other physical features,*
- (c) the footings or other methods of stabilising the structure, and*
- (d) proposed landscaping to be associated with the structure.*

6.15.2 *Local Government may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.*

6.15.3 *Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures.*

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It is considered that as the proposed transportable building generally reflects the existing design of the Shire offices in terms of colour and roof pitch that matters referred to in Clause 6.15 have been adequately addressed. The Scheme 'parking provisions' applies to all development in the Shire. The Executive Manager Technical Services advises that the car parking area in South Street (opposite the Shire offices) is to be sealed and extended. This will assist in alleviating existing parking issues associated with the Administration Building.

### **Financial Implications**

There are no financial implications relevant to this matter. Funding has been provided in the 2011/12 Budget to relocate the building

### **Strategic Implications**

There are no strategic implications that relate to this matter.

### **Policy Implications**

There are no policy implications that relate to this matter.

### **Voting Requirement**

Simple Majority Required.

### **Recommendation**

That Council:

1. Approve the Planning Application made by the Shire of Ashburton to construct and use a 72m<sup>2</sup> transportable building for the purpose of an office at Lot 246 Poinciana Street Tom Price (Shire of Ashburton Administration Centre) in accordance with the submitted plans and subject to the following conditions:
  1. A Building Licence for the development should be obtained prior to 14 December 2013. This Planning Consent lapses if a Building Licence for the development has not been obtained by 14 December 2013. Further to this, if the development is not substantially commenced in accordance with the Building Licence by 14 December 2013, then this Planning Consent lapses at that date.
  2. 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.
  3. Plans shall be submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.
  4. The design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Details to be submitted prior to or with the building licence application.
  5. The building shall be connected to a reticulated water supply and reticulated sewer to the satisfaction of Pilbara Iron Infrastructure prior to occupation of the development.

### **Advice Notes**

1. Building Licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire prior to

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the demolition of existing buildings and the commencement of any on-site works whatsoever.

2. Please note that the Manager, Building Services has advised that the wall and windows of the wall abutting the western boundary will need to be fire rated in accordance with the relevant building regulation

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



## AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011

### 13.7 DEVELOPMENT APPLICATION - FINAL STAGE OF MOTEL/RESTAURANT DEVELOPMENT, LOT 447 THIRD AVENUE, ONSLOW.

<b>FILE REFERENCE:</b>	TP.PO.0246.000
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Property Development Solutions.
<b>DATE REPORT WRITTEN:</b>	5 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.07.45, Ordinary Meeting of Council 20 July 2011 Agenda Item 13.09.53, Ordinary Meeting of Council 15 September 2009

#### **Summary**

At the Council meeting of 15 September 2009, Council issued planning approval comprising 48 Motel units and 210m<sup>2</sup> Restaurant at Lot 447 Third Avenue, Onslow. Save for the restaurant, the development has been completed. An acoustic fence to the adjoining aged person units is also to be completed which has been secured by a \$30,000 bond.

The developer of the land has made a further Planning Application for 34 two storey tourist units and restaurant. This replaces the existing single story units fronting (unmade) First Avenue and restaurant as approved by Council on 15 September 2009.

Under the Scheme, the Shire has 60 days to determine the Application. This will expire before Council meets in February 2012. If the Application is not determined within the statutory time period, the matter will be a 'deemed refusal' under the Scheme and potentially, be subject to an appeal to the State Administrative Tribunal.

The purpose of this Report is to advise Council of the Application and seek delegation for the Chief Executive Officer to determine the Application.

#### **Background**

At the Council meeting of 15 September 2009, Council issued planning approval comprising 48 Motel units and 210m<sup>2</sup> Restaurant at Lot 447 Third Avenue, Onslow.

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The 8,463m<sup>2</sup> site at Lot 447 Third Avenue, Onslow had been used for low key tourist use for many years. Land adjoining to the south is Lot 654 which is owned by the Shire and occupied by aged persons units ('*Carinya Units*'). The land is essentially at two levels, with sealed parking and access is from Third Street. Save for the restaurant, the development has been completed.

In July 2011 the Applicant requested that Council remove a condition requiring an acoustic fence to the adjoining aged person units. Council resolved that the condition would stay. The acoustic fence is to be completed and which has been secured by a \$30,000 bond (from the applicant).

