



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**AGENDA**

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

**16 November 2011**

# AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 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 16 November 2011 at RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 11:00 am.

The business to be transacted is shown in the Agenda.

Jeff Breen  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

### 1. DECLARATION OF OPENING

### 2. ANNOUNCEMENT OF VISITORS

### 3. ATTENDANCE

#### 3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr L Shields	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr J Breen	Chief Executive Officer
Mr F Ludovico	Executive Manager, Corporate Services
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr G Brayford	Executive Manager, Technical Services
Ms D Wilkes	Executive Manager, Community Development
Ms F Keneally	A/Executive Manager, Operations
Mr Rob Paull	Principal Town Planner
Ms J Smith	Executive Assistant CEO

#### 3.2 APOLOGIES

There were no apologies.

#### 3.3 APPROVED LEAVE OF ABSENCE

There were no approved leave of absences.

### 4. QUESTION TIME

#### 4.1 PUBLIC QUESTION TIME

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

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

- Q1. Why is a family pool pass now limited to two adults and two children when the average family within the Pilbara, and in particular Paraburdoo have more than two children? I feel this is unjust and is not supporting family activities.**

The Shire of Ashburton's Schedule of Fees and Charges 2011-2012, adopted by Council, has a "Family Pass" for pool entry and in that document a "family" is clearly defined as 2 adults and 2 children. This

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same definition was also in the adopted Schedule of Fees and Charges in the 2010 – 2011 Budget.

This current issue seems to have arisen, not because the family pass has suddenly changed, but rather because, in the past, the application of this definition was random and indiscriminate, a situation that was inconsistent with the Local Government Act.

Because this definition and fee has been adopted by Council, any change to the definition, or to the application of it, must be passed by Council. Recognising that this definition of family has limited value in the Shire of Ashburton, a report will be prepared for consideration at the Ordinary Meeting of Council, 16 November 2011 to change the definition to include larger families.

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

An application has been received from Cr Fernandez for leave of absence of the council meeting being held on 14 December 2011.

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

#### **6.1 PETITIONS**

There were no petitions presented to Council.

#### **6.2 DEPUTATIONS**

There were no deputations presented to Council.

#### **6.3 PRESENTATIONS**

Ben Graham from Landcorp will be giving an update on the Onslow planning.

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

#### **7.1 ORDINARY MEETING OF COUNCIL HELD ON 19 OCTOBER 2011**

##### **Officer's Recommendation**

That the Minutes of the Ordinary Meeting of Council held on 19 October 2011, as previously circulated on 2 November 2011, be confirmed as a true and accurate record.

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

### **9. DECLARATION BY MEMBERS**

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

## 9.1 DECLARATION OF INTEREST

### Councillors to Note

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

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

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

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

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

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

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

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

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- 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. CHIEF EXECUTIVE OFFICER REPORTS**

**10.1 REVIEW OF WARD BOUNDARIES**

**FILE REFERENCE:** OR.BO.02.00

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

**NAME OF APPLICANT/RESPONDENT:** Cr Ann Eyre

**DATE REPORT WRITTEN:** 4 November 2011

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.07.045 Ordinary Meeting of Council 18 July 2006

**Summary**

A review of the ward boundaries has been proposed by Cr Eyre.

A resolution of Council supporting the review is sought.

**Background**

As a minimum, Council must review its ward boundaries and number of Councillors every 8 years in accordance with the Local Government Act 1995 (LGA) (Sch2.2 Cl6(1)).

The last review was carried out in 2006 and no change was proposed to the ward boundaries.

A review may be initiated by the Advisory Board or by the local government.

A review must be advertised for 6 weeks and submissions received and considered by Council.

Matters to be considered in respect of wards include:

- Community of interest
- Physical and topographic features
- Economic factors
- Ratio of councilors to electors (LGA Sch 2.2 Cl8).

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### **Comment**

Cr Eyre has proposed a review of wards based on the changing demographic and economic nature of the Shire.

The development of Onslow is particularly relevant with a projected population growth that may conceivably result in it being the largest town in the Shire within 15 years or so.

