



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

**Barry Lang Centre
PANNAWONICA**

15 June 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 Wednesday 15 June 2011 at the Barry Lang Centre, Pannawonica commencing at 3.00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

8 June 2011

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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1.06.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 3 pm.

2.06.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed members of the public to the public gallery.

3.06.0 ATTENDANCE

3.06.01 PRESENT

Cr G Musgrave	Shire President, Tom Price Ward
Cr T Bloem	Tom Price Ward
Cr L Thomas	Tableland Ward
Cr K White	Onslow Ward
Cr L Shields	Tom Price Ward
Cr D Wright	Pannawonica Ward
Cr L Corker	Ashburton Ward
Cr I Dias	Paraburdoo Ward
Cr L Rumble	Paraburdoo Ward
Mr J Breen	Chief Executive Officer
Mr F Ludovico	Executive Manager Corporate Services
Mr G Brayford	Executive Manager Engineering Services
Ms J Smith	Executive Assistant CEO
Ms Peta Hayto	Community Development Coordinator, Western Operations
Mr R Paull	Principal Town Planner

3.06.02 APOLOGIES

Ms A O'Halloran	Executive Manager Western Operations
Mr L Softley	Executive Manager Community & Economic Services

3.06.03 APPROVED LEAVE OF ABSENCE

4.06.0 PUBLIC QUESTION TIME

Cr Dias left the meeting at 3.03 pm.

Cr Dias entered the meeting at 3.05 pm.

4.06.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 May 2011 the following questions were tabled by Cecilia Fernandez. The questions were taken on notice and the following responses are tendered.

- Q1. Can the Shire tell me why our application for a small donation to International Women's Day was not approved, while full support from the Shire was given to the Tom Price event?**

Council has supported Karingal Neighbourhood Centre in Paraburdoo on a number of activities over a number of years. However, their request for support for the International Women's Day was inadvertently mislaid. Subsequent contact with Karingal indicated no further financial assistance is required for this project.

Q2. Can the Shire tell me if there is any progress to the Access Road to Karratha?

The sealing of the road is noted in the Pilbara Planning Framework. It is not on the 5 year Forward Estimates for MRWA. The Shire is undertaking a business plan in order to develop a funding case for the road.

Cr White tabled the following question. The following written response was tabled at the meeting.

Q1. Is Council going to provide parking in Onslow so that businesses can grow?

Council recently supported *Local Planning Policy-Interim Car Parking Provisions (Onslow)* which provides parking concessions for development in the Commercial and Civic Zone of Onslow. In particular, it provided the following generous concession:

- 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.
- 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.

The adopted Policy provides a 'discount' for developers of up to 20% on the parking requirement to develop parking on site whereby some parking can be in the road reserve (at a cost of \$4,800 per bay).

If a cash-in-lieu parking arrangement was in place, then this could cost the developer approximately be \$20,500 per parking bay. Accordingly, the Policy already provides a discount to developers of approximately \$16,000 per bay they seek in the road reserve.

Parking in Onslow has been a matter largely ignored by Council and the Shire until the last 18 months or so. The likely ANSIA development has resulted in a very high level of enquiry for development in Onslow. The Shire has issued approval for accommodation but no application has been lodged for shops. Development in Onslow has also been hampered due to the limitations placed on water supply. Advice from Water Corp indicates that this problem may be resolved for at least the short term.

It is anticipated that when Chevron's LNG development is given the 'green light', then significant development proposals in the commercial area will be almost immediate. Parking will be a significant issue and financial constraint on all development.

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As discussed during Rob Paull's Powerpoint from the last Councillor briefing session, it is reasonable for Council to consider the likely need for a 'Council car park' in Onslow.

The Onslow community is about to embark on a visioning and planning process for Onslow where parking and other very significant matters will be addressed. Council may recall that the report to Council associated with the above Policy also referred to the need to undertake a parking study in Onslow for a common parking area.

Council may wish to provide direction to the community by requesting a staff report on the best means to pursue a Council parking area in Onslow.

It is possible that land owned by the Shire in Second Avenue could be used for parking purposes. However, if the land is zoned Residential it would need to be rezoned if to be developed for parking.



4.06.02 PUBLIC QUESTION TIME

4.06.02.01 There were no questions asked at Public Question Time.

5.06.0 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications received for leave of absence.

6.06.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.06.01 PETITIONS

There were no petitions presented to Council.

6.06.02 DEPUTATIONS

There were no deputations presented to Council.

6.06.03 PRESENTATIONS

No presentations were made.

7.06.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.06.01 ORDINARY MEETING OF COUNCIL HELD ON 18 May 2011

Council Decision

MOVED: Cr White

SECONDED: Cr Dias

That the Minutes of the Ordinary Meeting of Council held on 18 May 2011, as previously circulated on 1 June 2011, be confirmed as a true and accurate record.

CARRIED 9/0

8.06.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

No announcements were made.

9.06.0 DECLARATION BY MEMBERS

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

9.06.01 **DECLARATION OF INTEREST**

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

10.06.0 ENGINEERING SERVICES REPORTS

10.06.10 REQUEST FOR APPROVAL OF CONCEPT DESIGN OF TOM PRICE SPORTS PAVILION

FILE REFERENCE:	EA.R.02659.000
AUTHOR'S NAME AND POSITION:	Justine Hyams Project Manager – Town Centre Revitalisation
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton (Owner and Applicant)
DATE REPORT WRITTEN:	9 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this item is to seek Council's approval of the Concept Design of the Tom Price Sports Pavilion. The process for the improvements and revitalisation of the Pavilion has been led by the Shire of Ashburton in conjunction with a team of town planners, urban designers, architects, landscape architects and engineers with the main focus and aim of creating a comprehensive amenity that will last and have flow on benefits for many years to come.

Background

Tom Price sporting and recreational facilities were built in the late 1960's and 70's by Hamersley Iron / Rio Tinto Iron Ore. Ownership of the facilities was transferred to the Shire of Ashburton through the town normalisation negotiations (which commenced in the early 1980's). As a result, many neglected community facilities became the responsibility of the Shire of Ashburton.

This Concept Design will not only significantly improve the look of the existing facilities but it will dramatically improve its functionality and increase the potential for more community participation in a myriad of sporting and community orientated activities.

Specifically, this Design Concept, will contribute towards improved facilities that will encourage and develop:

- Skills of sporting and recreational participants and coaching of sporting and recreational clubs in Tom Price;
- Cultural awareness and understanding through participation in sporting and recreational activities;

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- Creating opportunities for new major events to be held in the town and improving existing main events e.g. Nameless Festival, that will increase tourism and visits and interaction with other regional communities;
- A range of activities that support family life and give confidence to people considering making a home within the Shire; and
- An active community hub that is attractive, vibrant and one that will pave the way for creating additional opportunities in industries such as retail, tourism and infrastructure support.

ATTACHMENT 10.06.10

This project will create a revitalised, modern central sporting venue that will be a focal point for the Tom Price community. The new and improved facilities will increase the levels of participation and involvement in sports and recreation of our community and it is supported by extensive community consultation and by specific research that has been commissioned by the Shire of Ashburton.

The benefits on solidity, education and educational outcomes, physical and mental wellbeing, and social sturdiness which are cultivated and grow from participation in organised sport and recreation is important to our community environs. The Sports Pavilion has and is a cohesive and rudimentarily essential part of the Tom Price community. It draws people together and provides and sustains community interaction. This interaction produces a positive flow on effect to the social lives, the social ties and the health and wellbeing of the people living in and visiting Tom Price, and will help create a more permanent duration of stay in the residents of our region.

Comment

The demographics of the town of Tom Price have been taken into consideration and it has been noted that there are strong linkages between participation in sport and recreation by young people and their:

- Increased positive academic performance and education;
- Increase of a positive level of self-esteem;
- Positive results in lowering participation in crime and other anti-social behaviour; and
- Overall level of better health and wellbeing.

This became an important consideration to the design concept which includes a substantial upgrade of the existing facilities including the creation of significant spectator amenities, children's play equipment and grassed play areas, creating a revitalised environment for all community members and providing new opportunities for social engagement and interaction.

Consultation

Chief Executive Officer

Executive Manager Engineering Services

Consultant Project Manager

Consultant Town Planner

Land Development and Marketing Coordinator

Sporting User Groups (multiple workshops and period for comment)

Town Centre Revitalisation Planning & Design Consultants (TPG Town Planning/Roxby Architects / Creating Communities / Tim Davies Landscaping / Pritchard Francis Engineers)

Financial Implications

Funding from various sources including Shire Own Resources, Royalties for Regions, RTIO, FMGL.

Strategic Implications

The proposed project aligns with the Shire of Ashburton 2007-2011 Strategic Plan in the following areas:

- Diversify and strengthen the economy; and
- Include and engage our community.

It also aligns with the Pilbara Regional Development Commission 2010-2015 Strategic Plan in addressing Goal 2 – Sustainable and Vibrant Pilbara Cities.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Corker

That Council approve the tabled Concept Design of the Tom Price Sports Pavilion.

CARRIED 9/0

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10.06.11 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	10/10	10.10.22	Proposed Relocation Of Recycling Facilities at Tom Price and Paraburdoo	That Council: <ol style="list-style-type: none"> 1. Relocate the recycling 'drop off' facilities in Tom Price to the Tom Price Land fill site. 2. Monitor the level of activity at the Paraburdoo Recycling Station with the understanding that this facility may, after consultation and agreement with the Paraburdoo Councillors be moved to Paraburdoo Land fill site. 	Finalised (June 2011)
2	06/10	04.06.01	Public Question re: Entry Signs	Jo Barron-Perry tabled the following question – Entry Signs – Why have they not been erected? This was one of the entries to our General Appearance win in 2009. Can the Tidy Towns Committee assist with this? Answer – Approval has only recently been received from Main Roads WA for the installation of the signs. A contractor has been engaged to do the work. Unfortunately he has been delayed however the signs for Paraburdoo are expected to be installed week commencing 21 June.	Continuing discussions with Main Roads. (June 2011)
3	08/09	10.08.22	Temporary Road Closure – Yampire Gorge Road	That Council <ol style="list-style-type: none"> 1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months. 2. Instruct the Chief Executive Officer to place signage to this effect. 3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road. 	Ongoing. Closure being implemented. (Mar 2011)
4	04/08	10.04.08	Relocation of Onslow Landfill	<ol style="list-style-type: none"> 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled 'Onslow Landfill Options' subject to environmental approvals being forthcoming. 2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site. 3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design. 	EOI delayed but to occur in June 2011. (June 2011)

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Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Corker

That Council note the contents of the Engineering Services Decision Status Report.

CARRIED 9/0

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11.06.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.06.09 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/11	11.05.07	Nameless Jarndunmunha Festival 2011 – Request for Funding	That Council supports the 2011 Nameless Jarndunmunha Festival by providing \$45,000 from the 2011/2012 budget.	Finalised. (June 2011)
2	12/10	11.12.14	SES – Tom Price – Training Tower Budget Amendment	That Council authorise the expenditure of up to \$35,000 for the repair of the Tower at the Tom Price SES Unit.	Installed. Finalised. (June 2011)
3	08/09	11.08.12	Location of Entry Statement – Tom Price	<p>Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.</p> <p>June 2011 – Council Noted. Funds for the project had been allocated and the project needs to be completed.</p>	<p>Ongoing.</p> <p>Meeting with Mike Fisher and Mark Eaglesham to discuss design / implementation of rock painted by local Aboriginal Artist as a feature of the entry statement 24th August. Due to Mark Eaglesham's leave arrangements will now be meeting 23rd September 2010.</p> <p>Mike Fisher to develop conceptual plans for presentation to Councillors.</p> <p>Shire President emphasized that after the discussions and presentation by Matt Bird on the Shire Tourism Strategic Plan it had occurred to him that we need to take an holistic approach to the Shires</p>

12.06.0 CORPORATE SERVICES REPORTS

12.06.27 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE:	AS.AS
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Assistant CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report details the use of the Common Seal of the Shire of Ashburton under Delegated Authority.

Background

At the 11 April 2006 Council Meeting, Council noted the contents of a report which outlined a proposal to regularly inform Council of details relating to the use of the Common Seal.

Comment

The Common Seal has been affixed to the following documents since this matter was last reported to Council:

Seal 361 Standard Funding Agreement – SOA NAIDOC Week Festivities – Public Awareness Program

Consultation

Chief Executive Officer

Statutory Environment

Section 9.49 of the *Local Government Act 1995*

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no specific financial implications related to this issue.

Strategic Implications

Strategic Plan 2008-2011 (Incorporating Plan for the Future)

6 – Well Managed and Contemporary Corporation

Statutory Compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Thomas

That Council note the contents of “*Use of Common Seal under Delegated Authority*” report.

9/0

12.06.28 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF APRIL AND MAY 2011

FILE REFERENCE:	FI.RE
AUTHOR'S NAME AND POSITION:	Linda McCarthy Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

April 2011

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

ATTACHMENT 12.06.28A

May 2011

- Credit Card Statements for Chief Executive Officer, Executive Managers of Engineering Services, Community & Economic Services, Western Operations and Corporate Services, and Manager of Building Services
- Schedule of Accounts paid under delegated authority

ATTACHMENT 12.06.28B

Consultation

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

Statutory Environment

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

Policy Implications

There are no Council Policies relevant to this issue.

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

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

CARRIED 9/0

12.06.29 STRATEGIC MEDIA POLICY

FILE REFERENCE:	AS.AD
AUTHOR'S NAME AND POSITION:	Lisa Hannagan Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	5 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not applicable

Summary

The Strategic Media Policy has been developed to ensure that a professional, consistent and cohesive approach to addressing media related issues within the Shire of Ashburton in relation to all day to day dealings with the media.

Background

The Shire of Ashburton Strategic Plan (2007-2011) recognised the need to provide high quality and timely communication. Several strategies have already been implemented, including the publication of a monthly newsletter – *Inside Ashburton* and the appointment of a Media & Communications Officer.

Comment

The Policy is designed to ensure a professional, consistent and cohesive approach to addressing media related issues.

The Policy also addresses who is able to communicate to media when promoting Shire events.

ATTACHMENT 12.06.29

Consultation

Chief Executive Officer
Executive Managers

Financial Implications

There are no financial implications to this policy.

Strategic Implications

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

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Voting Requirement

Simple Majority Required

Officers Recommendation

That Council adopt the Strategic Media Policy.

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr White

That Council adopt the Strategic Media Policy.

**CARRIED 8/1
Cr Thomas voted against the motion.**

12.06.30 PROPOSED DIFFERENTIAL RATES 2010/2011

FILE REFERENCE:	FI.RA
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 12.06.32 Ordinary Meeting of Council 17 June 2008. Agenda Item 16.10.66 Ordinary Meeting of Council 27 October 2009. Agenda Item 12.10.66 Ordinary Council Meeting 17 June 2010.

Summary

This agenda item discusses the rate increase for the 2011/2012 Financial Year.

It is recommended that Council adopt a rate increase of 3% (approximately equal to annual inflation) for all classes of rates, except for unimproved (UV) Mining rates which it is proposed be increased by 7%.

In the event of Council adopting the proposed rates the Shire's total rate income will be \$9,275,633 for the year, an increase of \$1,079,496 or 13 % on last year.

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

Background

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

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

It was in this context that Council adopted a strategy of increasing the total rate income from GRV properties and UV rated Rural Pastoral properties by 5 percent, which was slightly above the Perth CPI for the period of 4.4 percent, and increasing rates for the UV rates Mining Leases by 25 percent in the dollar in an attempt to address the fact that Urban GRV rated properties, in particular were paying a

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disproportionate portion of the Shires total rate income, despite the fact “*that much of Council infrastructure is being developed to meet the demands of the mining industry*”.

Comment

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

Income Comparison						
	Actual Rates Raised				Rates Levied	
	2008/09	%	2009/10	%	2010/2011	%
GRV	\$3,382,141	56	\$3,419,768	46.4	\$3,579,925	43.7
UV Rural	\$165,309	3	\$176,483	2.4	\$181,802	2.2
UV Industrial and Mining (including Interim Rating \$1.16m in 2009/2010)	\$2,482,093	41	\$3,739,621	50.7	\$4,396,588	53.6
UV Tourism			\$36,721	0.5	\$37,822	0.5
Total Levied	\$6,029,543	100	\$7,372,593	100	\$8,196,137	100
% Change from Previous year	18%		22%		11%	
\$ Change from Previous year	\$923,371		\$1,343,050		\$823,544	

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

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

The values of these two indices are detailed below:

Indices	Actual 2008/09	Actual 2009/10	Forecast 2010/11	Forecast 2011/12
Consumer Price Index	1.4	3.5	3.0	3.25
Local Government Cost Index	4.7	1.1	3.0 – 3.5	3.5 – 4.5

Source: WALGA Local Government Economic Briefing April 2011

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With this in mind the following modelling was undertaken:

• Scenario 1:	0% increase in the rates in the dollar for both GRV and UV, ie rates in the dollar are not increased
• Scenario 2:	2% increase in the rates in the dollar with the exception of UV Mining rates which are increased 5%
• Scenario 3:	3% increase in the rates in the dollar with the exception of UV Mining rates which are increased 7%
• Scenario 4:	4% increase in the rates in the dollar with the exception of UV Mining rates which are increased 9%
• Minimum Rate	\$530.00 (same as 2010/2011)

The outcomes of these alternative scenarios are as listed below:

Description	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Total GRV	\$3,582,467	\$3,652,152	\$3,686,972	\$3,721,848
Total UV Rural	\$177,721	\$181,193	\$182,926	\$184,659
Total UV Industrial & Mining	\$5,024,667	\$5,267,150	\$5,364,181	\$5,461,239
Total UV Tourism	\$40,344	\$41,151	\$41,555	\$41,956
Total	\$8,825,199	\$9,141,646	\$9,275,634	\$9,409,702
% Overall Change from 2010/2011	8%	12%	13%	15%
\$ Overall Change from 2010/2011	\$629,062	\$945,509	\$1,079,497	\$1,213,565

It is considered that Scenario 2 (3% increase in all rates in the dollar with the exception UV Mining rates which are increased by 7%) is responsible balance between sharing the rate burden and ensuring that the Shire is adequately funded to meeting works programs and community service obligations.

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

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

Valuation Method	2008/09	2009/10	2010/11	Proposed 2011/12
Gross Rental Value	56%	46%	44%	40%
Unimproved Value	44%	54%	56%	60%

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

The first day it is possible to publically advertise the proposed rates in dollar, is Saturday 18 June 2011 and allowing for 21 days, the advertising would be completed on 11 July 2011. After allowing time for Ministerial approval this would allow Council to adopt the new rates at a Special Meeting of Council on late in July 2011.

Consultation

CEO

Executive Managers

Department of Local Government

Statutory Environment

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

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

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

Policy Implications

There are no Council Policy Implications relative to this issue.

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Financial Implications

The rate level set by Council will underpin its ability to provide services and facilities for the 2011/12 Financial Year and into the future.