### Proposal

The Application and plan/elevations currently before Council comprises the following:

- 34 two storey single bedroom self contained units (43m<sup>2</sup> per unit comprising main bedroom suite, living/dining area, kitchenette with sink, dishwasher, microwave, stove and fridge, an ensuite with shower, toilet, vanity and incorporating washing machine and clothes dryer);
- Each unit is to be divided into a main bedroom suite;
- 124 car parking spaces; and
- Restaurant/reception.

### ATTACHMENT 13.7

### Comment

#### ***Onslow Coastal Hazard Areas Special Control Area***

The subject land is zoned *Commercial and Civic* under the Shire of Ashburton Planning Scheme No. 7 ('*Scheme*'). It is also included in the '*Onslow Coastal Hazard Areas Special Control Area*'. In this regard, the development as approved in September 2009 was to the minimum floor height of 5AHD.

Since the original approval, the Shire is aware that some modification to the minimum AHD within the '*Onslow Coastal Hazard Areas Special Control Area*' is likely due to a review undertaken by LandCorp and other State Agencies. This review is still to be finalised however the Shire is becoming increasingly aware of numerous proposals looming with the SCA.

Clause 6.20.4 of the Scheme provides:

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

In light of the review of AHD levels and Clause 6.20.4, it is appropriate that applicant be required to undertake an assessment in accordance with Clause 6.20.4 before the Application is determined.

#### ***Setback to First Avenue***

Between 26 & 28 July 2011 the Shire hosted a LandCorp inspired '*enquiry by design*' process (also referred to as a '*charette*') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential development needs for Onslow. Although a finalised concept plan for Onslow is still to be produced, it is possible that in the future, First Avenue could be constructed such that it continues in front of Lot 447.

In this regard, it is appropriate that any plans endorsed take this possibility into account and buildings set back accordingly.

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### **Building Design**

The building design generally reflects the existing development. As part of the Shire's *Local Planning Policy - Onslow Interim Design Guidelines*, the design will be forwarded to TPG Planning Consultants for comment. AS Council will recall, TPG 'enquiry by design' process for LandCorp.

### **Parking**

The submitted plans provide for 124 car spaces, of which 106 are located on site and 18 located within the Third Street road reserve immediately adjacent to the restaurant and reception area.

When considering parking for the original Planning Approval in September 2009, Council did not have any specific parking Policy for Onslow. In July 2011, Council adopted *Local Planning Policy – Interim Car Parking Provisions (Onslow)* that provide parking incentives for the Onslow townsite as follows:

*Where the development area is 2000m2 NLA or less*

- *Where a development area is 2000m2 NLA or less, Council may accept up to a maximum of 20% of the car parking requirement to be located within the Shire's road reserve, as directed by Council.*

*Where the development area is 2001m2 NLA or more*

- *For developments above 2000m2 NLA, Council may accept a maximum of 10% of the parking requirement to be located within the Shire's road reserve, as directed by Council.*

In this regard, payment of \$4,800 per space would be paid for parking in the road reserve. However, it may be appropriate to have the developer construct the road reserve parking as they will be the sole beneficiary of the parking arrangement.

The Application will be assessed against the Scheme and the endorsed Local Planning Policy.

### **Acoustic Fence**

The Applicant has advised that in relation to the requirement of the acoustic fence (under the original Planning Approval) as follows:

*We confirm that we have lodged a cash bond with Council to ensure that this condition is adhered to, to the satisfaction of Council.*

*Focus Design, structural engineers, inspected site on 14<sup>th</sup> & 15<sup>th</sup> November in order to finalise the structural design of the fence to comply with current cyclone rating requirements of the BCA.*

*Plans and specification will be completed this week and submitted to Council with an application for Building Licence to allow the fence to be constructed.*

### **Conclusions**

Under the Scheme, the Shire has 60 days to determine the Application. This will expire before Council meets in February 2012. If the Application is not determined within the statutory time period, the matter will be a 'deemed refusal' under the Scheme and potentially, be subject to an appeal to the State Administrative Tribunal.

It is considered appropriate that Council provide delegation for the Chief Executive Officer to determine the Application.