The economic input to the Shire through rate revenue, developer contributions, major resource industry input, etc will also increase significantly.

Representation by only one Councillor would appear to not provide adequate representation taking into account the projected growth.

The next Council election is in 2013. It is proposed that, should Council agree to a review, that the review is completed and changes, if any, are in place prior to the next Councillor election.

Council is not, at this stage, being requested to initiate a review.

Council is requested to endorse the commencement of a process so that a review may be initiated.

Proposed terms of reference, dates for advertising, timeframes, etc need to be established.

It is likely that a request to initiate a review will therefore be before Council by the second quarter of 2012.

### **Consultation**

CEO

Cr Eyre

### **Statutory Environment**

Local Government Act 1995 Schedules 2.1. 2.2

### **Financial Implications**

Unquantified but relatively minor costs for administration time.

### **Strategic Implications**

No specific reference in the 2007-2011 Strategic Plan.

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required.

### **Recommendation**

That Council:

1. Agrees that a review of wards and representation as prescribed in Schedule 2 of the Local Government Act 1995 is required.
2. Directs the CEO to develop terms of reference and a timetable for a review process.
3. Directs the CEO to report to Council by or before June 2012 with a recommendation on the initiation of a review of wards and representation.

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

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### 10.2 KARRATHA - TOM PRICE ROAD

**FILE REFERENCE:** ES.RM.13.00

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

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

**DATE REPORT WRITTEN:** 4 November 2011

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

Crs Fernandez and Forster have requested an update on the completion of the Karratha – Tom Price Road.

Council is requested to endorse the proposal to fully construct and seal the road and to direct the Chief Executive Officer (CEO) to complete a business case to enable informed lobbying of stakeholders.

#### Background

The Karratha to Tom Price Road construction was commenced in 2001.

Stage 1, now named Bingarn Road from Tom price to the Nanutarra-Munjina Road was completed in 2003.

Stage 2, Warlu Road from the North west Coastal Highway to Barrawonna Hill, was completed in 2008.

The table below summarises the current most direct route to Karratha by road ownership, surface type and lengths.

ROAD NAME	APPROX. LENGTH	SURFACE CONDITION	ROAD RESPONSIBILITY
Warlu Road	88 km	Bitumen Surface	Main Roads WA
Roebourne - Wittenoom Road	48km	Gravel Surface	Shire of Ashburton
Tom Price Railway Access Road	107 km	Gravel Surface	Rio Tinto Iron Ore
Bingarn Road	24 km	Bitumen Surface	Main Roads WA
TOTAL	267 km		

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The construction of Stages 3 and 4 of the Karratha to Tom Price Road of approximately 150km is required to complete the link. Estimate of cost by Main Roads Western Australia (MRWA) is of the order of \$300million.

An in-house report has been completed on routes, costs, etc, information from MRWA has been compiled and Pracsys, an economic modeling consultant, has been engaged to finalise a business plan.

### **ATTACHMENT 10.2**

#### **Comment**

The completion of the construction of the Karratha to Tom Price Road will provide an important advancement in road transport for the Pilbara Region.

This road link will not only provide a safer road environment, through a dramatically improved road surface and alignment which will effectively reduced travel time, but will also open opportunities for increased tourism and business growth between the localities of Tom Price and Karratha.

The road link has great potential to improve health services allowing cost effective and timely road travel for ambulances, medical staff and associated health services between localities and in emergency situations from tourist destinations in the area.

MRWA in its detailed study of the proposed route in 2003 highlighted that the road's upgrade would provide many benefits for both industry and the general public through providing a vastly improved road environment with a removal of the current travel safety hazards of dust, corrugations, loose surface, poor horizontal and vertical alignment, high wear-and-tear on vehicles and reduced driver fatigue.

The report also highlighted the major improved tourist access benefits for visitors to the Millstream-Chichester and Karijini National Parks and provision of improved and safer access to adjoining mining and industries adjacent to the route.

This road link has been listed in the Pilbara Region Plan as an important strategic project that will increase productivity, reduce impact on the environment and improve quality of life for residents and tourist to the area.