Strategic Implications

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

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Wright

SECONDED: Cr Dias

That Council:-

1. Advertise its intention, in accordance with section 6.36 of the *Local Government Act 1995*, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2011/12 Financial Year:

- **GRV Rate: 8.4004 cents in the dollar**
- **UV Rate: 28.0372 cents in the dollar**
- **UV Pastoral: 2.5266 cents in the dollar**
- **UV Rural Tourism 12.9858 cents in the dollar**
- **UV Rural/Commercial: 28.0372 cents in the dollar**
- **UV Rural/Industrial: 28.0372 cents in the dollar**
- **UV Mining Lease: 28.0372 cents in the dollar**
- **Minimum Rate: \$530.00**

2. Apply to the Minister of Local Government and Regional Development to approve council in imposing the Schedule of Rates outlined in point 1 above.

**CARRIED 9/0
ABSOLUTE MAJORITY**

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12.06.31 CORPORATE SERVICES DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/11	12.05.24	Corporate Credit Card – Council Policy EMP24	That Council: 1. Approve the increase in the overall card limit from \$45,000 to \$55,000; 2. Approve allocation of \$10,000 to the HR Manager for the purpose of booking HR related flights, accommodation and training; 3. Approve amendments to Council Policy EMP24 “Corporate Credit Card” as attached; and 4. Direct the Chief Executive Officer to ensure that proper use declarations are made by every card holder.	Policy Manual Updated. Credit Card for Manager HR ordered (May 2011)
2	05/11	12.05.25	Draft Community Engagement Policy	That Council adopt the Draft Community Engagement Policy.	Policy Manual Updated (May 2011)
3	10/10	15.10.23	RFT 18/10 Structure Review	That Council: 1. Receive the report, and 2. Endorse the assessment panel’s recommendation that Morrison Low be awarded the contract for the Structure Review RFT 18/10 for the sum of \$129,600.	Ongoing (April 2011)
4	05/10	10.05.10	Shire Logo and Policy	That Council; 1. Approves the Logo Policy (Attachment 10.05.10c) 2. Approves the Tom Price logo and tag line “Experience It” 3. Approves in principle of the logo for the Shire of Ashburton, Paraburdoo, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each.	Ongoing. Policy implementation being implemented internally. Tag lines for towns to be established. (July 2010)
5	05/10	12.05.37	Repeal of Defunct and Obsolete Local Laws	That Council pursuant to section 3.12 of the Local Government Act 1995, give state wide public notice that it intends to make the Shire of Ashburton Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect being more efficient and effective local government by removing outdated local laws from the public record. (Attachment 12.05.37).	Ongoing No public comment received from advertising. Staff are currently

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#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
					<p>reviewing Local Laws (June 2011)</p> <p>Advertisement will appear in paper April 2011. (Mar 2011)</p> <p>Advertisement being drafted by Local Laws Consultant (June 2010)</p>
6	12/09	12.12.76	Realignment of Hillside Pastoral Station Boundary Border	That Council defer consideration of the agenda item until the February 2010 meeting of Council, the reason being subsequent to the preparation of the agenda item the Shire received two more proposals from the Local Government Advisory Board to amend the Shire's boundary with the Shire of East Pilbara. It was considered appropriate to consider the proposals collectively.	<p>Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals.</p> <p>Documentation has been collected now being reviewed by EMCS (March 2011)</p>

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Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Shields

That Council note the contents of the Corporate Services Decision Status Report.

CARRIED 9/0

13.06.0 DEVELOPMENT SERVICES REPORTS

13.06.34 DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION – SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7

FILE REFERENCE: PS.TP.7

AUTHOR'S NAME AND POSITION: Kristy Ranger
Executive Assistant to Building Services

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 6 May 2011

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest

PREVIOUS MEETING REFERENCE: Not applicable

Summary

Council has delegated to the Manager Building Services the authority to issue development approvals pursuant to the Shire's Town Planning Scheme No.7, in certain circumstances.

Background

Council has delegated to the Manager Building Services the authority to issue development approvals, pursuant to the Shire's Town Planning Scheme No.7, in certain circumstances.

Comment

Eleven (11) approvals have been issued under delegation up until the date of this report. These were for:

AG Jenkinson & P Wilson	Lot 418 Cameron Avenue, Onslow	Home Occupation Renewal – B & B
Hamersley Iron Pty Ltd	Lot 579 North Road Tom Price	Retrospective Planning Application – Upgrade of Tom Price Enrichment Centre (Community Use)
Gary Brown – Impala Kart Club	Reserve 41534, Cnr Mine & Paraburdoo Roads Tom Price	Planning Application – Transportable Building
Davis Langdon	Solomon Camp - Hamersley	Planning Application - Gatehouse, Crib Room and Ablution Facility
Auski Holdings Pty Ltd	Auski Roadhouse - Munjina	Planning Application – Staff Quarters, Toilet Block and Alfresco Area
Shire of Ashburton	Lot 2001/2004 Boonderoo Road Tom Price	Planning Application – Storage Shed & Relocation of Shed
Whelans (WA) Pty Ltd	Lot 865, No.8 Maunsell Corner Onslow	Planning Application – Grouped Dwelling (x 3)
Davis Langdon	Solomon Camp - Hamersley	Planning Application – Transient Workforce Accommodation Camp (extra 200 Rooms)
Gumala Aboriginal Corporation	Wakathuni Aboriginal Community	Planning Application – Roofed Deck Area, Four Shipping Containers and Kitchenette

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Fortescue Metals Group Ltd	Delphine Camp	Planning Application – Exploration Camp
Robe River Mining Company	Special Lease 3116 – 4627 Deepdale Road Pannawonica	Planning Application – 251 Person Transient Workforce Accommodation

Details of the approval may be obtained from the Manager Building Services.

Statutory Environment

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No.7.
Sections 5.45, 5.46, 5.70 and 5.71 of the Local Government Act 1995.
Shire Code of Conduct.

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

- Economic growth and diversity
- Quality lifestyle and social well being
- Ecological sustainability and best practice environmental management
- Improved services and infrastructure
- Best practice local government

Critical Success Factors:

- Sound management practices
- Determination and implementation of the agreed levels of services and service delivery

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Thomas

That Council note the “*Development Approvals issued under delegation – Shire of Ashburton Town Planning Scheme No. 7 Report*”.

CARRIED 9/0

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Wright, Cr Dias, Cr Rumble and Cr White declared an indirect financial interest in Agenda Item 13.06.35. The nature of their interest being Cr Bloem and Cr Wright are employees of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd, Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd and owns shares in Rio Tinto Pty Ltd, Cr Rumble owns shares in Rio Tinto Pty Ltd and Cr White owns shares in Rio Tinto Pty Ltd..

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Wright, Cr Dias, Cr Rumble and Cr White to debate and vote on Agenda Item 13.06.35. The Minister's written approval for Cr Bloem and Cr Wright to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. the approval is only valid for the ordinary meeting of Council to be held on 15 June 2011;
2. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

The Director General did not consider it necessary to allow Councillors White, Rumble and Dias to participate in the discussion and decision making in this instance and has declined to approve the request for them to participate.

ATTACHMENT 13.06.35

Councillors Rumble, White and Dias left the meeting at 3.24 pm.

**13.06.35 PREPARATION OF DRAFT DEVELOPMENT PLAN FOR LOTS 41-56
GREGORY WAY, PARABURDOO**

FILE REFERENCE:	PA.GE.0041
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/ RESPONDENT:	RTIO
DATE REPORT WRITTEN:	4 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	N/A

Summary

Lots 41-56 Gregory Way, Paraburdoo are vacant freehold titles created in the late 1980's and owned by RTIO. Gregory Way and Yathala Road are unmade public roads and provide access to the subject lots. Lots 41-56 range in size from 431m² – 875m².

Under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), the subject area is zoned as 'Mixed Business'. Under the Scheme, the minimum size for such land is 2000m² however the lot size can be reduced where the land is serviced with reticulated water, sewer and power and subject to an approved Development Plan. The land owner (RTIO) has agreed to undertake the preparation of a Development Plan which on the basis of the existing lot arrangement, is essentially a 'retrospective' planning process.

The adoption of a Development Plan with conditions associated with road construction (at RTIO's cost), reticulated services, parking, setbacks along with the amalgamation of certain lots will provide a development site that can be accessed and reasonably used for commercial/industrial purposes.

It is recommended that Council resolve to require a Development Plan for lots 41-56 and to adopt draft '*Development Plan – Gregory Way, Paraburdoo*' for advertising (for 14 days) in accordance with the Scheme. Where no adverse comments are received during advertising, the development plan be adopted and the WAPC be requested to endorse. Should any adverse comments be received during advertising the Chief Executive Officer be requested to prepare a further report on the matter.

Background

Lots 41-56 Gregory Way, Paraburdoo are vacant freehold titles created in the late 1980's and owned by RTIO. Gregory Way and Yathala Road are unmade public roads and provide access to the subject lots. Lots 41-56 range in size from 431m² – 875m².

ATTACHMENT 13.06.35

Comment

Under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), the subject area is zoned as 'Mixed Business'. Also under the Scheme, the minimum size for such land is 2000m² however the lot size can be reduced where the land is serviced with reticulated water, sewer and power and subject to an approved Development Plan.

RTIO intends to offer multiple lots under lease. Existing fencing of the site has grouped a number of lots together (Lots 41-43, 44 & 45, 46-48, 49 & 50, 53 & 54) as depicted on the Plan. In consultation with the Shire, the land owner has prepared a draft Development Plan for Lots 41-56 Gregory Way, Paraburdoo. It should be noted that on the basis of the existing lot arrangement, the matter before Council is essentially a 'retrospective' planning process.

It is also accepted by RTIO that these will be permitted to be used as combined lots, but that formal application to the WAPC will be required to amalgamate the lots prior to any building licence being issued for structures which traverse a boundary.

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The conditions recommended for the draft Development Plan are as follows:

“This Development Plan details specific guidelines for Lots 41-50, 53-56 Gregory Way, Paraburdoo and has been prepared in accordance with Clause 6.4 and Appendix 7 of the Shire of Ashburton Local Planning Scheme No.7 (TPS 7). Except where varied by this Development Plan, all use and development within this area shall be in accordance with all relevant provisions of the TPS 7 and relevant planning policies.

SUBDIVISION/ AMALGAMATION

- *It is acknowledged that the subject lots are undersized lots under TPS7. Notwithstanding, the Council of the Shire of Ashburton is prepared to allow the use and development of lots as shown on this Development Plan where it can be demonstrated that all required setbacks, parking and necessary standards can be achieved on the site.*
- *The Council will require the formal amalgamation of lots prior to granting a building licence for any buildings which traverse boundaries.*

ROAD CONSTRUCTION AND INFRASTRUCTURE

- *Prior to the use and development of any lots:*
- *Gregory Way, indented parking areas, establishment of bollards and designated landscaping all within the road reserve shall be constructed by the owner of Lots 41-50, 53-56 Gregory Way, Paraburdoo in accordance with this Development Plan; and*
- *Reticulated water, power and sewer shall be connected to each ‘amalgamated’ lot as provided by this Development Plan;*

to the requirements and satisfaction of the Shire of Ashburton.

GENERIC DESIGN REQUIREMENTS FOR ALL LOTS

- *All buildings shall be located towards the front of the lot.*
- *All buildings shall be located within the designated building envelope.*
- *Parking is to be provided at the rate prescribed under Appendix 8 of TPS7. Parking and crossovers are to be sealed to the requirements and satisfaction of the Shire of Ashburton prior to the use and development of any lots.*
- *Where TPS7 does not prescribe a parking ratio or the proposed use, a general parking ratio of 1 bay per employee and 1 customer bay per 100m² floor space applies (only applicable to commercial service uses).*
- *Storage facilities, depots, lay down areas and any other open area shall be surfaced to the requirements and satisfaction of the Shire of Ashburton.*

- *Crossovers shall generally be located and sealed in accordance with this plan with any variation requiring the approval of Council.*
- *Where parking requirements cannot be met, Council may consider any street parking provided in the immediate area along with reciprocal parking arrangements.*
- *Signage will be subject to approval by the Shire unless exempted under Appendix 4 of TPS7. As a guide, signage located on boundary fencing up to a size of 2m by 1m will be acceptable to the Shire.*

SPECIFIC DESIGN REQUIREMENTS FOR ‘AMALGAMATED’ LOTS 41- 45

- *Where solid fencing has been installed at the property boundary, landscaping of the front verge will be required, including incorporation of measures to restrict vehicle access to these areas, in lieu of on-site landscaping.*
- *A 5m front setback will not be required to these lots where solid fencing has been installed at the property boundary.*

SPECIFIC DESIGN REQUIREMENTS FOR ‘AMALGAMATED’ LOTS 46- 56

- *All buildings, carparking, storage facilities and laydown areas shall be located behind the 5m setback from the front boundary as depicted on the Development Plan.*
- *No storage of materials or yard storage is to occur within the 5m front setback area.*
- *Landscaping is to be provided in the front setback area to the requirements and satisfaction of the Shire of Ashburton.*
- *Open yard and storage areas shall be screened by a wall or fence in accordance with Clause 6.19.6 of TPS7.”*

Although the road reserves for Gregory Way and Yathala Road extend to intersect with Camp Road, the Development Plan does not propose to construct these intersections so as to retain the current informal arrangements for truck parking and layover in this area. Bollards are intended to be installed to prevent vehicular access through this area.

It should be noted that whilst the Scheme does not specifically require the preparation of a Development Plan, the existence of historically undersized lots merits the preparation of a plan to inform future development and land use. Accordingly, Council would need to resolve to require the preparation of such a plan.

Under the Scheme, the Shire will also need to request the Western Australian Planning Commission to endorse the development plan as the basis for approval of subdivision applications within the areas covered by the plan.

Consultation

Chief Executive Officer
Executive Manager Engineering Services
RTIO/TBB town planning consultants

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 ('Scheme'). Under the Scheme, the subject area is zoned as 'Mixed Business', with the stated objective of being:

"..... to provide a range of light and service industrial land uses, showrooms and wholesale businesses which, by reason of their scale, character and operational requirements, are not generally appropriate to, or cannot conveniently or economically be accommodated within Commercial or Industrial zones."

Clause 6.4 of the Scheme provides that:

"Local Government may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:

(b) Industrial and Mixed Business Development zones;"

A development plan is defined under the Scheme as follows:

"... plans which are required to be prepared prior to the consideration of planning or subdivision applications which address the schematic layout of proposed development and lot boundaries in addition to various other matters as may be required by the Scheme and includes local structure plans, outline or comprehensive development plans."

A development plan must be in accordance with Appendix 7 of the Scheme which sets out the matters to be addressed in such plans and must be advertised for public comment for a minimum of 14 days.

ATTACHMENT 13.06.35

Policy Implications

Adoption of a Development Plan for this area will provide the policy direction for Council in relation to development of the land.

Financial Implications

None anticipated.

Strategic Implications

The modifications to the Scheme as sought will assist in achieving the focus as stated in the Shire's Strategic Plan 2007-2011:

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Bloem

That Council:

1. Resolve that pursuant to Clause 6.4 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), a Development Plan is required for lots 41-56 Gregory Way, Paraburdoo.
2. Adopts draft *Development Plan – Gregory Way, Paraburdoo* as prepared by TBB town planning consultants (for RTIO) for the purpose of advertising in accordance with subclauses 5.7.3 and 5.7.4 of the Scheme.
3. Subject to no adverse comments being received during the advertising period, Council adopt '*Development Plan – Gregory Way, Paraburdoo*' in accordance with provisions of the Scheme and request the Western Australian Planning Commission to endorse the development plan as the basis for approval of subdivision applications within the areas covered by the plan.
4. Should any adverse comments be received during advertising of draft *Development Plan – Gregory Way, Paraburdoo*, the Chief Executive Officer be requested to prepare a further report on the matter.

CARRIED 6/0

Councillors Rumble, White and Dias re-entered the meeting at 3.27 pm.

13.06.36 DRAFT ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA STRUCTURE PLAN AND DRAFT AMENDMENT NO. 10 TO PLANNING SCHEME NO.7 FOR ADVERTISING

FILE REFERENCE: PS.TP.10

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

NAME OF APPLICANT/RESPONDENT: Chevron Australia P/L

DATE REPORT WRITTEN: 4 June 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 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

Council, at its 15 December 2010 meeting formally approved the initiation of draft Amendment No. 10 to the Shire's Town Planning Scheme No 7 (and consideration of the associated draft Structure Plan) which will facilitate the development of an industrial hydro-carbon precinct, to be known as the Ashburton North Strategic Industrial Area (ANSIA) in a location south west of the town of Onslow.

While Council was satisfied with the broad, strategic direction of the proposed amendment, it was of the opinion that a number of matters relating to the proposal required further consideration by both the amendment proponent (Chevron Australia P/L) and other parties. For this reason Council identified a number of issues to be addressed and for the outcomes reported back to Council, prior to the draft amendment and structure plan being publically advertised. The views and comments from specific Government Agencies were sought and have been received.

Some changes to the draft ANSIA Structure Plan will be required as an outcome of Agency comments. The various outstanding matters have taken some time to resolve, largely due to the ongoing negotiations between the Shire, Chevron Australia P/L and the State on social and hard infrastructure for the community of Onslow.

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However, discussions have continued with the Shire/Councillors and Chevron Australia P/L and package of social and hard infrastructure for the community of Onslow is under negotiation.

It is recommended that subject to modifications to the Structure Plan as identified in the Schedule to in this Report along with commitments from Chevron Australia P/L and the Department of State Development supporting and underwriting the provision of social and hard infrastructure as indentified or as negotiated, that Council:

- adopt Amendment No. 10 and advertise the Amendment for 60 days in accordance with the in accordance with the *Town Planning Regulations 1967*; and
- adopt draft ANSIA Structure Plan in accordance with provisions of the Scheme and advertising it in concert with draft Amendment No.10.

Background

Council, at its 15 December 2010 meeting considered a report (Agenda item 13.12.74) in relation to a proposed amendment (Amendment No. 10) to the Shire's Local Planning Scheme No 7 ('Scheme') and associated planning matters. The purpose of the amendment is to facilitate the development of an industrial hydro-carbon precinct in an area identified as the Ashburton North Strategic Industrial Area (ANSIA), located to the south west of the town of Onslow.

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 the planning approvals to address the potential negative outcomes from the development. Planning for the proposed ANSIA is complex with a range of major issues requiring consideration. If the benefits of individual developments are to be optimized, then this needs to be assessed against the possible adverse impacts on other development within the precinct as well as surrounding areas, including Onslow.

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

Council initiated Amendment No. 9 in December 2009 and by the time Council considered the planning issues relating to the ANSIA at its December 2010 meeting, the amendment had progressed to the point that it was awaiting ministerial approval and final gazettal.

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

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

The Wheatstone LNG project is the first major development proposed within the ANSIA, as distinct from Macedon which is a domestic gas plant. The company is required to prepare a scheme amendment to rezone the land to be occupied by the Wheatstone LNG project, transient workforce accommodation site, as well as the common use areas (i.e. the proposed port and infrastructure/transport corridors). A modification to the scheme text is required that limits transient workforce accommodation within the ANSIA to a construction workforce only.