### **Consultation**

Chief Executive Officer

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Executive Manager, Technical Services

Although the Scheme does not prescribe the need for public advertising, it is open for Council to advertise any application. However, the Approval sought is in keeping with area of existing development and accordingly, advertising is not recommended.

### **Statutory Environment**

Shire of Ashburton Town Planning Scheme No. 7

Statement of Planning Policy No. 2.6 - State Coastal Planning Policy - the Scheme was Gazetted after the introduction of the Policy and addressed in the '*Onslow Coastal Hazard Areas Special Control Area*' where the minimum floor height is 5AHD.

### **Policy Implications**

There are no policy implications that relate to this matter

### **Financial Implications**

There are no financial implications that relate to this matter.

### **Strategic Implications**

There are no strategic implications that relate to this matter.

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council request the Chief Executive Officer to:

1. Require the applicant for for 34 motel units and restaurant at Lot 447 Third Avenue, Onslow to provide an assessment, prepared to the Chief Executive Officer's satisfaction, addressing the impact of potential flood and storm surge events on the proposed development in accordance with Clause 6.20.4 of the Shire of Ashburton Town Planning Scheme No. 7.
2. Determine the Application for 34 motel units and restaurant at Lot 447 Third Avenue, Onslow subject to compliance with the relevant provisions of the Scheme and Council Policies

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

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### 13.8 OUTCOME OF APPLICATION TO THE PILBARA JOINT DEVELOPMENT ASSESMENT PANEL - PLANNING APPLICATION FOR CONSTRUCTION OF OFFICES AND INFRASTRUCTURE, ROAD SERVICES AND TRANSIENT WORKFORCE ACCOMODATION LOTS 152, 153 AND 238 ONSLOW ROAD, ASHBURTON NORTH

<b>FILE REFERENCE:</b>	RD.OG.02.05
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Chevron Australia Pty Ltd
<b>DATE REPORT WRITTEN:</b>	6 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.13.7 Ordinary Meeting of Council 16 November 2011.

#### **Summary**

On 30 November 2011, the Pilbara Joint Development Assessment Panel (PJDAP) considered Chevron Australia's planning application to construct offices and infrastructure, road, services and transient workforce accommodation at Lots 152,153 and 238 Onslow Road, Ashburton North. The PJDAP is an independent decision making body comprising independent technical experts and Shire of Ashburton Councillor representatives. DAPs are able to determine certain development applications in the place of the original decision making authority, being the local government in this case.

The planning application sought approval to commence development of transient workforce accommodation and temporary construction infrastructure to facilitate the ultimate development of the Wheatstone LNG and Domgas Plant.

At the request of Chevron, consideration of the PJDAP application was brought forward from the later meeting date of 13 December 2011 and the Shire provided its report 8 days before the statutory deadline of 29 November 2011. The Shire Report included conditions requiring a Workforce Management Plan (WMP) and linking the WMP to an agreement with the Shire. The requirement for the agreement was in accordance with the approved ANSIA Structure Plan.

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The PJDAP considered that Shire Report and submissions from submitters including Chevron that sought to amend conditions including the WMP and requirement for the agreement. The PJDAP accepted Chevron's position and resolved to issue planning approval in accordance with the Shire recommendation, but modified to reflect Chevron's submission. The PJDAP's decision is final and appeal rights the State Administrative Tribunal only apply to the applicant. It is understood that the Shire could only appeal the decision to the Supreme Court on a point of law.

It is recommended that Council:

1. Note the PJDAP decision; and
2. Request the Chief Executive Officer seek legal advice as to whether an appeal to the Supreme Court or other jurisdiction is available to Council for a review of the decision and refer the matter to WALGA for comment and advice.

### **Background**

The ANSIA Structure Plan was adopted by Council at a Special Meeting on 5 October 2011 and subsequently endorsed by the Western Australian Planning Commission (WAPC). Amendment No. 10 to the Scheme which establishes strategic industrial land, the access road and transient workforce accommodation has been approved by the Minister for Planning.