More recently the construction of the road between Millstream and Tom Price has been identified as a Transport priority – 2015 in the Pilbara Planning and Infrastructure Framework (Table 6.3 Feb 2011).

However this project does not appear on MRWA's forward works program and therefore cannot be expected to be delivered or commenced within the next 5 years under normal circumstances.

Therefore the Shire of Ashburton must lobby Federal and State Governments, government agencies, industry and other stakeholders to provide support and/or funding for the reconstruction and realignment of the approximate 150km of unsealed sections of the Karratha to Tom Price Road if considered appropriate by Council.

To date lobbying has been sporadic and opportunistic. For example the author raises the issue with State and Federal politicians when the opportunity presents such as a recent presentation to the Honourable Joe Hockey.

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Lobbying needs to be strategic, well informed and well timed with the opportunity for greater involvement and input from Councillors.

A proposal to develop a business case was requested from Pracsys in May 2011.

This business case, currently being prepared by Pracsys, will quantify benefits such as tourism, travel costs, medical services, etc. The last stage of this plan is to interview stakeholders in Tom Price and Karratha which will be completed by the end of November 2011.

It is likely that the timing of more intense lobbying will be most appropriately be in the lead up to the next State election scheduled for March 2013 for maximum effect.

### **Consultation**

Chief Executive Officer  
Cr Fernandez  
Cr Forster  
Cr Shields

### **Statutory Environment**

Nil

### **Financial Implications**

Cost of a detailed business case has been budgeted for in the 2011/12 budget.

### **Strategic Implications**

No specific reference in the 2007-2011 Strategic Plan.

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required.

### **Recommendation**

That Council:

1. Endorses the proposal to complete the construction and sealing of the road between Tom Price and Karratha.
2. Directs the Chief Executive Officer to complete a comprehensive business plan which quantifies the benefits of the upgrade of the Karratha to Tom Price Road which will also provide a document for applying for funding.
3. Directs the Chief Executive Officer to provide to Council, by or before March 2012, a strategic lobbying process that targets stakeholders, level of lobbying, media campaign, etc.

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

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### 10.3 SHIRE LOGO AND POLICY

<b>FILE REFERENCE:</b>	OR.CI.02.00
<b>AUTHOR'S NAME AND POSITION:</b>	Felicia Mudge Human Resources Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 10.05.10, Ordinary Council Meeting 19 May 2010

#### Summary

To reinforce a whole of shire culture and professional image the implementation of a new corporate logo has been investigated.

After consultation with consultants to design a new uniform for Council employees it became apparent that a rebranding exercise would be beneficial across the organisation to further reinforce Council's articulated vision of a united and consistent approach.

Based on the existing "Reef to Range" concept the new design modernises and simplifies the Shire logo whilst still allowing us to retain our historical link to Council.

#### Background

At the Council Meeting of 19 May 2010 it was decided that separate logos be implemented for each of the Shire of Ashburton towns to promote the town centre revitalization projects. A policy on how to implement the logos was also introduced.

Upon review of this policy, it has been identified to be contrary to Council's current vision of a "*whole of shire*" approach. The original rollout of the Logo was Tom Price centric and the logo chosen had no identifiable meaning.

#### ATTACHMENT 10.3

#### Comment

With our towns currently undergoing significant change it is timely that our vision be represented with a contemporary appearance that is readily identifiable across the Shire. Whilst the crest serves a purpose, simplifying our look by incorporating a modern logo will enhance Council's professional image and promote our message of growth and vitality.

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Three options are presented to Council for decision:

### **Option 1**

To continue using the current Crest

### **Option 2**

To use a combination of the crest for official purposes and the logo for internal and community usage as categorised below:

#### Use of Crest

- Official correspondence, letterheads
- Rates notices, invoices
- Entry doors to offices (where applicable)
- Council plaques, gifts
- Website
- Promotional materials, banners (where appropriate)

#### Use of Logo

- Business cards
- Employee uniforms
- Vehicles/plant
- Signage
- Website
- Community Communications
- Name badges
- Promotional material, school expos, giveaways (where appropriate)

### **Option 3**

To use only the Reef to Range logo.