Chevron is addressing these town planning requirements through draft Amendment No.10 and draft ANSIA Structure Plan. The 15 December 2010 report to Council was the result of the proponent progressing the draft scheme amendment and structure plan to the point where the company was of the opinion that the documents were suitable to commence the formal process which would end in the Shire's Planning Scheme being amended to incorporate the provisions of Amendment No.10. To this end, Chevron, at the December 2010 Council meeting, requested Council to formally initiate the change to the planning scheme.

Council did, in fact, formally approve the initiation of draft Amendment No.10 to the Scheme (and consideration of the associated draft Structure Plan). It is noted, however, that while Council was satisfied with the broad, strategic direction of the proposed amendment, it was of the opinion that a number of matters relating to the proposal, required further consideration by both the amendment proponent (Chevron Australia P/L) and other parties. For this reason Council identified several issues to be addressed and the outcomes reported back to Council, prior to the draft amendment and structure plan being advertised. A copy of Council's December 2010 resolution along with draft ANSIA Structure Plan and draft Scheme Amendment Map is attached.

ATTACHMENT 13.06.36A
ATTACHMENT 13.06.36A1
ATTACHMENT 13.06.36A2

The most recent reference from the Shire Administration to Council on the matter was a confidential Shire Report and briefing from Chevron and the Department of State Development (DSD) to the Council meeting of 16 March 2011, where Council resolved as follows:

"That Council reaffirms to Chevron Australia P/L and the Department of State Development (DSD) that while Council is supportive of the development at the Ashburton North Strategic Industrial Area (ANSIA), it is unable to progress the relevant amendment (draft Amendment 10) to the Shire of Ashburton Local Planning Scheme No.7 ('Scheme') and the associated draft ANSIA Structure Plan for the reasons clearly explained in the Chief Executive Officer's correspondence to DSD dated 4 March 2011. Accordingly, for the Council to be in a position to in order to facilitate any development at the ANSIA:

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1. *The proposed Multi User Access and Infrastructure Corridor through the "Wheatstone Site" to the Common User Coastal area must be planned and developed to the satisfaction of all stakeholders, including Onslow Salt; and*
2. *Chevron Australia P/L as the Structure Plan and scheme amendment proponent is ultimately responsible to address the statutory requirements of Amendment No.9 to the Scheme and in particular, as it relates to the provision of infrastructure within the surrounding area and within the town of Onslow, to the satisfaction of Council."*

The various outstanding matters have taken some time to resolve, largely due to the ongoing negotiations between the Shire, Chevron Australia P/L and the State on social and hard infrastructure for the community of Onslow.

However, discussions have continued with the Shire/Councillors and Chevron and package of social and hard infrastructure for the community of Onslow is under negotiation. The most recent was meeting with Crs Musgrave, Corker and White (with the CEO) and representatives from Chevron and the Premiers Department that was carried out in Onslow on Thursday 9 June. The CEO will brief Council on the outcome of this meeting however, there would appear to be a softening from Chevron and DSD towards accepting the infrastructure package sought by Council. This is discussed further in this Report.

The purpose of this Report is to openly place before Council, the proponent and the community the social and hard infrastructure the Shire considers necessary for the community of Onslow and to enable the proponent (Chevron) to move to the advertising stage of the planning process for draft Amendment No. 10 and draft ANSIA Structure Plan, whilst promoting opportunity for community input into the planning and infrastructure needs for Onslow.

Comment

Since the Council meeting of 15 December 2010, the various stakeholders involved in progressing the draft Amendment No.10 including the Shire, Chevron and relevant State Agencies, have actively endeavoured to address the matters identified by Council. The Shire administration has strenuously sought a negotiated outcome with all parties and has continued to attend steering group meetings convened by the DSD along with meetings with Chevron senior management and individual stakeholders, particularly State Agencies. As a result of this activity, several of the more significant matters identified by Council in its resolution of 15 December 2010, have now been met.

Amendment No.9

Amendment No.9 to the Scheme has been gazette and the provisions of Amendment No.9 are now applicable to Amendment No.10 or any other Scheme Amendment within the ANSIA.

Environment Protection Authority

Draft Amendment No. 10 and draft ANSIA Structure Plan were referred to the Environment Protection Authority (EPA) which has advised that it will not formally assess the draft amendment, pursuant the Environment Protection Act. This means that Council is able to advertise the amendment, if it so wishes. This is discussed further in the 'Statutory Environment' section of this Report.

Hydrological study

The initial hydrological study submitted by Chevron was unacceptable to the Shire, as well as relevant state agencies. At the time of the December 2010 Council meeting, the modified study had not been received by the Shire. It has now been received and is considered acceptable by the relevant agencies and the Shire.

Unencumbered Multi User Access and Infrastructure Corridor

Apparent agreement with Onslow Salt/Chevron/DSD for an unencumbered Multi User Access and Infrastructure Corridor (MUAIC) through the 'Wheatstone Site' to the Common User Coastal Area (CUCA). By Fax dated 2 May 2011, the Deputy Director General of DSD advised the Shire:

"I met with Mr Hirofumi Matsuyama, Chief Executive Officer, Shark Bay Salt and Mr Sunny Takashi, Mitsui, recently (24 March 2011) to discuss the proposed access conditions for the eastern corridor. Mr Takashi supported the suggestion that all users of the Port be required to complete an online induction process managed by the Dampier Port Authority (DPA), which will include specific reference to Onslow Salt and their concerns regarding commercial quantities of specific chemicals being transported across the Eastern Infrastructure Corridor adjacent to their operations. The positioning of a security gate on the Eastern Infrastructure Corridor, also managed by the DPA, at the southern boundary of Onslow Salt's boundary, was also supported.

- A letter has been written to Mr Matsuyama confirming the outcome of this meeting. We have received, in writing, confirmation of this arrangement. It is understood that Chevron will commit to the conditions outlined in the Onslow Salt Land Use Agreement as previously negotiated between Onslow Salt and Chevron.*
- A letter has also been written to Chevron confirming this arrangement. Landcorp, DPA, and the Department for Regional Lands and Development all support the proposed access conditions outlined above."*

Accordingly, this matter appears to have now been addressed. However one important aspect of the negotiations must be that under the final Scheme Amendment and final ANSIA Structure Plan, the Shire will not be responsible for policing the above arrangements with Onslow Salt/Chevron/DSD. Although the arrangement may be referred to in the ANSIA Structure Plan, it shall not be a condition of the Plan.

Hooleys Creek

With respect to Hooleys Creek, Amendment No.9 states:

"In addition, local government understands that the Onslow community expects to retain the current level of coastal access (including road access) to Hooleys Creek. In this regard, either community access to Hooleys Creek should be retained or an alternative acceptable to the community be provided. This will need to be negotiated with the community, respective companies, leaseholders and the government as part of the Structure Plan process."

Clause 9 (p) of Amendment No. 9 states that the following shall be taken into account when preparing the Structure Plan for the ANSIA:

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

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When Amendment No. 9 was adopted for final approval by the Council on the 16 October 2010, Council included the following provision:

- "5. That the CEO be requested to write to Chevron Australia, BHPB, Dampier Port Authority and the Department of State Development advising that as part of the consultation to be carried out for a future Ashburton North Strategic Industrial Area Structure Plan that they will be requested to attend a public forum in Onslow prior to the completion of public consultation for a structure plan, advising the community as to the anticipated level and location of development and access to Hooleys Creek (or alternative creek area)."

The CEO wrote to the company and Agencies, however this public forum has never been undertaken. If we look back to 15 December 2010, Council also resolved:

- "6. That following response from the EPA in accordance with Part 2 above and response from agencies in accordance with Part 5, the Chief Executive Officer in preparing a further Report to Council on the matter be requested to address (but not be limited to) the following:
- c) clarification on the impacts of the proposed port and Wheatstone proposal on unrestricted access to Hooleys Creek;"

This has been addressed by DPA and to an extent, DSD but no agency has clearly addressed the requirements of Clause 9 (p) of Amendment 9. At the 16th of March 2011 Meeting of Council (and after the Chevron and DSD presentations), Council reminded DSD and Chevron (in part) that:

" for the Council to be in a position to in order to facilitate any development at the ANSIA:

2. Chevron Australia P/L as the Structure Plan and scheme amendment proponent is ultimately responsible to address the statutory requirements of Amendment No.9 to the Scheme and in particular, as it relates to the provision of infrastructure within the surrounding area and within the town of Onslow, to the satisfaction of Council."

Staff recollection of the Council meeting of 15 December 2010 was that that Councillors wanted the community consultation associated with Hooleys Creek to be undertaken in June/July to ensure that the 'grey nomads' who camp in the area could be included in the consultation. At that time, it was unlikely that anyone envisaged that it would take over 6 months (possibly longer) to get to advertising.

By Fax dated 2 May 2011 the Deputy Director General of DSD advised the Shire:

"It is on this basis that DSD committed to including consultation on alternative access to Hooley's Creek in the draft Community Consultation Programme for the Amendment and Structure Plan sent to you by Chris Clark on 18 March 2011. I understand that the Shire is preparing a response on this draft programme."

A response was provided to DSD which clearly outlined that the need for DSD to appreciate that Hooleys Creek is a simmering local issue of importance.

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Although a formal response is yet to be provided from DSD, it is considered more appropriate to make the advertising of draft Amendment No. 10 and draft ANSIA Structure Plan conditional on a number matters including the level of community 'engagement' offered by DSD. Importantly, DSD representatives have verbally advised the Shire Administration that they are in negotiations with BHPB in seek accessing over BHPB Pastoral Lease to Locker Point as an alternative public access to Hoolley's Creek. The approach to community consultation from Chevron and DSD is further discussed in the 'Consultation' section of this Report.

Lighting and noise on the Ashburton River area

Progress has also been made in relation to the impact of lighting a noise on the Ashburton River area. Chevron has advised that the potential impacts from noise and light from the proposed port and Wheatstone Project were assessed and reported in the draft EIS/ERMP for the proposed Wheatstone Project dated July 2010.

The Wheatstone Project will produce light emissions during construction, commissioning, operations and decommissioning for both safety, security and to provide comfortable visual conditions. This light will be generated by Project activities, such as flaring and by lighting systems that provide safe areas of operation.

Background light levels in the coastal areas around Onslow are influenced primarily by moonlight and modest sky glow from the town site and adjoining light-industrial zone. Different locations in the Project area will have varying requirements for lighting.

The following table provides an estimate of indicative lighting levels in different areas of the facility:

Estimate of Lighting Levels in the Project Area

Area	Lux
Roadway, jetty, pathways, perimeter fence	20
Security lighting for administration buildings	168
LNG and domgas trains	395
Condensate and other tanks	235
Flares*	100

(Note: Lux (Lumens/m²) is the measure of Illumination and provides an indication of the human perception of brightness. For example, a lit living room in a house at night has a luminance of around 50 lux, while light from a full moon is around 0.27 lux.)

Light spill has been modeled and this predicts luminance which is attached.

ATTACHMENT 13.06.36B

Based on the results of the lighting study it is predicted that, under normal operating conditions at night, the onshore facility will be seen from the Ashburton River as a glow in the distance. The key noise sources during operations of the Wheatstone project (25mtpa) will be the gas turbines, liquefaction compressors and elevated flares. Noise contours have been predicted through noise modeling undertaken for routine Wheatstone operations. The conclusion of the information provided is that the noise assessment study confirmed that the noise levels from the plant during normal operations will comply with the Environmental Protection (Noise) Regulations 1997 at sensitive receptor sites. The predicted noise levels at the public access areas are in some cases higher than underlying background levels and therefore it may be possible under certain weather conditions, plant noise may be heard.

Social Impact Assessment

In requesting the Council to initiate draft Amendment 10 and to support the draft ANSIA Structure Plan, Mr. Graeme Harman, Manager, External Affairs for Chevron advised the Shire in correspondence dated 7 December 2010 as follows:

“Chevron recognises that construction of the Wheatstone project will have an impact on social infrastructure of the town of Onslow and has been working both with the Shire and the State to manage these impacts. An Industrial Precinct Development Agreement (IPDA) between Chevron and the State outlining the required social infrastructure is under preparation and will be delivered as part of the Wheatstone project.

Chevron is committed to ensuring that it meets its social obligations associated with the Wheatstone project and believes the IPDA will deliver the necessary social infrastructure for Onslow. Chevron recognizes that it will need to enter into a separate agreement with the Shire for the delivery of certain social infrastructure that will benefit the community of Onslow.”

ATTACHMENT 13.06.36C

Progressing the ‘Social Infrastructure Agreement’ between the Shire and Chevron has been complicated by the fact that the State and the company are still unable to finalise the proposed State Development Agreement (SDA) between them. This is obviously of significance to the Shire, as it is not possible for the Shire to identify the scope of issues it needs to address in its agreement with the company in isolation from the SDA.

This impact on Onslow from the ANSIA development and Wheatstone in particular without adequate infrastructure, will be absolutely profound. This topic has been the subject of ongoing discussions between Chevron and the State in relation to matters of state and regional significance, and the company and the Shire, in relation to local and community matters. The Shire/Council has been very open and consistent in addressing the social and hard infrastructure needs for Onslow. The attached submission is based on the direction of the Council with respect to the perceived social and hard infrastructure needs for Onslow. The submission has been presented to both Chevron and DSD and agreement from either party to the responsibility for providing the infrastructure is yet to be achieved.

ATTACHMENT 13.06.36D

Essentially, the direction provided by the Council is a comprehensive list of necessary infrastructure that any community should reasonably anticipate. There may be some areas of the identified infrastructure package that could be negotiable provided the outcome represents social and hard infrastructure for Onslow that reflects Onslow becoming a sizable North-West town in Western Australia.

However, it is important to acknowledge that funding of the social and hard infrastructure for Onslow is not necessarily to be sourced solely from Chevron. It is clear that the State Government must bear responsibility for infrastructure associated water, power and sewer upgrades, along with land development opportunities. Whatever the source of funding in relation to local and community infrastructure, it is clear that it must be available in Onslow in order to cope with the impacts of the ANSIA/Wheatstone developments.

The draft Structure Plan currently states:

"8.2 DEVELOPER CONTRIBUTION PLAN

In accordance with section 7.0, ideally the DCP should be finalised and adopted by both the Shire and the State prior to the issue of any Development Approval (with the exception of preliminary earthworks). In the event it is not adopted, this may be the subject of a separate agreement with the Shire. The method of implementing the DCP (e.g. through IPDAs or other appropriate mechanism) should also be finally resolved via the outcomes of the Social Infrastructure Working Group.

8.3 SOCIAL IMPACT STATEMENT

The social Impact Statement identifies the need for additional infrastructure resulting from development of the ANSIA (refer Appendix B Social Impact Statement). This additional infrastructure will be identified within the Industrial Precinct Development Agreements. It will be the responsibility of all proponents to become a signatory to an IPDA. Within the IPDA, there are provisions legally binding a proponent to fulfill the obligations of the IPDA."

The 'Social Impact Assessment' prepared by the proponent for the draft Amendment No. 10 and draft ANSIA Structure Plan is inadequate for the purposes of advertising for community consultation. A reliance on the Industrial Precinct Development Agreements for the social and hard infrastructure resulting from development of the ANSIA is simply inadequate and will not allow the opportunity for community scrutiny as to the level of infrastructure required.

Importantly if the direction provided in the draft DSD/Chevron documentation is a guide to Chevron's and DSD's intent, the community involvement will be negligible. The planning process as outlined in this Report will provide the community of Onslow (current and future) with the opportunity to have input to its social and hard infrastructure needs. So far, the community may have had input via company surveys and reference groups, however the result has not clearly been seen in the package of infrastructure so far offered by Chevron or DSD.

Conclusions

Essentially, the majority of matters identified by Council in its resolution associated with Agenda Item 13.12. 4 of Council 15th December 2010 have been dealt with. In this regard, it would normally be possible for Council to simply seek the appropriate modifications as provided in Schedule 1 and move to advertising as provided for in the 'Consultation' section of this Report.

ATTACHMENT 13.06.36E

However as noted above, the issue of social and hard infrastructure is still to be adequately addressed by Chevron and the State Government's lead agency, DSD. The requirement for social impact assessment and developer contributions is not something new to the proponent or DSD. Clause 9 (q) of Amendment No. 9 to the Scheme (now referred under the Scheme as Clause 9 (q) of Appendix 11) states that the following shall be taken into account when preparing the Structure Plan for the ANSIA:

"q) A social impact assessment identifying pressures on community facilities and services within Onslow, along with the method to implement funding by developer contributions identified in the Ashburton North Strategic Industrial Area Structure Plan."

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The social impact assessment that has been prepared by the proponent represents the very minimum of requirements associated with the development of Onslow. Clause 9 (q) also requires that the method of implementing developer contributions towards the provision of necessary social services and infrastructure be addressed. Accordingly, the statutory requirements of Amendment No. 9 places an obligation on the Council to ensure that the "... *social impact assessment identifying pressures on community facilities and services within Onslow, along with the method to implement funding by developer contributions ...* " have been satisfactorily addressed. On the basis of what has been provided to Council and the Shire, the only rational response is that this is yet to be satisfactorily addressed by the proponent.

With regards to dealing with draft Amendment No. 10 and draft ANSIA Structure Plan, there would appear to be three options for Council:

1. Resolve not to proceed with draft Amendment No. 10 and draft ANSIA Structure Plan on the basis of the potential severe negative impacts for the community of Onslow due to the consequent development of Wheatstone and the ANSIA and the lack of social and hard infrastructure for Onslow.

Implication of following Option 1

This option would essentially conclude draft Amendment No. 10 and draft ANSIA Structure Plan. The Shire would be obliged to return any unspent monies from the Applications fees provided. However, it would also provide the opportunity for the intervention of the Minister for Planning due to recent changes to the Planning legislation. In this regard, Chevron could request the Minister to direct Council to prepare or adopt an amendment to the scheme that reflects draft Amendment No. 10. Although this isn't a power available to the Minister in relation to the draft Structure Plan it would place the Council in a difficult position.

The reality of the planning process is that it defines Council as a significant agency in the development process. Removing the Shire from the process could have the un-intended result in marginalizing Council and Shire from discussions as to the level of infrastructure required for Onslow. Accordingly, any decision that seeks to abandon draft Amendment No. 10 and draft ANSIA Structure Plan needs to be undertaken with extreme caution.

Or

2. Resolve to advise both Chevron and DSD that the majority of matters required by Council to be addressed in its resolution associated with Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010 have been dealt with. However Clause 9 (q) of Appendix 11 of the Scheme relating to social impact assessment identifying pressures on community facilities and services within Onslow, along with the method to implement funding by developer contributions is yet to be adequately addressed. In this regard, draft Amendment No. 10 and draft ANSIA Structure Plan could not proceed to advertising until social and hard infrastructure for Onslow is appropriately addressed by Chevron and DSD.

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Implication of following Option 2

This option should only be undertaken where Council is absolutely sure that its position on the social impact assessment identifying pressures on community facilities and services within Onslow is secure. Like with Option 1, there could be scope for the Minister for Planning to direct Council to prepare or adopt an amendment to the scheme.