On 30 November 2011, the Pilbara Joint Development Assessment Panel (PJDAP) considered Chevron Australia's planning application to construct offices and infrastructure, road, services and transient workforce accommodation at Lots 152,153 and 238 Onslow Road, Ashburton North. The PJDAP is an independent decision making body comprising independent technical experts and Shire of Ashburton Councillor representatives. DAPs are able to determine certain development applications in the place of the original decision making authority, being the local government in this case.

The Application before the PJDAP included the following:

#### *Temporary Construction Offices and Facilities*

Temporary construction office facilities will be installed in the Transient Workforce Accommodation area. These facilities will provide offices, crib facilities and ablutions for the construction workforce. The intention is to relocate some of these facilities to the Plant site when required, to support ongoing construction activities.

The offices and facilities will be installed to the north of the Initial Construction Village site. The facilities are all portable buildings and includes; 15 offices, 10 crib huts and 2 washrooms. The portable buildings are based on a standard 3 x 12 m units. Independent power generation and diesel fuel storage facilities will be provided to support the temporary construction offices. They are to be packaged units to allow for future relocation to support other construction fronts. Utility water will be reticulated to the crib huts and washrooms. Waste water from washrooms will be removed by suction tanker truck to a sewage treatment plant.

#### *Concrete Batching Plant*

The concrete batching plant comprises a mobile plant to be located within the TWA site and will supply material for the construction of the initial construction and fly village. The plant will be retained for the future development of the LNG and Domgas plants.

The concrete batch plant will be located on the north side of the Initial Construction Village and will comprise a mobile, self erecting plant capable of a continuous production capacity of 50 cubic metres per hour.

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### *Temporary Access Roads*

Access to the construction village area is sought from Twitchen Road, Old Onslow Road, and a track generally located south of the Old Onslow townsite.

### *Compaction Phase Seawater Intake*

A temporary seawater intake and processing facility is to be installed at the beach within the proposed Common User Coastal Area.

The facility is established using offshore electric submersible pumps to allow large quantities of seawater to be brought onshore for construction use and for processing into fresh water.

### *Transient Workforce Accommodation*

The Transient Workforce Accommodation to support the Wheatstone LNG project will be undertaken in stages. This application included the first stages, being the initial construction village (or pioneer village) and fly village in the Transient Workforce Accommodation area as defined in the ANSIA Structure Plan. The Initial Construction Village will have a max capacity of 104 beds and is intended to be utilized until sufficient rooms are available in the Fly Village (500 beds) and portion of the Construction Village (to be addressed in a subsequent planning application) to support the ongoing construction activities (approximately 18-24 months, before being demobilized from site).

### **Comment**

The application met the criteria for a Development Assessment Panel application under Regulation 5 of the Planning and Development (Development Assessment Panels) Regulations 2011. The Values was greater than \$7 million. The JDAP is an independent decision making body comprising independent technical experts and elected Local Government representatives. DAP's are able to determine certain development applications in the place of the original decision making authority, being the local government in this case. Under the above Regulations, the Shire was obliged to provide the JDAP with a Report to allow consideration of the Application. The Council had no role in the decision making process.

At the request of Chevron, consideration of the PJDAP application was brought forward from the later meeting date of 13 December 2011 and the Shire provided its report 8 days before the statutory deadline of 29 November 2011. The Shire Report included conditions requiring a Workforce Management Plan (WMP) and linking the WMP to an agreement with the Shire. The requirement for the agreement is in accordance with the approved ANSIA Structure Plan.

### **ATTACHMENT13.8 A**

The PJDAP considered that Shire Report and submissions from submitters including Chevron. Chevron provided a written submission to the JDAP which sought to amend a number of conditions including the requirement for the WMP to be included as an agreement.

### **ATTACHMENT13.8 B**

However, what is confusing is that on 28 November 2011, some two days before the PJDAP meeting, a senior representative from Chevron wrote to the Shire indicating no objection to the inclusion of a condition requiring the WMP as an agreement and in fact, suggesting how the agreement could be implemented. Chevron did not bring their letter of 28 November to the notice of the PJDAP or to the Shire's representative at the meeting.

### **ATTACHMENT13.8 C**

The PJDAP accepted Chevron's position and resolved to issue planning approval in accordance with the Shire recommendation, but modified to specifically reflect Chevron's submission.