It is recommended that **Option 2** be accepted and usages for the logo and crest shall be incorporated into the review of the current Council policy ADM06 - Use of the Shire of Ashburton and Associated Town Logo Policies.

### **Consultation**

Executive Management group  
Administration Manager  
Design Collision (Consultant)

### **Statutory Environment**

Not applicable.

### **Financial Implications**

There will be minimal costs associated with changing the logo depending on which option is chosen. It will be phased in as new stationary, etc is purchased.

### **Strategic Implications**

Supports tourism and communication strategies.

### **Policy Implications**

Not applicable.



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### Voting Requirement

Simple Majority Required.

### Recommendation

That Council:

1. Accept the new "Reef to Range" Logo.
2. Accept Option 2 and direct the Chief Executive Officer to prepare a policy for the Ordinary Meeting of Council, 14 December 2011 meeting.

<b>Author: Felicia Mudge</b>	<b>Signature:</b>
<b>Manager: Jeffrey Breen</b>	<b>Signature:</b>

**11. CORPORATE SERVICES REPORTS**

**11.1 RECEIPT OF MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF SEPTEMBER OR OCTOBER 2011**

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

**AUTHOR'S NAME AND POSITION:** Leah M John  
Accountant

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

**DATE REPORT WRITTEN:** 7 November 2011

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

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

**Background**

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

**Comment**

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

**September 2011**

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

**ATTACHMENT 11.1**

**October 2011**

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

**ATTACHMENT 11.1**

- Schedule of Accounts paid under delegated authority.

**ATTACHMENT 11.1**

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### **Consultation**

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

### **Statutory Environment**

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

### **Financial Implications**

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

### **Strategic Implications**

There are no strategic implications relevant to this issue.

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required.

### **Recommendation**

That Council:

1. Receive the Financial Reports for September 2011 and Schedule of Accounts and Credit Card Statements for October 2011.

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

## **12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS**

### **12.1 REQUEST TO RENT LOT 944 FIRST STREET, ONSLOW**

<b>FILE REFERENCE:</b>	ON.FI.944.000
<b>AUTHOR'S NAME AND POSITION:</b>	Amanda O'Halloran Executive Manager, Strategic & Economic Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Mrs Bonnie Palermo
<b>DATE REPORT WRITTEN:</b>	7 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

There has been a request in writing from a current resident of Onslow – Mrs Bonnie Palermo to rent the “Pink House” Lot 944 First Street in Onslow. Mrs Palermo has requested that Council consider renting the house to her and her family for a nominal rent and her and her carpenter husband will make the necessary internal improvements to make the house habitable and comfortable. The Shire administration is seeking the direction of Council to progress this manner.

#### **Background**

The “Pink House” has been deemed by Council in the past as a significant heritage asset to the Onslow community and has been registered by Council to be kept for heritage purposes, and listed on the Councils Heritage inventory. To date the Shire has failed to attract a proponent to take on the house that could afford to make the necessary heritage improvements. Phillip Griffiths a highly regarded heritage architect reviewed the building in 2009 and subsequent valuations of the proposed works to bring the house back to its “glory days” are in the vicinity of \$400,000.00. The Shire hasn't been successful in the grants arena as the house is only listed on Councils heritage inventory and isn't a state or federal listed property and predominately funding these days is for State and Federal heritage listed properties.

The Shire has been actively seeking other opportunities for the house and a few are being researched currently. The house continues to remain vacant throughout this process.

**ATTACHMENT 12.1**

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### **Comment**

Housing in Onslow is currently in very short supply and the Shire has had a number of people in the past interested in the "Pink House". Generally when we have shown people the house in recent times and discussed that the Shire is not in a position to spend any money on the house they have no longer been interested in renting the house – hence we have not had to seek Councils direction prior to now.

Mrs Palermo was given the same advice as others previously and as per the attached letter of request has stated that her and her husband are happy to work through the houses issues themselves at no cost to the shire.

The House is habitable in that it does have the very basic functions – kitchen, bathroom, power and water (Which will need to be reconnected), however the safety in terms of integrity of floorboards, steps, wiring etc hasn't been assessed in a number of years.