Or

3. Resolve to advertise draft Amendment No. 10 and draft Structure Plan once:

- the modifications reflected Schedule 1 are carried out;
- a clear definition of the DSD 'engagement' with the community has been provide (including the 'engagement on Hooley's Creek) so that it coincides with the Council adverting requirements;
- a written commitment from Chevron and DSD is received supporting and underwriting the provision of social and hard infrastructure indentified in this Report; and
- payment for the cost of advertising has been received (from Chevron).

Implication of following Option 3

The risk to Council of following this option is that once it proceeds to advertising a Scheme Amendment, the final decision rests with the Minister for Planning.

However, the greater risk for Council and the community is that it may be marginalised in its negotiating position with Chevron and DSD on the issue of necessary infrastructure. On a number of occasions staff from DSD and Chevron have reminded the Shire Administration that there are other means to achieve the establishment of Wheatstone and the ANSIA outside to the planning process. The opportunity exists for the Government to introduce a 'blanket' State Agreement Act that overrides any planning control or Council involvement.

Given the Minister for Planning's approval of Amendment No. 9 which establishes the planning criteria for development at ANSIA and for Wheatstone, moving to a 'blanket' State Agreement Act would be a challenging political undertaking for the Government. More importantly, it would be a very costly imposition for Chevron in relation to the time to establish the legislation and the fact that until the legislation was passed, no ground works could be undertaken without the approved ANSIA Structure Plan and appropriate zoning of the land. However, irreparable damage would be established with the community of Onslow and acceptance of the project may be lost if it was considered that the community view was made irrelevant through such a State Agreement Act. It should be remembered that the community of Onslow been the recipients of commitments under a State Agreement Act in the recent past.

It is considered appropriate for the Shire and Council to again provide the planning direction that will afford the opportunity for community input and allow Chevron and the State Government to undertake an 'engagement' with the Onslow community. In addition, it is recommended that the Shire President, along with Crs White and Corker (with the CEO) continue pursuing a negotiated path with respect to the social and hard infrastructure contributions for Onslow.

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The guidance for Councillors and the CEO would be the Council submission referred to in **ATTACHMENT 13.06.36D** which forms the principle of ensuring the necessary infrastructure for Onslow becoming a sizable town. Such arrangements would still require the acceptance of Council.

Accordingly, it recommended that Council move to advertise draft Amendment No. 10 and draft ANSIA Structure Plan as provided in Option 3 above on the proviso that certain matters are addressed, including a written commitment from Chevron and DSD that they support and underwrite the social and hard infrastructure identified in **ATTACHMENT 13.06.36D** as negotiated by Council

Consultation

Chief Executive Officer
Executive Manager Western Operations

Referral of draft Amendment No. 10 and draft ANSIA Structure Plan to the following Agencies:

Department of State Development
Department for Planning
Landcorp
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

With respect to advertising draft Amendment No. 10 and the draft ANSIA Structure Plan Council may recall the Staff Report to Council on 15 December 2010 concerning draft Amendment No. 10 and the draft ANSIA Structure Plan where the following was discussed:

"Once the EPA and agencies have responded to Council's initiation of Amendment No. 10, then Council will then need to consider whether to proceed to the next stage of the planning process which is advertising of the Amendment. It is this stage that both the draft Amendment No. 10 and the draft ANSIA Structure Plan would be made available for community consultation. It is anticipated that Council would seek to advertise both documents for 60 days and invite Chevron to undertake a community forum in Onslow."

Advertising a Scheme Amendment under the Planning and Development Act and Regulations is normally 42 days. Due to the significance and potential impact of the draft Amendment and the inclusion of the draft ANSIA Structure Plan, 60 days was considered the minimum period to advertise and consult.

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It is anticipated that the statutory advertising requirements the draft Amendment No. 10 and draft ANSIA Structure Plan would be as follows:

1. One notice in the Western Australian newspaper (the first day of advertising).
2. Three notices in the Pilbara News (the first day of advertising).
3. One notice in the Onslow Telegraph (preferably on the day advertising starts).
4. A large (real estate advertising sized) sign on Onslow Road (this probably need to be sign written and would be prepared and erected immediately before the day advertising starts. This would be organized by the Shire and as a separate cost to Chevron).
5. Notice/letter drop to all owners and occupiers in Onslow (posted before advertising starts).
6. A3 notice in the Onslow and Tom Price Shire offices, with all reports etc made available (immediately before the day advertising starts).
7. Notice on the Shire's Website, including links to all documentation.
8. Correspondence to be prepared and then sent to all agencies and land owners/leaseholders (e.g. Pastoral Lease holders, Onslow Salt, Mining Lease holders etc) advising them of the draft Amendment and draft ANSIA Structure Plan along with a copy of the documentation (posted before the day advertising starts).

In addition to the above, DSD has advised the Shire that it will undertake an 'engagement' with the Onslow community which, if effective, needs to be undertaken and completed at least 2 weeks prior to the closure of the statutory advertising period in order to give the community time to consider and submit if desired. Also, when the notification referred in 5, 6, 7, and 8 above is taken into account, this should include advice of the meetings etc. in that correspondence. As there are modifications recommended to both the draft Amendment and draft Structure Plan, then the proponent will need to modify the documentation before advertising. Accordingly, advertising would only commence once the documentation is prepared to the Shire's satisfaction and where the Shire is satisfied that is coordinated with DSD's community 'engagement'.

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and planning regulations.

The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal is considered by Council (this is where this 'draft Amendment' currently sits in the process).

After public advertising, Council will consider whether to adopt the Amendment for final approval with or without modifications.

The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the Western Australian Planning Commission. It is important to note that once advertising commences, Council will only be able to influence the final

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outcome of the Amendment through a recommendation to the Minister for Planning (via the WAPC). The Minister's decision is final.

Environmental Protection Act

Council will recall that the 15 December 2010 resolution associated with draft Amendment No. 10 and draft ANSIA Structure Plan required referral to the Environmental Protection Authority (EPA) to determine the level of environmental assessment under Part IV Division 3 of the *Environmental Protection Act* 1986. The EPA has advised that the proposed scheme amendment should not be assessed under (EP Act) but nevertheless provided advice and recommendations.

“Given that the EPA is currently formally assessing the Wheatstone Proposal as an Environmental Review and Management Programme (ERMP), the EPA expects all environmental issues will be dealt with through that assessment and for any final planning approvals to await completion of the assessment and to be consistent with the outcomes of the assessment. The Wheatstone proposal is for gas processing, export facilities, and supporting infrastructure located at the proposed Ashburton North Strategic Industrial Area located 10 km south-west of Onslow.

The land-based facilities of that proposal cover the areas which are the subject of this proposed scheme amendment.

Therefore the environmental impacts on the amendment area will be considered through the EPA's assessment of the Wheatstone proposal and addressed through any environmental approvals following from that assessment. Under the Section 41 of EP Act, decision-making authorities 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. In this case, this means that the amendment should not be finalised until the assessment of the Wheatstone proposal is complete.

So while the amendment may proceed through the proper planning processes (including advertisement and public comment), it is expected that the Western Australian Planning Commission will not finalise the amendment until the assessment of the Wheatstone proposal is complete. Before the amendment is finalised it should be checked for possible inconsistencies with the outcomes of the EPA's assessment of the Wheatstone proposal and changes made to remove any inconsistencies.

During Environmental Impact Assessment, changes to the details of the proposal are sometimes made in order to address particular environmental issues. It would be worthwhile to conduct a final check at the conclusion of the EPA's assessment to ensure that any planning and environmental approvals are consistent.”

The comment from the EPA with respect to Section 41 of the EP Act limiting decision-making authorities decisions until the EPA's assessment of the proposal and the Minister for the Environment's decision making is complete, is noted.

Section 41 of the EP Act would not prevent the advertising of draft Amendment No. 10 and draft ANSIA Structure Plan. However, it would prevent the finalization of the Amendment by the Minister for Planning as the Minister for the Environment must first determine the environmental assessment. It is

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possible that an outcome of the environmental assessment could be specific environmental/planning conditions that are referred to in the final Amendment.

Financial Implications

The Shire has calculated the fees charged for assessing the planning scheme amendment and structure plan fees in accordance with those set out in the Planning Regulations, in order to meet the administrative and other costs it incurs as a result of it processing the company's draft amendment and draft ASIA Structure Plan. Through a re-calculation of Shire costs, it is likely that a further invoice will be sent to the proponent before advertising commences due to additional Shire costs solely due to considering the Amendment and Structure Plan.

In addition, the proponent will be directly responsible for the advertising costs which are separate to what the Shire has already charged.

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.*

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Wright

That Council:

DRAFT ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA STRUCTURE PLAN

1. **Subject to modifications being undertaken generally in accordance with Schedule 1 attached to the Shire Report (ATTACHMENT 13.06.36E), adopts draft *Ashburton North Strategic Industrial Area Structure Plan* for the purpose of advertising in accordance with sub clauses 5.7.3 and 5.7.4 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme'). Advertising will be for a minimum period of 60 days and reflect the advertising requirements as outlined in the 'Consultation' section of the Shire Report.**

2. Request Chevron Australia Pty Ltd to undertake the modifications as included in Schedule 1 attached to the Shire Report (ATTACHMENT 13.06.36E) and any other modifications identified by the Chief Executive Officer as being appropriate. Advertising will not commence until the modifications are provided to the Shire and are to the satisfaction of the Chief Executive Officer.

3. Advise Chevron Australia Pty Ltd and the Department of State Development (DSD) that advertising as referred to in 1. above will only commence when Chevron Australia Pty Ltd and DSD has respectively provided to the satisfaction of the Chief Executive Officer:
 - a) a clear definition of their intended 'engagement' with the Onslow community and which coincides with the adverting requirements as set out in 1. above;
 - b) a written commitment supporting and underwriting the provision of social and hard infrastructure as indentified in ATTACHMENT 13.06.36D or as negotiated on behalf of Council as provided for in Part 9 of this Resolution to the Shire Report; and
 - c) payment of all fees including the cost of advertising (from Chevron Australia Pty Ltd).

4. Advise Chevron and DSD that it should not be construed that further changes won't be required as an outcome of advertising draft *Ashburton North Strategic Industrial Area Structure Plan* and submissions received.

DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 10

5. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 10 ("draft Amendment") to Shire of Ashburton Local Planning Scheme No.7 ("Scheme") that proposes:
 - a. Rezoning portion of Part Lot 152 and Part Lot 153 Onslow Road, Unallocated Crown Land Lot 238 and portion of Part Unallocated Crown Land Lots 301 and 302 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve.
 - b. Rezoning Part Lot 152 Onslow Road from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.
 - c. Inserting into Schedule 2 the following:

No.	Description of Land	Special Use	Conditions
2.	Portion of Ashburton Location 153, Onslow Road	Transient Workforce Accommodation	1. Land use and development shall generally be in accordance with a Structure Plan and Development Plan approved by the local government and the Western Australian Planning Commission which addresses those

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				<p>matters defined in Clause 7.9 and Appendix 11 as it relates to the Ashburton North Strategic Industrial Area and specifically, provides details on the layout, staging, operational period of the use, accommodation of operational workforce, transport, access, landscaping, management and environmental issues associated with the development and the use of the land.</p> <p>2. All transient workforce accommodation shall be considered a 'D' use under the Scheme.</p> <p>3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or maintenance of those uses and developments approved in writing by the local government.</p> <p>4. Transient workforce accommodation for operational purposes of any use or development is prohibited.</p> <p>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.</p>
<p>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 Amendment No. 10 be advertised for community consultation purposes for a period of 60 days, in accordance with the <i>Town Planning Regulations</i> 1967. The advertising is to reflect the requirements as outlined in the 'Consultation' section of the Shire Report.</p> <p>7. The commencement of the advertising as referred to in 6. above is subject to the following being undertaken:</p>				

- a) modifications being undertaken by Chevron Australia Pty Ltd in accordance with Schedule 1 attached to the Shire Report (ATTACHMENT 13.06.36E) or as negotiated on behalf of Council as provided for in Part 9 of this Resolution all to the satisfaction of the Chief Executive Officer;
 - b) payment of all fees including the cost of advertising (from Chevron Australia Pty Ltd); and
 - c) when Chevron Australia Pty Ltd and DSD have respectively provided the Chief Executive Officer with a:
 - i) clear definition of their 'engagement' with the Onslow community so that it coincides with the advertising requirements as set out in 1. and 6. above; and
 - ii) written commitment supporting and underwriting the provision of social and hard infrastructure as identified in ATTACHMENT 13.06.36D or as negotiated on behalf of Council as provided for in Part 9 of this Resolution to the Shire Report; and
8. Advise Chevron and DSD that it should not be construed that further changes won't required as an outcome of advertising draft Amendment No.1 0 and submissions received.

REPRESENTATION IN NEGOTIATING SOCIAL AND HARD INFRASTRUCTURE NEEDS FOR ONSLOW

9. Request Councillors Musgrave, White and Corker to represent the interests of Council with respect to negotiating with Chevron Australia Pty Ltd and the State Government and the provision of social and hard infrastructure needs for Onslow.
10. Request Councillors Musgrave, White and Corker to report back to Council either before or during advertising of 1 and 6 above.
11. Request the Chief Executive Officer to provide a further Report to Council after advertising as referred to in 1 and 6 above in relation to finalising draft Amendment No. 10 and the draft ANSIA Structure Plan.

**CARRIED 9/0
ABSOLUTE MAJORITY**

**13.06.37 DRAFT PLANNING SCHEME AMENDMENT NO. 11 TO REZONE
ONSLow STRATEGIC INDUSTRIAL ZONE TO RURAL, DELETE
ONSLow STRATEGIC INDUSTRIAL BUFFER AREA FOR ADVERTISING**

FILE REFERENCE: PS.TP.11

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

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

DATE REPORT WRITTEN: 6 June 2011

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.12.74 Ordinary Meeting of Council 15 December
2010 Agenda Item 13.07.38 Ordinary Meeting of Council 21 July
2010
Agenda Item 14.06.08 Ordinary Meeting of Council 16 June 2009
Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009
Agenda Item 14.12.20 Ordinary Meeting of Council 16
December 2008

Summary

The existing Onslow Strategic Industrial Area (SIA) is approximately 475 ha in area with a 3,000 metre buffer zone that limits other land uses. Located to the south-west of the existing Onslow townsite, the Onslow SIA is loosely bound by the existing Onslow Salt haul road and ponds/crystallisers, on some of the highest land available. The Onslow SIA is bounded by Conservation and Recreation reserved areas to the north and west, the Onslow Salt evaporation ponds to the west, and low-lying wetlands to the south.

At the Council meeting of 16 June 2009 resolved (in part) to:

“(c) Support the rezoning of the existing Onslow Strategic Industrial Area to “Rural” pursuant to the Shires Town Planning Scheme No 7.”

A set of actions have been identified within Amendment No. 9 (gazetted on 21 December 2010) to protect the character and viability of Onslow. This has been reinforced in the Department of Planning's “Onslow Regional Hotspots Land Supply Update” (2010) and the Shire's “Onslow Townsite Strategy” (2010) both identified the likely rezoning of the existing Onslow SIA given development of the Ashburton North SIA. Rezoning of the Onslow SIA to ‘Rural’ frees up the area to support growth and expansion of Onslow. At its 15 December 2010 meeting, Council initiated Amendment No. 11 to rezone the Onslow SIA to ‘Rural zone’ and to delete the Onslow Strategic Industrial Buffer Area.

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The EPA has responded to the statutory referral of Amendment No. 11 and has advised that the Amendment does not require their formal assessment. The desired timing of Amendment No. 11 is for it to be considered and advertised in concert with the draft Amendment No.10 and associated Structure Plan for the Ashburton North SIA.

Amendment No. 10 is being considered by Council in Item 13.06.36 of this Agenda.

It is recommended that should Council resolve to advertise Amendment No. 10 then Council should adopt to advertise Amendment No. 11 for 60 days in accordance with the Town *Planning Regulations* 1967.

Background

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') was Gazetted on 24 December 2004 and has not been reviewed. The Scheme introduced the 'Strategic Industrial' zone which has only been located within Onslow. As the following indicates, planning for a strategic industrial site predates the actual Gazetted of the Scheme.

The existing Onslow SIA is Lot 303 Onslow Road, Onslow and was originally identified through the (then) Department for Planning and Infrastructure's 2003 *Onslow Structure Plan*. The current Onslow SIA is approximately 475 ha in area and allows for a 3000 m buffer zone that limits other land uses. Located to the south-west of the existing Onslow townsite, the Onslow SIA is loosely bound by the existing Onslow Salt haul road and ponds/crystallisers, on some of the highest land available. The Onslow SIA is bounded by Conservation and Recreation reserved areas to the north and west, the Onslow Salt evaporation ponds to the west, and low-lying wetlands to the south.

ATTACHMENT 13.06.37A

The area of the 'Strategic Industrial' zone is in two separate locations. The larger of the two zones has an area of approximately 400ha and is encompassed by a 'buffer' area that extends 3 km from the boundary of the zone. The buffer area effectively limits land uses in a manner not to impact any developments or operations in the zone. The second of the 'Strategic Industrial' zones has an area of approximately 50ha and is understood to be associated with the *Onslow Solar Salt Agreement Act 1992*. It is not the intention to seek to modify the Scheme in relation to this land. The two 'Strategic Industrial' zones have never been developed.

The *Onslow Structure Plan* (Final September 2003) notes that in July 1998, the then DRD commissioned a consultant to review industrial development potential in the Onslow area. The result was the report *Onslow - Potential Development Sites for Processing Industry and Offshore Support*. It contended that, due to the Onslow Solar Salt Project and the established and potential oil and gas industries in the Onslow area, there was potential for strategic industry such as a petrochemical plant or mineral resource processing. The report also indicated potential for further port development for industry. This, in conjunction with offshore oil/gas activity and the local fishing industry might justify the development of a supply base/secure harbor at Onslow. The proposals in the report outlined several development options in and around the Onslow townsite, which included:

- a strategic industrial estate in the vicinity of 350ha (five site options);
- a marine facility - supply harbor (three options, including one at Beadon Point);
- a supply base land support area in the vicinity of 80ha; and
- additional port facilities.

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Further research occurred in 1999, through the DRD commissioned *Review of Development Factors for Potential Onslow Industrial-Estate*.

The DRD report identified a preferred site for strategic industry and support services, and outlined a number of development scenarios for various industries that could locate in the Onslow area in the long term. As a result of the then DRD assessment, the *Onslow Structure Plan* made provision for a strategic industry with an area of approximately 475ha which could potentially accommodate the following generic industries:

- petrochemical plant - 150ha;
- magnesium plant - 50ha;
- sodium cyanide plant - 80ha;
- ammonia urea plant - 50ha;
- gas to liquids plant - 50ha.

A nominal buffer zone of 3km was sought which allowed for noise and risk factors and can be refined as project details are developed, and environmental approvals sought.