The PJDAP's decision is final and appeal rights the State Administrative Tribunal only apply to the applicant. It is understood that the Shire could only appeal the decision to the Supreme Court on a point of law.

It is appropriate that Council note the PJDAP decision.

However, due to the potential long term impacts of Chevron's position on agreements with the Shire and the PJDAP's decision, the Shire Executive have concluded that Council should also consider seeking the necessary legal advice to determine whether an appeal to the Supreme Court or other jurisdiction is available to Council to review of the decision of the PJDAP and to refer the matter to WALGA for comment and advice.

**Consultation**

Chief Executive Officer  
Executive Manager, Technical Services

**Statutory Environment**

The land subject of the application is included in the 'Strategic Industry' zone, 'Special Use – Transient Workforce Accommodation' zone and 'Other Purposes – Infrastructure' reserve.

Clause 7.9.1 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') states:

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

The ANSIA Structure Plan was adopted by Council at a Special Meeting on 5 October 2011 and subsequently endorsed by the Western Australian Planning Commission (WAPC). Amendment No. 10 to the Scheme which establishes strategic industrial land, the access road and transient workforce accommodation has been approved by the Minister for Planning. Specifically, in relation to the construction elements, Condition 5 of the Structure Plan states:

*"Council shall not resolve to approve any use or development, or support any subdivision of land until a Development Plan is endorsed by the Shire and adopted by the WAPC in accordance with LPS7. The matters to be addressed by the Development Plan are identified within section 8.3 of the ANSIA Structure Plan report and defined by the ANSIA SCA of the Scheme. Notwithstanding the above, prior to the approval of a Development Plan, the Shire may approve limited provision of roads, services and Transient Workforce Accommodation where it is satisfied that approval is in accordance with the vision and objectives of the ANSIA Structure Plan, as well as the SCA of LPS7."*

A Development Plan is yet to be submitted to Council for consideration.

Shire's Planning Scheme provides the opportunity for legal agreements to be entered into with respect to transient workforce accommodation. There are two instances in the Scheme and one specific requirement in the ANSIA Structure Plan as follows:



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

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

Condition No. 5 of Special Use zone No. 2 – Transient Workforce Accommodation (relating to Chevron's site):

5. *The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.*

Section 5.5.4 of the ANSIA Structure Plan states (in part):

*"Importantly, a 'Workforce Management Plan' (WMP) will be required to be prepared as part of a Development Plan and detailed in any subsequent planning application. The WMP will address the impacts from the extensive numbers of workers associated with the development of the LNG facilities, CUCA and general industry on Onslow and clearly demonstrate that the proponent is responsible to ensure that all workers under their respective control (including the direct workforce, contractors, sub-contractors and authorised visitors who have direct involvement with the development) are housed either at the ANSIA or in Council approved accommodation. The essence of the WMP is to lessen the social burden on Onslow resulting from the development of the ANSIA."*

Condition 22 of the ANSIA Structure Plan states:

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

The Shire Report to the DAP advised them of the above.

### **Financial Implications**

There are no financial implications relevant to this matter as the Shire's 2011/12 Budget includes the need to seek legal advice on planning and other matters.

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### 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.”*

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

- “New Industry  
Measures and Targets*
- » Increase in major investment enquiries*
  - » Increase in building activity*
  - » Community satisfaction with economic development*
  - » Increased employment opportunities.”*

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required.

### Recommendation

That Council:

1. Note the Pilbara Joint Development Assessment Panel (PJDAP) decision to issue a planning approval for Chevron Australia's application to construct offices and infrastructure, road, services and transient workforce accommodation at Lots 152,153 and 238 Onslow Road, Ashburton North.
2. Request the Chief Executive Officer in relation to the PJDAP decision to issue a planning approval for Chevron Australia's application to construct offices and infrastructure, road, services and transient workforce accommodation at Lots 152,153 and 238 Onslow Road, Ashburton North as follows:
  - i. to seek the necessary legal advice to determine whether an appeal to the Supreme Court or other jurisdiction is available to Council to review of the decision of the PJDAP;and
  - ii. to refer the matter to WALGA for comment and advice.

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

**14. OPERATIONS REPORTS**

There were no Agenda items received from Operations.