The renting of the house to Mrs Palermo would be subject to the provisions of the Local Government Act 1995 and as such would require the arrangement to be advertised for public comment.

Mrs Palermo has indicated that they are prepared to make the necessary improvements to make the house more comfortable and aesthetically appealing. It is proposed that prior to advertising the Shires intent to rent if Council was to approve this way forward that a list of those improvements be approved and formalised with the Shires administration, with final approval by the Chief Executive Officer.

The Shire Administration seek Councils advice on the way forward with this issue?

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Local Government Act 1995 section 3.8 disposal of an asset.

### **Financial Implications**

Minimal, Mrs Palermo and her husband would be responsible for all costs and the Council would collect a rent of \$ 100.00 (\$5200.00pa) a week, which would cover insurances, advertising and administration processing.

### **Strategic Implications**

Nil

### **Policy Implications**

Nil

### **Voting Requirement**

Option 1 – Simple Majority Required.

Option 2 – Absolute Majority Required.

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### **Recommendation**

That Council:

#### **Option 1**

1. Not allow the renting of Lot 944 First Street, Onslow to Mrs Palermo.

#### **Option 2**

1. Advertise the rental of Lot 944 First Street, Onslow by private treaty in accordance with the Local Government Act s 3.58 for \$100.00 week for a minimum of 6 months with 2 further extensions of six months on the basis that building improvement approved by the Chief Executive Officer are made.
2. Further, if there are no objections received at the finalisation of the advertising process, the Chief Executive Officer is authorised to enter into a tenancy agreement.

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

### 13. TECHNICAL SERVICES REPORTS

#### 13.1 EXTENSION OF TIME FOR THE TOM PRICE ACCOMMODATION CAMP BY HAMERSLEY IRON PTY LTD

<b>FILE REFERENCE:</b>	MI.TPMS
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of State Development and RTIO/Hamersley Iron Pty Ltd
<b>DATE REPORT WRITTEN:</b>	11 October 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.11.46 Ordinary Meeting of Council 18 November 2008 Agenda Item 13.11.41 Ordinary Meeting of Council 20 November 2007 Agenda Item 13.10.36 Ordinary Meeting of Council 16 October 2007 Agenda Item 13.02.03 Ordinary Meeting of Council 13 February 2007 Agenda Item 12.10.070 Ordinary Meeting of Council 24 October 2006

#### **Summary**

Rio Tinto Ltd has approval pursuant the relevant State Agreement to use the existing 700-bed camp at the Tom Price Mine until 31 December 2011. The company now wishes to extend the life of the Camp by five years. Council's opinion is being sought in relation to this proposal.

The Shire recommends that a limited extension of time be supported.

#### **Background**

Council at it's October 2006 ordinary meeting of Council considered a request from the then Minister for State Development for Shire comment in relation to a proposed variation to the Iron Ore (Hamersley Ranges) State agreement whereby the life of the existing 400 person construction worker accommodation facility, at the entrance to the Tom Price Mine, would be extended from July 2007 until the end of 2011 and the camp be used by mine operation staff.

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Following its deliberations, Council resolved:

*“That Council*

- 1. Advise the Minister for Industry and Resources that while Council does not support Fly-in Fly-out resource projects it recognises the specific circumstances of this case and it has no objection to the life of 400 beds of workers accommodation at the Tom Price Mine Site being extended until December 2011 and 120 beds of workers accommodation at the Paraburdoo Special Lease Site adjacent to the mine being extended until December 2008, pursuant to the Iron Ore (Hamersley Range) agreement subject to the Shire President, the Chief Executive Officer, Cr Martin and Cr Rumble finalising the terms of a (‘value proposition’) agreement with the company.”*

Later, at its meeting held in February 2007 Council considered a report in relation to development application for a workers accommodation facility on Lot 14 – 16 Turee Way, Paraburdoo. The use was, in fact, not permitted by the Shire’s planning scheme. Council, did, however, appreciate the problem of a lack of a range of the types of accommodation in both Tom Price and Paraburdoo. As a result Council resolved, in part:

*“Council initiate urgent & immediate discussions with Pilbara Iron and endeavour to identify solutions to an existing critical housing shortage within the towns of Tom Price and Paraburdoo.”*

The then Minister for State Development, the Hon Eric Ripper, noted Council’s resolution and as a result, only extended the life of the Tom Price Mine workers accommodation facility until 31 December 2007, with the undertaking it would be extended until the end of 2011, in the event of the Shire confirming, in writing, that it (the Shire) was of the opinion that satisfactory progress was being made in the release of company controlled land in Tom Price, for residential use by others.