At the 16 December 2008 meeting of Council, Council resolved:

“That Council:

- 1. Lobby State Government to seek in principle agreement and endorsement of the North Ashburton Industrial Precinct.*
- 2. Request the State Government undertake the necessary fatal flaw studies and high level site analysis to better understand the feasibility of the North Ashburton Industrial Precinct.”*

This preceded an announcement on 19 December 2008 by the State Premier who announced that “... a new Strategic Industrial Area would be created at Ashburton North, 11km south-west of Onslow. This would provide the opportunity to establish processing facilities for the commercialisation of recent and expected future gas discoveries”.

The State Government has determined that the Ashburton North Strategic Industrial Area (ANSIA) has the ability to better support an industrial hub and the associated downstream industries than the existing Strategic Industrial Area in Onslow. The ANSIA will ultimately encompass an area of some 8,000ha. Between December 2009 and October 2010, Council actively pursued Amendment No. 9 to the Scheme which sought to establish the ‘Ashburton North Strategic Industrial Area’ reflecting the Premier’s statement and Council resolution of 16 December 2008. Amendment No. 9 was Gazetted on 21 December 2010 (now included as Appendix 11 in the Scheme) and which includes the following policy statement:

“The local government does not support two strategic industrial areas associated with Onslow. The local government believes that existing Onslow strategic industrial area is not required and its removal will allow opportunities for further town expansion and a mix of other uses. The establishment of the ANSIA allows state and local government to review the need for retaining the existing Onslow strategic industrial area. When a scheme amendment is sought for the ANSIA, the scheme report will review the need or otherwise for retaining the existing Onslow strategic industrial

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area and this information will be used by the local government to prepare an amendment concurrent with the proponent's amendment.”

The *Onslow Townsite Strategy* also reflects the direction of Appendix 11 of the Scheme.

The Council has initiated an amendment to the Scheme (Amendment No. 10) that would result in the rezoning of the Wheatstone LNG site as well as the proposed common port facility site to “Strategic Industrial” in the Scheme.

Given the constraints placed by the location of the Onslow SIA to enable the townsite expansion, coupled with the provision of some 8,000 ha of strategic industrial land at Ashburton North, it is concluded that the SIA in Onslow is surplus to the town’s industrial requirements. At its 15 December 2010 meeting, Council initiated Amendment No. 11 to rezone the Onslow SIA to ‘Rural zone’ and to delete the Onslow Strategic Industrial Buffer Area.

ATTACHMENT 13.06.37B

Comment

It should be noted that the 15 December 2010 resolution of Council sought to have a Local Planning Policy prepared that addresses the need for an overall structure plan for the site as part of the formal advertising of Amendment No. 11.

The opportunity to prepare such a Policy has not been available to staff in the time available. However, Council will be aware that the ‘Visioning’ process for Onslow is about to commence in the next month or so. In addition, Amendment 10 and ASIA Structure Plan will result in extensive consultation with the community. Accordingly, it is very likely that community direction for the use and development of land subject of Amendment No. 11 will arise for the forthcoming consultations for Onslow. In this regard, it is recommended that the Local Planning Policy be pursued during the 60 day advertising period so that the overall view of the Onslow community can be considered.

It is recommended that Council advertise Amendment No. 11 to rezone the Onslow Strategic Industrial Area to ‘Rural zone’ and to delete the Onslow Strategic Industrial Buffer Area. The desired timing of Amendment No. 11 is for it to be considered and advertised in concert with the draft Amendment No.10 and associated Structure Plan.

Consultation

Chief Executive Officer
Executive Manager Western Operations
Department of State Development
Department for Planning
Landcorp
Environment Protection Authority

Statutory Environment

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

Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and planning regulations. The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority

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(EPA) after which public advertising of the proposal is considered by Council (this is where this 'draft Amendment' currently sits in the process). After public advertising, Council will consider whether to adopt the Amendment for final approval with or without modifications.

The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the Western Australian Planning Commission. It is important to note that once advertising commences, Council will only be able to influence the final outcome of the Amendment through a recommendation to the Minister for Planning (via the WAPC). The Minister's decision is final.

Environmental Protection Act

Council will recall that the 15 December 2010 resolution associated with draft Amendment No. 11 required referral to the Environmental Protection Authority (EPA) to determine the level of environmental assessment under Part IV Division 3 of the *Environmental Protection Act* 1986. The EPA has advised that the proposed scheme amendment should not be assessed under (EP Act).

Financial Implications

The Shire is the proponent of the Amendment and therefore will absorb the costs associated with the Amendment. However, as it is to be in concert with Amendment No 10, this will enable the sharing of advertising costs. The rezoning as proposed would limit the amount of rates that could be pursued on the land if the Onslow SIA was ever developed. However, the ability to rate the ANSIA will be greater than the Onslow SIA. Importantly, removal of the 3km buffer may allow other development to occur that would otherwise be prohibited.

Strategic Implications

The modifications to the Scheme as sought will assist in achieving the focus as stated in the Shire's Strategic Plan 2007-2011:

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr White

That Council :

- 1. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 11 ("draft Amendment") to Shire of Ashburton Local Planning Scheme No.7 ("Scheme") that proposes:
 - a. Rezone Part Location 303, Onslow Road, Onslow from 'Strategic Industrial zone to 'Rural' zone.****

b. Modify the Scheme Maps accordingly.

c. Modify Clause 7.1 of the Scheme to delete reference to ‘Onslow Strategic Industrial Buffer’ and for Clause 7.1 to read as follows:

“7.1 Operation of Special Control Areas

7.1.1 The following special control areas are shown on the Scheme map:

(a) Tidal Inundation Areas

(b) Onslow Coastal Hazard Area

(c) Onslow Airport Height Restrictions Area

(d) Cane River Water Reserve Area

(e) Turee Creek, Mt Lionel and Mt Stevenson Borefields

(f) Wittenoom

(g) Ashburton North Strategic Industrial Area”

d. Modify the Scheme Legend to delete “Onslow Strategic Industrial Buffer – Special Control Area” as set out in the Amendment Legend.

e. Modify the Scheme Maps to delete “Onslow Strategic Industrial Buffer – Special Control Area”.

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that Amendment No. 11 be advertised for community consultation purposes for a period of 60 days, in accordance with the *Town Planning Regulations 1967*. The advertising is to be coordinated with the advertising of draft Scheme Amendment No. 10 as considered by Council in Item 13.06.36 of this Agenda.

CARRIED 9/0

**13.06.38 REVOCATION OF COUNCIL RESOLUTION - AGENDA ITEM 13.05.31
ORDINARY MEETING OF COUNCIL 18 MAY 2011 - DRAFT LOCAL
PLANNING SCHEME AMENDMENT NO. 14 AND DRAFT LOCAL
PLANNING POLICY FOR ADVERTISING**

FILE REFERENCE: PS.TP.7.14

**AUTHOR'S NAME AND
POSITION:** Rob Paull
Shire's Town Planning Consultant

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

DATE REPORT WRITTEN: 4 June 2011

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011
Agenda Item 13.02.09 Ordinary Meeting of Council 16 February
2011
Agenda Item 13.10.58 Ordinary Meeting of Council 15 October 2010

Summary

Council, at its Meeting of 18 May 2011 considered proposed Scheme Amendment No. 14 to its Town Planning Scheme No. 7 along with a draft Local Planning Policy and resolved to advertise them for a period of 42 days, in accordance with the Town Planning Regulations 1967. Following advertising of the draft Amendment No. 14 and draft Local Planning Policy, the matters are to be referred back to Council for consideration.

Cr White has sought to have the decision revoked pursuant to the Local Government Act on the basis that she was not provided the opportunity to speak and vote on Agenda Item 13.05.31 at the Ordinary Meeting of Council 18 May 2011. Cr White's inability to speak to or vote on Agenda Item 13.05.31 was due to the fact that at the Council meeting she had declared an interest in earlier items and due to a typographical error on correspondence from the Department of Local Government she had not been called back before Agenda Item 13.05.31 was discussed.

A Council has a general power to revoke a decision provided the decision has not been acted upon. In this instance, the Shire is the 'proponent' and the resolution in Agenda Item 13.05.31 has not been acted upon. It is considered that Council is not precluded from considering the matter for a second time.

It is noted that the Council decision associated with Agenda Item 13.05.31 was to seek community comment on proposed Scheme Amendment No. 14 along with draft Local Planning Policy. Should the revocation fail, the matter will be referred back to the Council after advertising. The revocation is a matter for Council.

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Cr White has recommended that Council rescind the Council Resolution associated with Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011.

Should Council resolve to rescind the Council Resolution associated with Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011, staff have included Item 13.06.39 of this June 2011 Agenda enables Council so that Council can re-consider the item.

Background

Council, at its meeting of 18 May 2011 considered proposed Scheme Amendment No. 14 to its Town Planning Scheme No. 7 along with draft Local Planning Policy and resolved as follows:

"1. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 14 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:

1. Modifying Clause 6.10 of the Scheme by inserting the following clause:

"6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:

- a) the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;*
- b) the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
- c) a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*
- d) connection to reticulated sewer, water, and power is available; and*
- e) where the development is of a permanent nature and where dongers and transportable buildings or structures of any description are not proposed.*

6.10.5 Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited."

2. Amending the zoning table as follows:

(a) Identifying 'Transient Workforce Accommodation as an 'A' use class in the 'Commercial and Civic' zone.

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that Amendment No. 14 be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.

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3. *Council adopts draft Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7 as a draft Local Planning Policy under the provisions of clause. 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme concurrently with the advertising of draft Amendment No. 14.*
4. *That following advertising of the draft Amendment No. 14 and draft Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7, the matters be referred back to Council for consideration."*

Cr White has sought to have the decision revoked pursuant to the Local Government Act on the basis that she was not provided the opportunity to speak and vote against Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011. Cr White's inability to speak to or vote on Agenda Item 13.05.31 was due to the fact that at the Council meeting she had declared an interest in earlier items and had not been called back in when Agenda Item 13.05.31 was discussed.

Comment

A Council has a general power to revoke a decision provided the decision has not been acted upon. In this instance, the Shire is the 'proponent' and Agenda Item 13.05.31 has not been acted upon. It is considered that Council is not precluded from considering the matter for a second time.

It is noted that the Council decision associated with Agenda Item 13.05.31 was to seek community comment on proposed Scheme Amendment No. 14 along with draft Local Planning Policy. Should the revocation fail, the matter will be referred back to the Council after advertising.

Consultation

Chief Executive Officer
Executive manager Corporate Services

Statutory Environment

Shire of Ashburton Standing Orders
"Section 70 Revoking Decisions

If a decision has been made at a council meeting then any motion to revoke or change the decision shall be done in accordance with the Act."

Local Government Act (1995)

Regulation 10 of the Local Government (Administration) Regulations, 1996 allows for revoking or changing decisions made at Council or Committee meetings, as follows:

- "10. *Revoking or changing decisions made at council or committee meetings - s. 5.25(e)*
 - (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –*
 - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*

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- (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
- (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Cr White provided her notice of motion to revoke Agenda Item 13.05.31 to the Chief Executive Officer within 24 hours of the conclusion of the Ordinary Meeting of Council 18 May 2011 and because of this the resolution has not been acted upon.

Policy Implications

None anticipated

Financial Implications

None anticipated

Strategic Implications

None anticipated

Voting Requirement

One third of members including mover must support the revocation motion.

The decision to revoke the motion must be by Absolute Majority.

Cr White's Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

Support from Councillors Corker, Dias, Rumble and Thomas.

That Council Rescind Resolution associated with Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011.

**CARRIED 9/0
ABSOLUTE MAJORITY**

13.06.39 DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 14 AND DRAFT LOCAL PLANNING POLICY FOR ADVERTISING

FILE REFERENCE: PS.TP.7.14

AUTHOR'S NAME AND POSITION: Rob Paull
Shire's Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 4 June 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011
Agenda Item 13.02.09 Ordinary Meeting of Council 16 February 2011
Agenda Item 13.10.58 Ordinary Meeting of Council 15 October 2010

NOTE: **This Item has been included in this Agenda in anticipation of a Council decision to revoke Council Resolution - Agenda Item 13.05.31 Ordinary Meeting of Council 18 May 2011 (Item 13.06.38). The Recommendation of this Report replicates Council Resolution - Agenda Item 13.05.31 of 18 May 2011.**

Summary

Draft Amendment No. 14 to the Shire of Ashburton Local Planning Scheme ('Scheme') was initiated by Council at the 16 February 2011 meeting. Draft Amendment No. 14 seeks to address the prohibition of transient workforce accommodation in the Commercial and Civic zone for Onslow, Paraburdoo and Tom Price and allow Council to consider planning applications for transient workforce accommodation only where certain design standards and criteria are met.

As part of the initial Amendment process, it was referred to the Environmental Protection Authority (EPA) for environmental assessment and to the Department of State Development (DSD) and the Department of Planning (DoP) for advice. The EPA advised that the Amendment would not be assessed (i.e. no formal environmental assessment is required). No objection has been received from DoP whilst no response has been received from DSD.

In addition to the draft Clauses 6.10.4 and 6.10.5, the Scheme Table will need to be amended to permit transient workforce accommodation on the Commercial and Civic zone. It is considered that such uses should be permitted subject to advertising and subject to compliance with draft Clauses 6.10.4 and 6.10.5.

Accordingly, it is recommended that Council adopt a modified Amendment No. 14 and advertise the Amendment for 42 days in accordance with the in accordance with the *Town Planning Regulations 1967*.

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Council also previously resolved that a Local Planning Policy accompany the Amendment to define design criteria and the like associated with development of the land. Draft “*Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7*” has been prepared and it is recommended that it be adopted for advertising in association with Amendment No. 14.

Background

The Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’) was Gazetted on 24 December 2004 and has not been reviewed. Under the Scheme, transient workforce accommodation is a prohibited use in the Commercial and Civic zone. Transient workforce accommodation is defined as:

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

Commercial and Civic zones are found in Onslow, Paraburdoo and Tom Price. The zone has limited planning controls associated with development and use. The draft Onslow Townsite Strategy included the following statement:

“Development Principles

- It is appropriate that any such Transient Workforce Accommodation be of a very high quality for the benefit of occupiers, as well as the community.*
- Motel style development, with significant landscaping, quality design and materials, will be encouraged.*
- A limitation on the overall proportion (%) of Transient Workforce Accommodation within a development should also be a consideration of the Amendment.*

Desired Future Character

A modification to the Scheme to reflect this desired outcome of design and development is recommended. In addition, it is noted that the Commercial and Civic zone prohibits Transient Workforce Accommodation. In this regard, it is appropriate that the Shire consider amending the Scheme to allow Transient Workforce Accommodation in this zone on the basis referred to above.”

This point of view was also adopted by Council in October 2010 when considering the ‘*Position Paper on Fly-In Fly-Out Workforce and Accommodation*’:

“ii) An amendment to the Shire of Ashburton Local Planning Scheme No. 7 that would allow transient workforce accommodation in the Commercial and Civic zone as an ‘A’ use and where such development reflects the following ‘principles’:

- any such transient workforce accommodation will be of a very high quality for the benefit of occupiers, as well as the community;*
- motel style development, with significant landscaping, quality design and materials, will be encouraged; and*
- a limitation on the overall proportion (%) of transient workforce accommodation within a development may be required by Council.”*

In addition, Amendment No. 9 for the Scheme (that establishes the Ashburton North Strategic Industrial Area) includes the following Policy Statement:

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“The intent of local government is for all transient workforce accommodation within the ANSIA to be for construction purposes associated with development of the ANSIA. Permanent or operational staff will be housed in Onslow.

In accordance with the adopted Onslow Townsite Strategy, such accommodation in Onslow is expected to be of a very high quality motel style development, with significant landscaping, quality design and materials for the benefit of occupiers, as well as the community.”

Draft Amendment No. 14 to the Shire of Ashburton Local Planning Scheme (‘Scheme’) was initiated by Council at the 16 February 2011 meeting. Draft Amendment No. 14 seeks to address the prohibition of transient workforce accommodation in the Commercial and Civic zone for Onslow, Paraburdoo and Tom Price and allow Council to consider planning applications for transient workforce accommodation only where certain design standards and criteria are met. The draft provision states as follows:

“6.10 Commercial zones

ADDING THE FOLLOWING:

6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:

- a) the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;*
- b) the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
- c) a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*
- d) connection to reticulated sewer, water, and power is available; and*
- e) where the development is of a permanent nature and where dongers, or transportable buildings or structures of any description are not proposed.*

6.10.5 Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited.”

The intent is to encourage a design and development that will be very high quality for the benefit of occupiers, as well as the community.

Comment

As part of the initial Amendment process, it was referred to the EPA for environmental assessment and to the Department of State Development (DSD) and the Department of Planning (DoP) for advice.

The EPA advised that the Amendment would not be assessed (i.e. no formal environmental assessment is required). No objection has been received from DoP whilst no response has been received from DSD.

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The provisions of the Amendment are intended that they be supported by Local Planning Policy. Draft Amendment No. 14 reflects the direction of Council as defined in considering the 'Position Paper' in October 2010, although proposed Clause 6.10.4 (b) has been adjusted to include reference to such development including "...recreation areas/facilities..." for workforce accommodation.

In addition to the draft Clauses 6.10.4 and 6.10.5 above, the Scheme Table will need to be amended to permit transient workforce accommodation on the Commercial and Civic zone. It is considered that such uses should be permitted subject to advertising and subject to compliance with draft Clauses 6.10.4 and 6.10.5.

It is recommended that Council adopt Amendment No. 14 as modified and advertise the Amendment for 42 days in accordance with the in accordance with the *Town Planning Regulations 1967*.

Council also previously resolved that a Local Planning Policy accompany the Amendment to define design criteria and the like associated with development of the land. Draft "*Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7*" has been prepared. **ATTACHMENT 13.06.39**

It is also recommended that the draft Local Planning Policy be adopted for advertising in association with Amendment No. 14.

Consultation

Chief Executive Officer

Statutory Environment

Planning and Development Act 2005

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

Shire of Ashburton Town Planning Scheme No. 7

Environmental Protection Act 1986

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

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

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services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

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

Policy Implications

Draft “*Local Planning Policy - Assessment of Applications under Clause 6.10.4 of the Shire of Ashburton Local Planning Scheme No. 7*” has been prepared and it is recommended that it be adopted for advertising in association with Amendment No. 14.

Financial Implications

None anticipated

Strategic Implications

The modifications to the Scheme as sought will assist in achieving the focus as stated in the Shire’s Strategic Plan 2007-2011:

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

Voting Requirement

Simple Majority Required

Additional Information - (This is the additional info that sums up the change).

Mr Rob Paull announced at the meeting that a submission from DSD had just been received offering no objection to the Amendment, but recommending a modification to the use class table of the Scheme text to enable consideration of 'transient workforce accommodation' in the Commercial and Civic zone. This is an appropriate modification.

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Thomas

That Council remove Onslow from the Town Planning Scheme Amendment and develop a Town Planning Scheme Amendment to deal only with Onslow Issues.

LOST 5/4

Reason: The planning issues in Onslow at this time are so complex it would be appropriate to have a separate Planning Scheme Amendment that only deals with Onslow Issues.