**15. COMMUNITY DEVELOPMENT REPORTS**

**15.1 REPORT INTO PARABURDOO COMMUNITY AND SPORTS FACILITIES**

<b>FILE REFERENCE:</b>	TEMP.001
<b>AUTHOR'S NAME AND POSITION:</b>	Deb Wilkes Executive Manager Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not applicable
<b>DATE REPORT WRITTEN:</b>	1 December 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

**Summary**

In partnership, Rio Tinto and the Shire of Ashburton engaged Creating Communities to investigate community needs for sporting and community facilities in Paraburadoo, and to subsequently provide a strategy for how such identified needs could be accommodated.

The final draft of the report is attached for Councils consideration.

It is recommended that the content of the report be accepted by Council and the Chief Executive Officer be directed to progress this issue.

**Background**

In January 2011 the Shire of Ashburton and Rio Tinto entered into a partnership to revitalize the town centers of Tom Price and Paraburadoo, with support from the Western Australian Government and other stakeholders.

While commitment was given that the sporting and community precinct in Paraburadoo would be upgraded or redeveloped, at the time this agreement was entered into, community consultation was still being undertaken as to how to best do this. It was recognized that the funding needed to be spread across infrastructure projects while at the same time supporting community groups and programs.

In May 2011, Creating Communities were engaged to undertake a series of community consultations in Paraburadoo. These consultations were undertaken to identify the sporting and community groups in the town, and to audit their current and future needs for facilities, including a perceived need for a shared sporting facility.

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As part of this consultation process, Creating Communities came to Paraburdoo and met with numerous community and sporting groups, and researched current national and international trends for sporting and community facilities.

The attached report is an overview of their findings, which states that many of the current facilities are ageing and in need of upgrading. In addition it recognises that there is a lack of clubrooms and inadequate storage for a large number of the current clubs – with many of the clubs stating that these factors limited their ability to expand and attract more members.

### **ATTACHMENT**

The report includes a number of recommendations, ranging from minor improvements that can be undertaken within the current budget, through to a longer term strategy to build a purpose designed Sports Club and Community Recreation Facility. No details of the costs of building or managing these facilities are provided.

#### **Comment**

Nil

#### **Consultation**

Community of Paraburdoo  
Chief Executive Officer  
Executive Manager Community Development  
Creating Communities

#### **Statutory Environment**

This is consistent with the strategic focus of the 2007 – 2011 Strategic Plan “Quality lifestyle and social well-being”

#### **Financial Implications**

Minor recommendations can be accommodated within the current and future annual budgets, but significant expenditure for new facilities will require significant external funding..

#### **Strategic Implications**

Nil

#### **Policy Implications**

Councils Asset Management Policy AMP1 states “The Shire also acknowledges through this policy that the acquisition of a new asset will take into account the full cost of acquisition, operation, maintenance, renewals and disposal over its life cycle. Accordingly, the future cost impact of new infrastructure assets must be fully considered as part of any new infrastructure asset investment.”

The actions in the report need to be prioritised and asset management plans prepared in order to comply with Councils policy.

#### **Voting Requirement**

Simple Majority

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### Recommendation

That Council:

1. Accepts the attached report titled "Paraburdoo Community and Sporting Facilities Study"
2. Direct the CEO to begin prioritising the contents of the report, and seeking accurate Whole of like cosings for the projects

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

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

## 17. CONFIDENTIAL REPORTS

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

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

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

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

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

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

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

*(I) a trade secret;*

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

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

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

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

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

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

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

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

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



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**Council Decision**

**MOVED: Cr XXX**

**SECONDED: Cr XXX**

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

**CARRIED XX/XX**

Insert any details for members left the room.

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### 17.1 WITTENOOM LITIGATION

<b>FILE REFERENCE:</b>	AS.WI.002.00
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Senior Strategic Advisor
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 December2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

Please refer to Confidential Item Attachment under separate cover.

**18. COUNCILLOR AGENDA ITEMS**

## **AGENDA - ORDINARY MEETING OF COUNCIL 14 DECEMBER 2011**

### **19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on XX, at the XX, commencing at 3.00 pm.

### **20. CLOSURE OF MEETING**