Progress in relation to the release of company controlled land was, in fact, very slow up until October 2007 when Rio Tinto requested a letter from Council confirming that the company has made satisfactory progress in relinquishing the unused residential land leased by the company. Council conditionally agreed to provide a letter of support tied to the company’s relinquishment of land.

Following the October 2007 Council meeting there were extensive discussions between the Shire’s Administration and Rio Tinto representatives. During those discussions it quickly became apparent that the company was of the opinion that there were significant capacity constraints in the utility systems servicing the town (i.e. water, electricity and waste water). More specifically, the November 2007 report to Council noted:

*“The company voiced a strong concern that there were localised capacity constraints within the vicinity of the Karijini site (to the rear of Windawarri Lodge) and there were significant costs associated with addressing these deficiencies.*

*The Administration requested technical details of these capacity constraints, however, initially, no response was received. Rather, the attached correspondence, which reaffirms the company’s commitment to assigning infrastructure costs to the Shire, was received from the Rio Tinto’s Engineering Infrastructure Section.*

*The company was advised that the response received did not address the questions asked by the Shire.*



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*Three weeks after the Shire's initial request, the company advised the Shire that an 'order of magnitude' cost for servicing the Karijini Special Use site may be up to \$5,000,000, although this estimate was not based on any detailed engineering assessment.*

*More disturbingly, the company advised that it was of the opinion that, in addition to localised capacity restraints, there appear to be capacity restraints applying to the town's overall infrastructure system thus meaning there is little, if any scope for further development in the town until these matters are resolved. This, in turn, placed in serious doubt the ability to develop the Golf Course site.*

*The implications of this recently received information are far reaching. It impacts, for example, on the ability for the Shire, or others, to develop and release new residential, industrial and commercial land within Tom Price. Of particular concern is the impact on the proposed tourist accommodation site in Central Avenue.*

*The State Government has commenced a process to attract a developer to this site. Expressions of Interest closed in August 2007 and negotiations are being held with a preferred developer. The company was aware of this process, however it was revealed during the Shire's discussions with the company on 13 November 2007 that the provision of services would cost in the order of \$5 million which, if correct, effectively stops the development."*

Council was clearly concerned by this new advice, which highlighted potentially critical deficiencies in the utility systems serving Tom Price. As a result Council resolved:

- "1. On the basis of discussions to date, the Shire is unable to provide a letter confirming satisfactory progress has been made by the company in the release of company controlled land, but*
- 2. The Shire is of the opinion that a time extension until 31 December 2008 is warranted subject to the company:*
  - a. initiating and financing an independent review of existing power, water and sewer infrastructure in Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to:*
    - Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7.*
    - Ensure the infrastructure complies with current Australian Standards.*
    - Estimate the useful remaining life of the existing infrastructure and the renewal gap cost.*
  - The review will prioritise any works required and provide timelines for implementation of the recommendations. The review to be completed and accepted by the Shire of Ashburton by 30 April 2008.*
  - b. implementing the recommendations contained in the Consultant's report at the cost to the company.*
  - c. funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the*

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*Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however there is no commitment on behalf of the company in terms of developing the future capacity.*

- d. *agreeing to relinquish one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:*
  - *Lot 2B "Golf Course subdivision" and;*
  - *Lot C "Karijini Special Use Zone".*
- e. *committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2008. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.*
- f. *shall, in consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.*
- g. *participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.*
- h. *undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point ).*
- i. *with the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.*
- j. *with the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations."*

Following the December 2007 Council meeting the Minister for State Development approved the extension of the life of camps until 31 December 2008. The Minister also noted when considering any further extension he would have regard to whether the company had released one Lot for future residential development and *"other matters raised by the Shire are being addressed"*.