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council:

1. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 14 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:

1. Modifying Clause 6.10 of the Scheme by inserting the following clause:

"6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:

- a) the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;*
- b) the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
- c) a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*
- d) connection to reticulated sewer, water, and power is available; and*
- e) where the development is of a permanent nature and where dongers and transportable buildings or structures of any description are not proposed.*

6.10.5 Where in the opinion of the Local Government any of the provisions of Clause

6.10.4 are not met, transient workforce accommodation is prohibited."

2. Amending the zoning table as follows:

Identifying '*Transient Workforce Accommodation*' as an 'A' use class in the 'Commercial and Civic' zone.

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that Amendment No. 14 be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*.

3. Council adopts draft *Local Planning Policy - Assessment of Applications under*

Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7 as a draft Local Planning Policy under the provisions of clause. 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme concurrently with the advertising of draft Amendment No. 14.

4. That following advertising of the draft Amendment No. 14 and draft *Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7*, the matters be referred back to Council for consideration.

CARRIED 5/4

13.06.40 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT LOT 27 WILLOW ROAD (CORNER EAST ROAD), TOM PRICE

FILE REFERENCE:	WL.27
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	6 June 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton is proposing to construct a 7 bedroom, 6 bathroom 'residential building' at Lot 27 Willow Road (corner East Road), Tom Price. The purpose of the building is to accommodate Shire staff.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential R 20. A 'residential building' is a land use in the zone that Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and no objections were received.

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

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

Background

On 23 September 2010 State Land Services approved a change of use of Reserve 39500 (Lot 27 Willow Road, Tom Price) to 'Staff Accommodation' with a Management Order issued in the favour of the Shire of Ashburton.

Lot 27 Willow Road, Tom Price is located on the corner of Willow Road and East Road, and has an area of 898m². The site is a vacant lot and contains no vegetation of any significance. One large palm tree on the site is to be transported to another location. The site has frontage to both Willow Road and East Road, both of which are bituminised public roads. Driveway and parking access is proposed to be from East Road.

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

Proposal

The Shire is proposing to construct a 7 bedroom, 6 bathroom residential building at Lot 27 Willow Road (corner East Road), Tom Price. The purpose of the dwelling is to accommodate Shire staff.

The building is a residential style dwelling consisting of 7 bedrooms, 6 ensuites, large open plan living, kitchen, laundry and alfresco. The building is of 'pre-fabricated' construction and intended to complement the Pilbara climate and style. The dwelling is proposed for immediate construction, with completion due in November 2011. In support of the Application, the Applicant notes:

"The Shire requires the development to address a dire shortage of accommodation available to its staff. This has affected the Shire's ability to attract and retain key personnel vital to the management of its operations."

Comment

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

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

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

Residential building means:

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

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

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

The subject land is zoned Residential in the Local Planning Scheme No. 7 ('Scheme') with an R Coding of 10. Within such a zone a Residential Building is a 'D' use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and no objections were received.

Details

- i) The proposed building has a total floor area of 364.3m² (including verandahs).
- ii) Site Area: 898m²

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- iii) Setbacks: Willow Road – 4.0m.
East Street –5.09m to verandah (7m to wall)
Southern Side boundary – 13m to building
Western Side boundary – 1m to verandah (3m to wall)
- iv) Gross floor area: 364m²
- v) Plot Ratio: 0.4
- vi) Elevations: Single storey building to be constructed and externally clad.
- vii) Car Parking: Spaces required:

One per every two sleeping units, plus two per every seven units for visitors and staff	5.5
Spaces provided	7 (including disabled parking bay)

- viii) Landscaping: Indicative only.

Copies of plans and elevations of the proposed development are attached.

ATTACHMENT 13.06.40

Setbacks from boundaries generally comply with the R Codes, however the verandah setback to the western boundary will need to set back 1.5m (1m shown) from the adjoining boundary. The proposal provides privacy to both the occupants of the house and neighbouring residents.

Planning Policy

The proposal has been assessed under the provisions of Council Policy *PLA10 – Non-Residential Land Users in Residential Areas*.

While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria:

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

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

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

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

Location

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

Residential Amenity

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

Noise Generation

Noise made by residents has the greatest potential to impact on the amenity of the local area. This is the case the establishment will be managed by the Shire. Although vehicles with operating audible reversing warning systems are not anticipated, any approval should prohibit such systems.

Essential Services and Waste Disposal

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

Traffic Implications

The plans submitted with the Application depict seven (7) car parking spaces although in accordance with the Scheme, only 5.5 spaces would be required. While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

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

Building Design

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

Statutory Environment

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

Policy Implications

Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings' is relative to this application.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED:

Cr Bloem

That Council:

1. Approve Planning Application made by the Shire of Ashburton to develop and use the existing dwelling Lot 27 Willow Road (corner East Road), Tom Price for the purposes of a residential building subject to the following conditions:

- a. The development shall comply with the Shire of Ashburton's Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.**
- b. Prior to the issue of a building licence, plans shall be submitted showing the following:**
 - i) The verandah setback to the western boundary shall be set back 1.5m from the adjoining boundary.**

Details to be submitted with the building licence application.

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

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

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

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

- d. All car parking generated by the use shall occur within the boundaries of the property.
- e. Prior to occupation of the residential building, smoke alarms along with emergency response plans (i.e. fire escape route maps, evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling.
- f. Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location and:
- species of all trees to be removed and / or retained;
 - type of fencing to be installed;
 - of reticulation to be installed; and
 - type of paving to be installed.

The Plan should also include a plant schedule nominating each species, the spacings of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity.

The Plan should identify and include any adjoining road verges.

- g. Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the use and thereafter maintained to the satisfaction of the Shire of Ashburton.

Note:

Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

CARRIED 9/0

13.06.41 REVISED LOCAL PLANNING POLICY – DESIGN GUIDELINES FOR THE TOM PRICE TOWN CENTRE FOR ADOPTION

FILE REFERENCE: PS.DV.11

AUTHOR'S NAME AND POSITION: Rob Paull
Council's Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 6 June 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.02.05 Ordinary Meeting of Council 16 February, 2011

Summary

At Council meeting of 16 February 2011, Council resolved to adopt for community consultation, revised "*Local Planning Policy - Design Guidelines for the Tom Price Town Centre*" in light of the Tom Price Revitalisation program. The revised Policy before Council took into account the assessment of the architects and consultant planners associated with the Revitalisation program and clarified that zero or nil setbacks to streets would not be supported. The revised Policy includes the following:

"Nil or zero setbacks will not be supported where the building abuts a road or access way."

The revised Policy was referred to land owners in the Tom Price Centre as well as published in the Pilbara News (twice) along with notification at the Shire offices and Shire Website. One submission was received from planning consultants representing the landowner of Lot 1 Stadium Road, Tom Price. The submission objects to the above statement and requests that the revised draft be modified to allow zero lot line development in the Town Centre. Coincidentally, the land owner has lodged an application with the Shire that provides for a zero setback development.

The submission draws to the attention of Council, that local governments such as Subiaco, Rockingham and Mandurah as well as the Shire of Roebourne (Karratha) all support the use of zero lot line development in town centres. The Schedule attached to this report addresses the submission and acknowledges the need for some amendment prior to adoption. It is recommended that the revised "*Local Planning Policy - Design Guidelines for the Tom Price Town Centre*" be modified in part to reflect the submission by modifying the wording to read:

"Nil or zero setbacks will not normally be supported where the building abuts a road or access way.

Any proposal that seeks nil or zero setbacks will need to clearly demonstrate in the proposal how such setbacks will achieve the overall objectives of the Policy and add to the unique character of the town site"

Comment

At its Ordinary Meeting of Council on 16 February, 2011, Council adopted the revised “*Local Planning Policy - Design Guidelines for the Tom Price Town Centre*” that addressed the direction defined by Revitalisation architects (Roxby Architects) and town planners (TPG). The Shire’s input was to clarify that zero or nil setbacks to streets need to be carefully managed and that awnings over footpaths will be to Council’s requirements.

ATTACHMENT 13.06.41A

Pursuant to the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’), the revised Policy was referred to land owners in the Tom Price Centre as well as two notices in the Pilbara News. It was also displayed on Council notice boards in Tom Price, Paraburdoo, Onslow and Pannawonica as well as the Shire’s Website.

One submission has been received from planning consultants representing the landowner of Lot 1 Stadium Road, Tom Price which request that the revised draft be modified to allow zero lot line developments (i.e. no set back to road reserves) in the Town Centre. Coincidentally, the land owner has lodged an application that provides for a zero lot line development.

The submission draws to the attention of Council that local governments such as Subiaco, Rockingham and Mandurah as well as the Shire of Roebourne (Karratha) all support the use of zero lot line development and in part, notes as follows:

“..... the inclusion of this development guideline has failed to consider the positive impacts that nil or zero setbacks can have relative to the revitalisation of a town centre. Further to this, it is apparent from a review of state planning policies and other town centre revitalisation policies that this policy has failed to represent the current trend of nil setbacks within town centre.”

Importantly for Tom Price, the incorporation of nil setbacks can aid in climate responsive urban design. Together this will contribute to creating a livelier and safer street amenity specifically during the hot, humid and wet summer months.”

The submission is reproduced (in its entirety) in Schedule 1 to this Report. This Schedule addresses the submission and acknowledges the need for some amendment prior to adoption.

ATTACHMENT 13.06.41B

It is recommended that the revised “*Local Planning Policy - Design Guidelines for the Tom Price Town Centre*” be modified in part to reflect the submission by modifying the wording to read:

“Nil or zero setbacks will not normally be supported where the building abuts a road or access way. Any proposal that seeks nil or zero setbacks will need to clearly demonstrate in the proposal how such setbacks will achieve the overall objectives of the Guidelines and add to the unique character of the town site.”

Consultation

Chief Executive Officer

Tom Price Town Revitalisation Project Manager

The public consultation provisions of the Scheme have been observed.

Statutory Environment

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

Policy Implications

This policy initiative which will strengthen the policy framework, provide a basis for planning assessment and ensure a consistent approach to planning application in the Tom Price Centre.

Financial Implications

None anticipated

Strategic Implications

None anticipated

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Corker

That Council:

1. **Adopt “*Local Planning Policy - Design Guidelines for the Tom Price Town Centre*” as amended (ATTACHMENT 13.06.41A) as a Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No.7 (‘Scheme’).**
2. **Give public notice of Council’s decision as is required by the Scheme**
3. **Advise the author of the submission of Council’s decision.**

CARRIED 9/0

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13.06.42 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/11	13.05.27	Further Report – Implementing Development Panels for Local Government in Western Australia	That Council: 1. In addition to the nomination of Councillors Musgrave and White as the Shire's local government representatives to the relevant Development Assessment Panel, nominate Councillors Dias and Wright as the alternative representatives.	Nominations sent to the Department of Planning. No further action required. (June 2011)
2	05/11	13.05.28	Development Application – 251 Person Transient Workers Accommodation Facility on Special Lease 3116 – 4627 Deepdale Road, Pannawonica	That Council: 1. Approve the development application made by RTIO Pty Ltd for a 251 Person Transient Workers Accommodation Facility on Special Lease 3116-4627, Deep Dale Road, Pannawonica Shire of Ashburton in accordance with the endorsed plans, subject to the following conditions: a) A Building Licence for the development should be obtained prior to May 18, 2013. This Planning Consent lapses if a Building Licence for the development has not been obtained by May 18, 2013. Further to this, if the development is not substantially commenced in accordance with the Building Licence by May 18, 2013, then this Planning Consent lapses at that date. b) The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy – “ <i>Transient Workforce Accommodation</i> ”, the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws. c) Plans 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. d) Prior to occupation and use of the village the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the Scheme. The agreement shall require the use of the structures to cease by 31 December 2020 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days.	Planning Approval prepared and sent to the Applicant. No further action required. (June 2011)

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>e) Vehicle parking, crossovers to Deep Dale Road, manoeuvring and circulation areas shall be suitably constructed, drained, sealed, kerbed, maintained and marked to the specifications and satisfaction of the Shire of Ashburton.</p> <p>f) Parking spaces, shall have dimensions of at least 5.5 metres by 2.5 metres with a 6 metre wide access way.</p> <p>g) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location:</p> <ul style="list-style-type: none"> • location and species of all trees to be removed and / or retained; • the location and type of fencing to be installed; • the location and type of reticulation to be installed; and • the location and type of paving to be installed. <p>The Plan should also include a plant schedule nominating each species, the spacing of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The Plan should identify and include any adjoining road verges. The Plan must be submitted and approved prior to the issue of a building licence. In relation to the a landscape assessment, the Applicant shall determine the extent of visibility the buildings will have from the Deep Dale Drive and recommend suitable means (if any) by which the buildings do not dominate the landscape.</p> <p>i) Landscaping and reticulation to be installed within 12 weeks of the use commencing or occupation of the development and thereafter maintained to the satisfaction of the Shire of Ashburton.</p> <p>j) The design and layout of the buildings shall be consistent with the provisions of the Residential Planning Codes.</p> <p>2. Advise the applicant as follows:</p> <p>I. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).</p> <p>II. The Application for 251 rooms exceeds the “<i>Transient Workforce Accommodation</i>” Policy provision of 200 rooms. However in this</p>	

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>instance and because it specifically relates to the operation of Mesa A mine, Council has agreed to approve the development.</p> <p>III. The issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.</p> <p>IV. Further Building and Health consent will be required for the use and development of the 'permanent 'and temporary 'Accommodation Units.</p> <p>V. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site http://www.dia.wa.gov.au/Heritage/default.aspx.</p> <p>VI. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.</p> <p>VII. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting http://www.deh.gov.au/epbc/assessmentsapprovals/index.html.</p>	
3	05/11	13.05.29	Development Application – Coastal Water Project (Various Crown Land and Crown Reserves) Pannawonica	<p>That Council:</p> <p>1. Approve the development application made by RTIO Pty Ltd for water supply infrastructure ('Coastal Water Project') sited on various Crown land and Crown reserves and located approximately 48 kilometres south-east of Pannawonica and extended 87 kilometres in a north easterly direction towards Millstream Pannawonica Shire of Ashburton in accordance with the endorsed plans, subject to the following condition:</p> <p>a) This Planning Consent lapses if the development has not substantially commenced by 18 May 2013.</p>	<p>Planning Approval prepared and sent to the Applicant.</p> <p>No further action required. (June 2011)</p>

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				<p>2. Advise the applicant as follows:</p> <ul style="list-style-type: none"> I. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017). II. It is noted that the proposed route of the pipeline will be within some road reserve areas. In this regard, reinstatement of any affected Shire roads along with traffic management of construction operations will be required. In this regard, RTIO should be advised that consent from the Shire for access to the road reserves will be required. In this regard, please contact the Executive Manager, Engineering Services on 91884444 for further information. III. The issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed. IV. Further Building consent will be required for the construction of buildings. V. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site http://www.dia.wa.gov.au/Heritage/default.aspx. VI. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au. VII. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting 	

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				http://www.deh.gov.au/epbc/assessmentsapprovals/index.html .	
4	05/11	13.05.30	Development Application – Marandoo Water Pipeline & Associated Infrastructure (Various Crown Land and Crown Reserves) Hamersley Pastoral Station (PL 3114 1277), Tom Price	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approve the development application made by RTIO Pty Ltd for water supply infrastructure ('Marandoo Water Pipeline' project) sited on various Crown land and Crown reserves within Hamersley Pastoral Station (PL 3114 1277) and located approximately 20 km north east of the Tom Price townsite, Shire of Ashburton in accordance with the endorsed plans, subject to the following condition: <ol style="list-style-type: none"> a) This Planning Consent lapses if the development has not substantially commenced by May 18, 2013. 2. Advise the applicant as follows: <ol style="list-style-type: none"> I. Council strongly recommends that adequate crossing points be provided to ensure stock and fauna movement. Council has expressed a preference that the pipeline be undergrounded where possible. II. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017). III. The issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed. IV. Further Building consent will be required for the construction of buildings. V. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site http://www.dia.wa.gov.au/Heritage/default.aspx. VI. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in 	<p>Planning Approval prepared and sent to the Applicant.</p> <p>No further action required. (June 2011)</p>

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				<p>accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.</p> <p>VII. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting http://www.deh.gov.au/epbc/assessmentsapprovals/index.html.</p>	
5	05/11	13.05.31	Draft Local Planning Scheme Amendment No. 14 and Draft Local Planning Policy for Advertising	<p>That Council:</p> <ol style="list-style-type: none"> 1. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 14 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes: <ol style="list-style-type: none"> 1. Modifying Clause 6.10 of the Scheme by inserting the following clause: <p><i>“6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:</i></p> <ol style="list-style-type: none"> a) <i>the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;</i> b) <i>the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;</i> c) <i>a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;</i> d) <i>connection to reticulated sewer, water, and power is available; and</i> e) <i>where the development is of a permanent nature and where dongers and transportable buildings or structures of any description are not proposed.</i> 6.10.5 <i>Where in the opinion of the Local Government any of the provisions of Clause</i> 	<p>Due to the submitted rescission motion, the CEO directed that the Council resolution not be acted upon until the matter is determined at the June Council meeting</p> <p>No further action required. (June 2011)</p>

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				<p><i>6.10.4 are not met, transient workforce accommodation is prohibited.”</i></p> <p>2. Amending the zoning table as follows: (b) Identifying ‘<i>Transient Workforce Accommodation</i>’ as an ‘A’ use class in the ‘Commercial and Civic’ zone.</p> <p>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 Amendment No. 14 be advertised for a period of 42 days, in accordance with the <i>Town Planning Regulations 1967</i>.</p> <p>6. Council adopts draft <i>Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7</i> as a draft Local Planning Policy under the provisions of clause. 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme concurrently with the advertising of draft Amendment No. 14.</p> <p>7. That following advertising of the draft Amendment No. 14 and draft <i>Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7</i>, the matters be referred back to Council for consideration.</p>	
6	05/11	13.05.32	Proposed Holiday Accommodation (9 Units), Vacant Land (Lot 308) Corner of First Avenue and Simpson Street, Onslow	<p>That Council:</p> <p>1. Approve the development application made by Bachkit Australia Pty Ltd for land at Lot 308 Corner of Second Avenue and Simpson Street Onslow to construct and use for the purposes of a ‘holiday accommodation’ generally in accordance with the submitted plans, subject to the following conditions and foot notes:</p> <p>a) The use shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the holiday accommodation, to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton. A building licence shall not issue until written confirmation from Water Corporation is provided to the Shire that a full reticulated water service to the site is available.</p> <p>b) A building licence for the development should be obtained prior to 15 May 2016 . This Planning Approval lapses if a building licence for the development has not been obtained by 15 May 2016. Further to this, if the development is not substantially commenced in accordance with the building licence by 15 May 2016 and a reticulated water supply is not</p>	<p>Planning Approval prepared and sent to the Applicant.</p> <p>No further action required. (June 2011)</p>

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				<p>available to service the development by this date, then this Planning Approval lapses at that date.</p> <p>c) With the permission of the Shire of Ashburton, this Planning Approval may be extended.</p> <p>d) Unless with the written consent of the Council, the car parking and landscaping shall be completed to the satisfaction of the Shire prior to the occupation of the 'holiday accommodation'.</p> <p>e) Prior to the issue of a building licence, plans shall be submitted showing:</p> <ul style="list-style-type: none"> i) twelve onsite car parking spaces to the requirements of the Shire of Ashburton (see note (ii)); ii) manager's unit for a ground floor unit unless an agreement subject to Condition f is undertaken with the Shire of Ashburton. <p>f) Prior to the issue of a building licence, the Applicant shall enter into a written agreement with the Shire of Ashburton for:</p> <ul style="list-style-type: none"> i) sealing the length of the ROW from the nearest adjoining road to the crossover at the rear of Lot 308; and ii) management arrangement with the owner of Lot 309 for the management operation for both Lot 308 and 309 that will be in perpetuity over both lots. <p>All costs associated with the sealing of the ROW along with Shire legal costs for the agreement shall be at the expense of the Applicant.</p> <p>g) Plans submitted with the building licence are to be generally in accordance with plans submitted show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.</p> <p>h) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.</p> <p>i) The use of transportable buildings in the development in any form is not permitted.</p> <p>j) The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing to adjoining land shall consist of appropriate acoustic materials, a minimum 1.8 metres in height (above 5AHD) and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application.</p> <p>k) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building</p>	

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				<p>licence application.</p> <p>l) The uses when established shall at all times comply with the definition of 'holiday accommodation' as contained within the Scheme as follows: <i>"any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for two or more movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding Bed/Breakfast facilities (which are within the definition of home business), hotel and motel"</i>.</p> <p>m) A geotechnical report covering the development area being prepared by the Applicant at the Applicant's cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.</p> <p>n) Compaction and stabilisation must be carried out to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.</p> <p>o) The meeting room shall only be used by occupiers of the facility and their guests. Should the use of the meeting room generate off site impacts due to parking concerns, Council reserves the right to direct that the meeting room only be used by occupiers of the facility.</p> <p>p) All loading/unloading of vehicles is to be conducted within the site at all times.</p> <p>q) No outside storage of goods.</p> <p>r) The finished lower floor levels of the proposed buildings must be a minimum of 5.0 metres above AHD. Evidence to this requirement from a practising registered surveyor must be submitted with the building application.</p> <p>s) Prior to the occupation of the use, the provision on-site of not less than the required parking bays as defined under the Scheme shall be undertaken by the Applicant. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] to be designed, constructed, sealed, drained, marked and thereafter maintained to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.</p>	

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				<p>t) Plans 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.</p> <p>u) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location and:</p> <ul style="list-style-type: none"> • species of all trees to be removed and / or retained; • type of fencing to be installed; • of reticulation to be installed; and • type of paving to be installed. <p>The Plan should also include a plant schedule nominating each species, the spacings of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The Plan should identify and include any adjoining road verges. The Plan must be submitted and approved prior to the issue of a building licence.</p> <p>v) Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the use and thereafter maintained to the satisfaction of the Shire of Ashburton.</p> <p>w) The provision of a suitably screened bulk bin area/s for refuse to the specifications and satisfaction of the Shire of Ashburton prior to occupation of the development. Details to be submitted with the building licence application.</p> <p>x) The development being connected to a reticulated water supply or other alternative to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development.</p> <p>y) The development being connected to a reticulated deep sewer to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development. Full plumbing details must be submitted with the building licence application.</p> <p>z) No room (other than manager's room) is to be occupied by any person for more than 3 months within any 12 month period. In that regard, the manager / operator are to maintain a register of guests which is to be made available for perusal by Shire of Ashburton officers on demand.</p> <p>aa) The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events.</p>	

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				<p>Advise the Applicant as follows:</p> <ul style="list-style-type: none"> i) This Planning Approval is issued with the knowledge that a reticulated water supply for the use is currently not available. It is issued with the Applicant's full awareness that such a supply may not be available for many years. The Applicant has advised the Shire that it will not seek a building licence until confirmation from Water Corporation that a full reticulated water service to the site will be available. ii) With respect to the requirement for 12 car parking spaces, the Council will accept the construction of 11 spaces for the development of Lot 308, provided a building licence is sought concurrently with the development of Lot 309 Second Avenue. iii) A condition reflecting the Scheme provision associated with '<i>Onslow Coastal Hazard Areas Special Control Area</i>' has been included (condition <i>aa</i>). However, it is possible that a change of the minimum floor height may result from a review being undertaken by the Department of Planning. While no new figures can be provided at the time of this Planning Approval, it is appropriate that prior to building licence, the Applicant has satisfied itself that the minimum floor is based on the best information available at the time of construction. The State and the Local Government Authority are not liable in the event of any damage caused by natural events. iv) The Applicant is advised that the Planning Approval is for the purposes of 'holiday accommodation'. Transient workforce accommodation cannot be given consent by Council on the land as it is prohibited under the Planning Scheme. Transient workforce accommodation is defined as: "<i>dwelling intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas</i>". v) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) that are to be approved by the Shire's Principal Building Surveyor prior to the issue of the Building licence. vi) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they 	

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				<p>comply with the requirements of the Building Code of Australia.</p> <p>vii) The Water Corporation recommends that with respect to the provision of any landscaping in Onslow, the following should be undertaken to ensure the most efficient use of water. The Shire anticipates that this advice will be provided on any approved landscaping plan:</p> <ol style="list-style-type: none"> 1. Appropriate soil amendment / conditioning for the region, which forms the best basis for plants to survive and thrive (depth of 300mm for garden beds) http://www.watercorporation.com.au/W/waterwise_karratha.cfm 2. Waterwise irrigation with improvements in irrigation scheduling and application and use of rain sensors http://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf 3. Adequate mulching to retain moisture (5 to 7.5cm thickness recommended). <p>viii) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.</p> <p>ix) Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).</p>	
7	05/11	16.05.08	Confidential Item – RFT 03/11 Disposal of Lot 604 Rocklea Road, Paraburdoo	<p>That Council approves Better Builders (WA)'s request to change the conditions of sale of Lot 604 Rocklea Road, Paraburdoo with the following conditions:</p> <ol style="list-style-type: none"> 1. Deposit to be increased from \$80,500 to \$125,000 within 10 business days of acceptance of these conditions; 2. The deposit of \$125,000 will not be refundable to the purchaser in the event that the sale is terminated or settlement is unable to take place, and will be paid to the Shire of Ashburton; 3. Additional payment of \$50,000 to be made to the Shire of Ashburton as compensation for deferred settlement, to be payable at the time of settlement; 4. Settlement to take place on 30 June 2012 or 30 days after the property has been rezoned to Residential R50, whichever occurs earlier; 5. Better Builders (WA) to be granted access to the property to enable 	Finalised. Agreed by purchaser.

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				development and construction of the land to commence following satisfaction of conditions 1, 2 and 3; 6. Better Builders (WA) to be responsible for the payment of all rates, taxes, levies and utilities applicable to the property from the date vacant possession is granted.	
8	05/11	16.05.09	Confidential Item – Shire's Nameless Valley Workforce Accommodation Camp	That Council: 1. Note the contents of this Report. 2. Notes that the Chief Executive Officer will lodge an application to the Shire for planning approval to use and develop Lot 26 (gravel reserve) Nameless Valley Road, Tom Price for up to 80 transient workforce accommodation units. 3. Requests the Chief Executive Officer to prepare a report under the normal planning process in relation to 2. above and for the report/application to be referred to Council for determination. 4. Advise RTIO that subject to a planning approval being issued in relation to 2. and 3. above that Council would be prepared to accept its request for use of the accommodation units as outlined in its correspondence of 26 March 2011. 5. Charge a rate of \$115.50 per day, per room for the Shire's Nameless Valley Workforce Accommodation Camp (subject to market variation). An occupant register (notating the company not the individual) is to be maintained.	Chief Executive Officer to lodge an application for planning approval for up to 80 transient workforce accommodation units. No further action required until a Planning Application is lodged. (June 2011)
9	04/11	13.04.19	Native Title Determination Application – LY & Ors v State of Western Australia	That Council resolve to become a party to Native title Determination Application LY and Ors v State of Western Australia (Federal Court Application No – WAD 340/2010).	Ongoing Application sent 4 May 2011. (May 2011)
10	04/11	13.04.20	Draft Town Planning Scheme Amendment No. 13 and Associated Draft Local Planning Policy for Advertising	That Council in Pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 13 ("draft Amendment") to the Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") which proposes: 1. Modifying the existing Residential Planning Code equivalent for land zoned 'Residential' under the Scheme of 'R12.5' for land in Second Avenue, Third Avenue and Hedditch Street, Onslow from R12.5 to 'R20' as set out in the Amendment Map. 2. Modifying Clause 6.6 of the Scheme by inserting the following clause: <i>"6.6.3 Notwithstanding any other provision of the Scheme, on land in</i>	Ongoing Scheme Amendment documents prepared and forwarded to the EPA for assessment. Once a

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				<p><i>Onslow zoned Residential R20 and where reticulated sewerage and reticulated water is available to a lot and where the Applicant has addressed to the requirements of the local government, matters associated with the floodway and development within it:</i></p> <p>(a) <i>the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling subject to formal advertising pursuant to Clause 5.7;</i></p> <p>(b) <i>the local government may for the purposes of urban consolidation, only consent to the development of a vacant lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m² subject to formal advertising pursuant to Clause 5.7; and</i></p> <p>(c) <i>in determining any application lodged pursuant to Sub-Clauses (a) & (b) above the local government shall consider, in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.”</i></p> <p>3. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred back to the Environmental Protection Authority (EPA) as required by Part V of the Act and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.</p> <p>4. That Council adopts <i>draft Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7</i>, (modified to refer to Water Corp’s advice in the report), a draft Local Planning Policy under the provisions of clause 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme concurrently with the advertising of draft Amendment No. 13 to the scheme.</p> <p>5. Following advertising of the draft Amendment No. 13 and draft <i>Local Planning Policy - Assessment of Applications under Clause 6.6.3 of the</i></p>	<p>favourable EPA response has now been received the matter will be advertised for 42 days and then referred back to Council for final consideration. (May 2011)</p>

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				<i>Shire of Ashburton Local Planning Scheme No. 7, the matters be referred back to Council for consideration.</i>	
11	04/11	15.04.02	Chevron Australia's Final Environmental Impact Statement on the Environmental Review and Management Programme for Wheatstone	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note the contents of this Report. 2. Request the Chief Executive Officer: <ol style="list-style-type: none"> i) To write to Chevron Australia seeking a clear and unequivocal statement in relation to the following matters: <ul style="list-style-type: none"> • Whether Chevron Australia is committed to the social and infrastructure development of Onslow? • Whether Chevron Australia agrees and will commit to having the location of the entire Wheatstone operational workforce in Onslow? • Clarification of the following statement on page 241 of Chevron Australia's "Final EIS/Response to Submissions on the ERMP for Wheatstone" - "Chevron is assessing the feasibility of locating a portion of its operational workforce as residents within Onslow with the remaining staff being fly-in-fly-out (FIFO). At present the lack of essential infrastructure at Onslow means it is not feasible to locate the operational workforce in Onslow, and Chevron cannot make a final decision on the location of its operational workforce until there is more information about the future availability of essential infrastructure" and whether Chevron in this statement, is suggesting that the FIFO component of the operational workforce is to be accommodated outside of Onslow (perhaps in the ANSIA)? • Whether Chevron Australia will modify its "Final EIS/Response to Submissions on the ERMP for Wheatstone" to reflect (for example) the following statement in the draft ANSIA Structure Plan: "As discussed within the Structure Plan report, whilst those workers involved in the construction of development within the ANSIA will be housed within Transient Workers Accommodation (TWA), operational staff will be housed in Onslow". (page 31) ii) To write to the EPA advising that Chevron Australia's "Final EIS/Response to Submissions on the ERMP for Wheatstone" does 	Ongoing Correspondence sent to Chevron and EPA. Council will be informed of Chevron's reply (May 2011)

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				not accurately reflect Chevron Australia's stated position to Council on accommodating the Wheatstone operational workforce in Onslow.	
12	03/11	13.03.13	Draft Local Planning Scheme Amendment No. 7 and Draft Local Planning Polity for Advertising	<p>That Council:</p> <ol style="list-style-type: none"> 1. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 12 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by: <ol style="list-style-type: none"> "1. <i>Rezoning Lot 604 Rocklea Road Paraburdoo from 'Public Purposes – Community' reserve to 'Residential' zone with a Residential Planning Code equivalent of 'R 50' as set out in the Amendment Map.</i> 2. <i>Rezoning part Lot 603 Rocklea Road Paraburdoo and Lot 606 You Yi Lane Paraburdoo from 'Community' zone to 'Residential' zone with a Residential Planning Code equivalent of 'R 50' as set out in the Amendment Map.</i> 3. <i>Modifying the existing Residential zone Residential Planning Code for part Lot 603 Rocklea Road Paraburdoo to R50' as set out in the Amendment Map."</i> 2. Adopts draft 'Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo' as a draft Local Planning Policy under the provisions of clause 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 and it be advertised in accordance with clause 2.3.1 of the Scheme concurrently with the advertising of draft Amendment No. 7. 3. That following advertising of the draft Amendment No. 7 and draft 'Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo', the matters be referred back to Council for consideration. 	Ongoing Amendment to be advertised from 20 April 2011 for 42 days as resolved by Council. Once advertising is complete, it is anticipated that a further Report will be referred to the July meeting of Council. (May 2011).
13	03/11	13.03.14	Draft Local Planning Scheme Amendment No. 12 (consideration for adoption for final approval) and adoption of draft Local Planning Policy.	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period: – <ol style="list-style-type: none"> i) Adopt for final approval, draft Amendment No. 12 ("Amendment") to the Shire of Ashburton Local Planning Scheme No. 7 ("Scheme"), which proposes to modify Clause 6.6 of the Scheme by inserting the following clauses: 	Ongoing Scheme Amendment forwarded to the WAPC and Minister for Planning for

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				<p>“6.6.2 <i>Notwithstanding any other provision of the Scheme, where reticulated sewerage and water is available to a lot in Tom Price and Paraburdoo:</i></p> <p>(a) <i>the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a lot comprising not less than 874m², with a minimum site area of 437m² per grouped dwelling, within any area coded R20 or greater on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;</i></p> <p>(b) <i>subject to Sub-Clauses (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m² within any area coded R20 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;</i></p> <p>(c) <i>subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R40 on a lot greater than 1,500m² within any area coded R30 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7; and</i></p> <p>(d) <i>in determining any application lodged pursuant to Sub-Clauses (a), (b) & (c) above, the local government shall consider in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.”</i></p> <p>ii) Endorse the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 12.</p> <p>iii) Refer Amendment No. 12 to the Shire of Ashburton Local Planning Scheme No. 7, so adopted for final approval to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</p> <p>iv) That, where notification is received from the Western Australian Planning</p>	final approval. (May 2011)

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				<p>Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.</p> <p>2. That with respect to draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i>, Council:</p> <p>i) note the submission received during advertising and adopts draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i>;</p> <p>ii) modify draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i> as discussed in this Report and as included in Attachment 3 to the Report; and</p> <p>iii) adopt draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i> as a Local Planning Policy under the provisions of clause. 2.3 of Shire of Ashburton Local Planning Scheme No. 7.</p> <p>3. The Chief Executive Officer be requested to advertise draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i> after the Minister for Planning favourably determines draft Amendment No. 12.</p>	
14	03/11	13.03.15	<p>Implementation of Draft Onslow Aerodrome Master Plan as follows:</p> <ul style="list-style-type: none"> ▪ Initiation of draft Local Planning Scheme Amendments No's 15 and No 16 – to rezone certain portions of Lot 16 on deposited plan 161140, Onslow Road, Onslow (Onslow Airport) from public purposes 'Airport' reserve to 'mixed business' zone. 	<p><i>Draft Amendment No. 15</i></p> <p>1. That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 15 ("draft Amendment No. 15") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:</p> <ol style="list-style-type: none"> 1. To rezone Lot 16 on Deposited Plan 161140, Onslow Road, Onslow (portion of Onslow airport) from 'Public Purposes – Airport' reserve to 'Mixed Business' zone as set out in the Amendment Map. 2. Modifying the zoning table as follows: Identifying 'Aerodrome' as a 'D' use class in the 'Mixed Business' zone. 3. That, as the draft Amendment No. 15 is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary 	Ongoing Amendment documents currently being prepared and when the environmental and design information is available, the Amendments will be forwarded to the EPA as per

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			<ul style="list-style-type: none"> ▪ Preparation of a Draft Development Plan. ▪ Proposed subdivision application to the WAPC 	<p>documentation, the draft Amendment No. 15 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 to consider whether the Amendment will further pursued.</p> <p>4. That following response from the EPA in accordance with part 3. above, the matter be referred back to Council for further consideration</p> <p><i>Draft Amendment No. 16</i></p> <p>2. That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 15 ("draft Amendment No. 16") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:</p> <ol style="list-style-type: none"> 1. To rezone Lot 16 on Deposited Plan 161140, Onslow Road, Onslow (portion of Onslow airport) from 'Public Purposes – Airport' reserve to 'Mixed Business' zone as set out in the Amendment Map. 2. That, as the draft Amendment No. 16 is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment No. 16 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 to consider whether the Amendment will further pursued. 3. That following response from the EPA in accordance with part 2. above, the matter be referred back to Council for further consideration. <p><i>Draft Development Plan</i></p> <p>3. That Council request the Chief Executive Officer to make appropriate arrangements to prepare a draft 'development plan' based on draft Onslow Aerodrome Master Plan and the attachments referred to in this Report and for the draft 'development plan' to be referred to the EPA for environmental assessment in association with draft Scheme Amendment No. 15 and draft Scheme Amendment No. 16.</p>	Council decision. (May 2011).

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p><i>Subdivision Application</i></p> <p>4. That Council delegate Chief Executive Officer authority to prepare and lodge an application for subdivision approval from the WAPC based on the concept of Precinct 1 as defined draft Onslow Aerodrome Master Plan at a time of his choosing.</p>	
15	03/11	15.03.01	Proposed closure and transfer of portion of un-named road reserve to Lot 2 Stadium Road, Tom Price and 'cancellation' of portion of un-named Mall Reserve, Tom Price.	<p>1. That Council:</p> <ul style="list-style-type: none"> a) Close 100m² portion of unnamed road reserve for transferral to Lot 2 Stadium Road Tom Price in compliance with Section 58 of the Land Administration Act 1997, in accordance with ATTACHMENT b) Advertise the closure and transfer referred to in 1a) above in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment, pursuant to Section 58 of the Land Administration Act 1997. c) Require that should any objection be received in response to the statutory advertising of the proposed closure or the property transferral, that it be referred back to the Council for consideration. d) Note that providing no objections are received from the public in relation to the proposed road closure and transferral, request the Chief Executive Officer to submit to the Minister for Lands a request to close the portion of un-named road reserve for transferral to Lot 2 Stadium Road Tom Price in accordance with ATTACHMENT 15.03.01. <p>2. That Council:</p> <ul style="list-style-type: none"> a) Cancel the 426m² portion of unnamed mall reserve in compliance with Section 62 of the Land Administration Act 1997, in accordance with ATTACHMENT 15.03.01. b) Request the Chief Executive Officer to advertise the cancellation referred to in 2a) above in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment, pursuant to Section 62 of the Land Administration Act 1997. c) Pursuant to Section 59(2) of the Land Administration Act 1997, request the Chief Executive Officer to send copies of the advertisement referred to in 2a) above to the holders of the freehold in, and occupiers of, land adjoining the land in question, to suppliers of public utility services on the land in question and to the Planning Commission, and specify in that advertisement a period of not less than 35 days from the day of that advertisement during which submissions relating to the request may be lodged with the Shire. d) Require that should any objection be received in response to the 	<p>Ongoing Advertising undertaken as resolved by Council.</p> <p>A further report to Council is not required as no submissions were received. Correspondence seeking closure of Road Reserve and cancellation of the Mall Reserve sent to the Minister for Lands</p> <p>(June 2011 meeting).</p>

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>statutory advertising of the proposed cancellation that it is referred back to the Council for consideration.</p> <p>e) Note that providing no objections are received from the public to the cancel the 426m² portion of unnamed mall reserve, request the Chief Executive Officer to submit to the Minister for Lands a request to cancel the 426m² portion of unnamed mall reserve in accordance with ATTACHMENT 15.03.01.</p>	
16	02/11	13.02.04	Revised Local Planning Policy – Transient Workforce Accommodation	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt modifications to “<i>Local Planning Policy - Transient Workforce Accommodation</i>” (LPP13) 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. 	Ongoing Advertising undertaken as resolved by Council. A further report to Council is anticipated once Amendment NO 13 of supported or otherwise meeting. (June 2011)
17	02/11	13.02.05	Revised Local Planning Policy – Design Guidelines for the Tom Price Town Centre	<p>That Council:</p> <ol style="list-style-type: none"> 4. Adopt modifications to “<i>Local Planning Policy - Design Guidelines for the Tom Price Town Centre</i>” (LPP10) and advertise in accordance with clause 2.31 of the scheme. 5. Subject to no adverse comments being received during the advertising period during 1 above, Council adopt “<i>Local Planning Policy - Design Guidelines for the Tom Price Town Centre</i>” (LPP10) in accordance with provisions of the scheme. 6. Request the Chief Executive Officer to prepare a further report on the matter if any adverse comments are received. 	Ongoing Advertising is being undertaken as resolved by Council. Report prepared for the June meeting of Council (June 2011)
18	12/10	13.12.74	Draft Amendment No. 10 to Planning Scheme No. 7 and Draft Ashburton North	<p>That Council:</p> <ol style="list-style-type: none"> a) Advise Chevron Australia Pty Ltd that: <ol style="list-style-type: none"> i) subject to modifications generally in accordance with Schedule 1 	Ongoing Chevron advised of

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Strategic Industrial Area Structure Plan	<p>attached to this Report (Attachment 13.12.74f) along with an assessment of the impact of lighting and noise at the Ashburton River within the buffer zone from the proposed port and Wheatstone development; and</p> <p>ii) receipt of a revised hydrology assessment prepared to the satisfaction of the Chief Executive Officer;</p> <p>Council is willing to accept the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> as a draft structure plan pursuant to the provisions of the the Shire of Ashburton Local Planning Scheme No. 7 and more specifically, (draft) Local Planning Scheme Amendment No. 9.</p> <p>b) Request Chevron Australia Pty Ltd to undertake the modifications as included in Schedule 1 and any modifications an outcome of the revised hydrology assessment along with any other modifications identified by the Chief Executive Officer as being appropriate and then refer the document back to the Shire.</p> <p>c) Advise Chevron that in relation to the modifications sought in 1 above, it should not be construed that further changes to the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> will not be required as an outcome of the referral of draft Scheme Amendment No. 10 and further assessment of information received.</p> <p>DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 10</p> <p>1. That the Council in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> ("Act"), initiate Scheme Amendment No. 10 to the Shire of Ashburton Local Planning Scheme No. 7 by:</p> <p>a. Rezoning portion of Part Lot 152 and Part Lot 153 Onslow Road, Unallocated Crown Land Lot 238 and portion of Part Unallocated Crown Land Lots 301 and 302 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve.</p> <p>b. Rezoning Part Lot 152 Onslow Road from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.</p> <p>c. Inserting into Schedule 2 the following:</p>	<p>Council's decision. The Scheme Amendment documents were prepared and forwarded to the EPA for assessment on 23 December, 2010. The respective agencies were provide with a copy of the Amendment and appendices and asked for comment.</p> <p>EPA advise that formal environmental assessment is not required.</p> <p>Matters associated with corridor access, infrastructure contributions and Hooleys Creek are still outstanding.</p> <p>Further Report</p>

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision				Current Status
				No.	Description of Land	Special Use	Conditions	
				2.	Portion of Ashburton Location 153, Onslow Road	Transient Workforce Accommodation	<ol style="list-style-type: none"> 1. Land use and development shall generally be in accordance with a Structure Plan and Development Plan approved by the local government and the Western Australian Planning Commission which addresses those matters defined in Clause 7.9 and Appendix 11 as it relates to the Ashburton North Strategic Industrial Area and specifically, provides details on the layout, staging, operational period of the use, accommodation of operational workforce, transport, access, landscaping, management and environmental issues associated with the development and the use of the land. 2. All transient workforce accommodation shall be considered a 'D' use under the Scheme. 3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or maintenance of those uses and developments approved in writing by the local government. 4. Transient workforce 	to Council in June Agenda concerning AM 10 and ANSIA Structure Plan (June 2011)

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision			Current Status
						<p>accommodation for operational purposes of any use or development is prohibited.</p> <p>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.</p>	
				<p>2. 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.</p> <p>3. The initiation of draft Amendment No. 10 as referred to in 1. above is subject to the following being undertaken prior to the referral of draft Amendment No. 10 to the EPA (as referred in 2. above):</p> <p style="padding-left: 20px;">a. Gazettal of Amendment No. 9 to the Shire of Ashburton Local Planning Scheme No.7; and</p> <p style="padding-left: 20px;">b. the proponent undertaking the modifications to draft Local Planning Scheme Amendment No. 10 generally in accordance with those included as Schedule 2 (Attachment 13.12.74g), the modifications the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> (Attachment 13.12.74f) and any other modifications identified by the Chief Executive Officer as being appropriate.</p>			

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>4. 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.</p> <p>5. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:</p> <ul style="list-style-type: none"> • Dampier Port Authority • Department of Environment and Conservation • Department of Main Roads WA • Department of Planning • Department of Regional Development and Lands • Department of State Development • Department of Water • Landcorp. <p>6. That following response from the EPA in accordance with Part 2 above and response from agencies in accordance with Part 5, the Chief Executive Officer in preparing a further Report to Council on the matter be requested to address (but not be limited to) the following:</p> <ol style="list-style-type: none"> a) responses from the EPA and agencies; b) the issue of unencumbered access to the Multi-User Access and Infrastructure Corridor; c) clarification on the impacts of the proposed port and Wheatstone proposal on unrestricted access to Hooleys Creek; and d) progress on the separate agreement for infrastructure in Onslow with the Shire and Chevron Australia Pty Ltd (as referred to in Chevron's correspondence of 7 December). e) assess the impact of lighting and noise at the Ashburton River within the buffer zone from the proposed port and Wheatstone development. <p>7. Advise Chevron Pty Ltd that in relation to Council initiating draft Scheme Amendment No. 10 and the modifications sought in Schedule 2 (Attachment 13.12.74f and Attachment 13.12.74g), it should not be construed that further changes will not be required as an outcome of referral and further assessment of information received.</p>	
19	12/10	13.12.75	Draft Planning Scheme Amendment No. 11 to	That Council, the Council in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> ("Act"), initiate draft Amendment No. 11 ("draft	Ongoing Scheme

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Rezone Onslow Strategic Industrial Zone to Rural, Delete Onslow Strategic Industrial Buffer Area and Draft Local Planning Policy for the Development of the Land	<p>Amendment") to Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") that proposes to:</p> <p>f. Rezone Part Location 303, Onslow Road, Onslow from 'Strategic Industrial zone to 'Rural' zone.</p> <p>g. Modify the Scheme Maps accordingly.</p> <p>h. Modify Clause 7.1 of the Scheme to delete reference to 'Onslow Strategic Industrial Buffer' and for Clause 7.1 to read as follows:</p> <p style="padding-left: 40px;"><i>"7.1 Operation of Special Control Areas</i></p> <p style="padding-left: 80px;"><i>7.1.1 The following special control areas are shown on the Scheme map:</i></p> <p style="padding-left: 120px;"><i>(a) Tidal Inundation Areas</i></p> <p style="padding-left: 120px;"><i>(b) Onslow Coastal Hazard Area</i></p> <p style="padding-left: 120px;"><i>(c) Onslow Airport Height Restrictions Area</i></p> <p style="padding-left: 120px;"><i>(d) Cane River Water Reserve Area</i></p> <p style="padding-left: 120px;"><i>(e) Turee Creek, Mt Lionel and Mt Stevenson Borefields</i></p> <p style="padding-left: 120px;"><i>(f) Wittenoom</i></p> <p style="padding-left: 120px;"><i>(g) Ashburton North Strategic Industrial Area"</i></p> <p>4. Modify the Scheme Legend to delete "Onslow Strategic Industrial Buffer – Special Control Area" as set out in the Amendment Legend.</p> <p>5. Modify the Scheme Maps to delete "Onslow Strategic Industrial Buffer – Special Control Area".</p> <p>6. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of 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, be referred back to Council for further consideration.</p> <p>7. That following response from the EPA in accordance with part 4 above, the matter be referred back to Council for further consideration. In preparing a further Report on the matter, the A/Chief Executive Officer be requested to:</p> <p style="padding-left: 40px;">i) address the response from the EPA; and</p> <p style="padding-left: 40px;">ii) provide a draft Local Planning Policy that addresses the need for an overall structure plan for the site along with the preferred uses and request input from the Onslow Recreational Clubs Association in its preparation.</p>	<p>Amendment documents prepared and forwarded to the EPA for assessment. EPA response has now been received and the matter will be referred back to Council for consideration in association with Amendment 10.</p> <p>Further Report to Council in June Agenda concerning AM 10 and ANSIA Structure Plan and AM 11. (June 2011)</p>
20	06/10	13.06.31	Draft Town Planning	1. That the Council, in pursuance of Part V of the <i>Planning and Development</i>	Ongoing

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Scheme Amendment No. 8 –Modifications To Strategic Industrial Zone To Prohibit Transient Workforce Accommodation.	<p><i>Act 2005</i>, adopt draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying the zoning table of the Scheme to read as follows:</p> <p>(a) Identifying Transient Workforce Accommodation as an X use class in the Strategic Industry zone.</p> <p>2. That Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</p> <p>3. That the Council refer the draft Amendment so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</p> <p>That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.</p>	Amendment referred to Western Australian Planning Commission. Await Minister's decision. (Oct 2010) (May 2011)
21	05/08	13.05.23	Council Policy Review – Aboriginal Environment Health Policy.	Directs the Chief Executive Officer to draft a new Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council	Ongoing Close to finalising AEH-Strategy. To be submitted to Council ASAP. (May 2011)

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council note the contents of the Development Services Decision Status Report and attached Scheme Amendments Report. ATTACHMENT 13.06.42.

CARRIED 9/0

MINUTES – ORDINARY MEETING OF COUNCIL 15 JUNE 2011

14.06.0 WESTERN OPERATIONS REPORTS

14.06.10 WESTERN OPERATIONS DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status																									
ENGINEERING																														
1	03/09	15.03.01	Mosquito Management Plan	That Council 1. Formalise a Mosquito Control Program for the Shire of Ashburton 2. Approve the unbudgeted capital expenditure of \$23,000 on Mosquito Control Program assets	3/06/2011 – Have spoken with EHO this is ongoing.																									
COMMUNITY																														
1	03/11	14.03.04	Multipurpose Centre Gym Operations	That Council: 1. Endorse the opening and Shire operation of the Multipurpose Complex Gym. 2. Adopts the Fees and Charges proposed and that these fees and charges be advertised by Local Public Notice. <i>Proposed Fees and Charges</i> <table border="1" data-bbox="989 885 1822 1182"> <thead> <tr> <th>Type</th> <th>Weekly rate</th> <th>Monthly</th> <th>6 monthly</th> <th>Yearly</th> </tr> </thead> <tbody> <tr> <td>Adult</td> <td>\$45.00</td> <td>\$110.00</td> <td>\$360.00</td> <td>\$485.00</td> </tr> <tr> <td>Concession (Must present pension card)</td> <td>\$30.00</td> <td>\$ 90.00</td> <td>\$320.00</td> <td>\$425.00</td> </tr> <tr> <td>Family</td> <td>-</td> <td>-</td> <td>\$490.00</td> <td>\$615.00</td> </tr> <tr> <td>Lost Swipe Card (Initially supplied with Membership)</td> <td>\$35.00 per replacement card</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> ** Singular visit – flat fee of \$15.00 *** Corporate membership discounts haven't been included in the fees and charges schedule. Business proposing the memberships of 10 or more members will be offered the concession rate per membership sort.	Type	Weekly rate	Monthly	6 monthly	Yearly	Adult	\$45.00	\$110.00	\$360.00	\$485.00	Concession (Must present pension card)	\$30.00	\$ 90.00	\$320.00	\$425.00	Family	-	-	\$490.00	\$615.00	Lost Swipe Card (Initially supplied with Membership)	\$35.00 per replacement card				3/06/2011 Gym open – working on opening celebration with BHP - Finalised
Type	Weekly rate	Monthly	6 monthly	Yearly																										
Adult	\$45.00	\$110.00	\$360.00	\$485.00																										
Concession (Must present pension card)	\$30.00	\$ 90.00	\$320.00	\$425.00																										
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#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
2	03/11	14.03.05	Inclusion of the “Jims Gym” Building and Land into the Onslow Sport Club Lease	That Council endorse the inclusion of the “Jims Gym” land and building into the Onslow Sports Club Lease and accept the resulting legal and survey fees to facilitate this.	5/5/2011 To be initiated
3	02/11	14.02.01	Pannawonica Community Investment	Council resolves to accept the Wandoo offer of reimbursement for monies previously expended \$23,777.00 and redirect the \$50,000.00 towards age appropriate play equipment as required.	Finalised – waiting construction completion.
4	05/10	16.05.06	Draft Ashburton North Community Investment Strategy	That Council support in principle the draft Ashburton North Community Infrastructure Strategy.	3/06/2011 Councillors involved in negotiations
5	04/10	14.04.06	Lot 944 First Street, Onslow Reserve 42626	That Council: (a) call for expressions of interest from the Onslow community to establish an arts and culturally based use for the property 944 First Street, and (b) that Council list the appropriate budget funding for the upkeep and progressive restoration of the property 944 First Street.	08/05/2011 To be priority in the third quarter of 2011
6	11/08	14.11.18	Pannawonica Community Plan	That Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that: (a) The Shire views with concern the company’s public release of the Pannawonica Community Plan prior to the Council having an opportunity to formally consider the Shire initiated plan (b) It does not support the Pannawonica Community plans prepared by the company for the following reasons: a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncosted b. The community plan largely consists of elements which are not community infrastructure or services c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement.	08/05/2011 To be included in renewed relationship with Rio Tinto
CORPORATE					
1	03/05	12.03.120	Robe River Memorandum of Understanding	That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments: 1. The Shire of Ashburton leasing:	To be priority in the Third quarter of 2011

MINUTES – ORDINARY MEETING OF COUNCIL 15 JUNE 2011

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> • The Library, Shire Office and Sentinel Chicken Coops; • The Dog Pound; • The Caravan Park and Ablutions Block <ol style="list-style-type: none"> 2. Robe River renovating the above facilities prior to the commencement of the leases. 3. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 4. The Shire of Ashburton committing to funding the Community Liaison Officer position for twenty (20) hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours. 5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis. 	
DEVELOPMENT					
1	04/11	14.04.07	RFT 06/11 Design and Construct of Three Residential Dwellings in Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Allocate the additional \$342,000 to fund the Construction of 3 residential dwellings in Onslow tender in the 2011/2012 Budget. 2. Appoint RFT 06/11 to DA Burke as the preferred Tenderer. 3. Delegate the CEO to award the contract to DA Burke subject to successful negotiation. 4. Delegate the CEO authority to determine any planning application of lot 318 second Ave, Onslow. 	Finalised
2	12/10	14.12.20	Approval of Regular Passenger Transport Service for Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approve the A/Chief Executive Officer to write to the Department of Transport requesting Onslow be a deregulated RPT route provided that the aerodrome is upgraded to sustain the service. 2. Approve in principle Skipper Aviations request to operate a RPT service to Onslow (on the proviso that the aerodrome is upgraded to sustain the service). 3. Amend the 2010/11 Budgeted Fees and Charges to include a RPT Head Tax of \$32.50 per Adult and \$16.25 per Child less than 12 years. 	Aerodrome Works completed – application with DOT. Finalised
3	11/10	16.11.13	Onslow Aerodrome Master Plan	<p>That Council:</p> <ol style="list-style-type: none"> 1. Council endorses the DRAFT ONSLOW AERODROME MASTER PLAN, as a planning guideline for the expansion and development of the Onslow Aerodrome land. <p>Council agrees to the allocation of \$100,000 towards the Onslow aerodrome upgrade and associated planning and consultant services.</p>	3/06/2011 Finalising Design.
4	12/08	13.12.408	Proposed Transfer of Emergency Services Building	<p>That :-</p> <ol style="list-style-type: none"> 1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- 	Ongoing

MINUTES – ORDINARY MEETING OF COUNCIL 15 JUNE 2011

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. <ul style="list-style-type: none"> 2. The necessary procedures required to affect the transfer be implemented. 3. The present designation of Lot 971 in the Shire's Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow. 4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued. 	This item to be a priority in the third quarter of 2011

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council note the contents of the Western Operations Decision Status Report.

CARRIED 9/0

15.06.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

There was no new business of urgent nature.

16.06.0 CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

MINUTES – ORDINARY MEETING OF COUNCIL 15 JUNE 2011

Council Decision

MOVED: Cr Corker

SECONDED: Cr Thomas

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

CARRIED 9/0

16.06.12 CONFIDENTIAL ITEM - WITTENOOM ASBESTOS LITIGATION

FILE REFERENCE: AS.WI.2

AUTHOR'S NAME AND POSITION: Keith Pearson
Senior Strategic Advisor

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 June 2011

DISCLOSURE OF FINANCIAL INTEREST: Not Applicable

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.03.06 Ordinary Meeting of Council
16 March 2011

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Dias

That Council note the contents of this report.

CARRIED 9/0

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council re-open the meeting to the public at 3.44 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

17.06.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 July 2011, at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 3.00 pm.

18.06.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.45 pm.