On 13 December 2007 the then Minister approved a further extension of the use of the Tom Price Camp until 31 December 2008. On 31 December 2008 an increase in capacity to accommodate an additional 300 people and an extension of the use of Tom Price Camp until 31 December 2011 was approved. Therefore the Tom Price Camp is currently approved to accommodate 700 operational and maintenance workforce until 31 December 2011.

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### Proposal

The company now wishes to extend the life of the Camp by five years. The company has advised the Minister for State Development (in part) that:

*"In granting approval you noted an expectation that the Company will continue to work cooperatively with the Shire of Ashburton (Shire) with a view to resolving outstanding issues regarding the availability of land in and around Tom Price for residential development purposes.*

*The Company has been working constructively with the Shire and has established a formal system of working together on issues including approvals, land, housing, utilities, community support and town revitalisation. The Company and the Shire are meeting formally every six weeks and have a number of joint projects that are progressing, including discussions around land development, utilities provision and the revitalisation of Paraburdoo and Tom Price. The Company is currently drafting an agreement for the gifting of a number lots of land to the Shire for them to develop for community benefit, including Lot 314 and Lot 46 on South Road, otherwise known as the 'Golf Course Site'. It is envisaged that an agreement will be signed before the end of the year.*

*The Shire Chief Executive Officer is aware of the Company's intention to extend the use of the Tom Price Camp and has not raised any issues.*

*Request for variation to approved proposals in order to meet the ongoing workforce accommodation requirements for its Tom Price mining operations, the Company requires the use of the Tom Price Camp to be extended in order to provide accommodation facilities for contractors, service and maintenance personnel and other bona fide visitors for its operations in the area. Accommodation in and around Tom Price is currently at full capacity. Making use of the current facility therefore provides a practical solution to increased accommodation demands. It is anticipated the Tom Price Camp will be required to support the Tom Price mining operations until 2016."*

### Comment

RTIO/Hamersley Iron Pty Ltd is correct in advising that the consultation and commitments to town revitalisations reflects a level of cooperation that is supported by the Shire. In addition, it is correct that accommodation in Tom Price is currently very restricted and virtually at capacity. However, the requirement of Council for the matters outlined in 2007 (including the revision of infrastructure and the transfer of land to the Shire) has yet to be completed. It is clear that the resolution of both of these matters would lead to the provision of accommodation to increase the capacity of the town.

On this basis, it is recommended that Council advise the Minister that due to the need to ensure that the revision of infrastructure and the transfer of land to the Shire is finalised, no objection is offered to a two (2) year extension of the Tom Price accommodation camp, subject to the matters expressed by Council in 2007 being completed before any further extension (beyond 2 years) is approved.

### Consultation

Chief Executive Officer  
Rio Tinto Ltd

### Statutory Environment

Iron Ore (Hamersley Ranges) Act

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### Financial Implications

There are no immediate financial implications for the Shire in relation to this matter. In the event of the Shire considering the possible development of the land, itself, the project would be the subject of a detailed costing prior to any commitment to proceed, with the subdivision.

### Strategic Implications

There are no strategic implications relative to this issue.

### Policy Implications

There are no policy implications relative to this issue.

### Voting Requirement

Simple Majority Required.

### Recommendation

That Council advise the Minister for State Development and Rio Tinto Iron Ore P/L that:

1. A two (2) year extension to the company's Tom Price Mine site accommodation camp is supported.
2. The Council will be in a position to support a further three (3) years once the company has undertaken to satisfactorily address Council's concerns (first raised in 2007 and still to be formally addressed) as follows:
  - a) *Initiating and financing an independent review of existing power, water and sewer infrastructure in Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to:*
    - *Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7;*
    - *Ensure the infrastructure complies with current Australian Standards; and*
    - *Estimate the useful remaining life of the existing infrastructure and the renewal gap cost.*

*The review to prioritise any works required and provides timelines for implementation of the recommendations. The review to be completed and accepted by the Shire of Ashburton by 30 April 2012.*

- b) *Implementing the recommendations contained in the Consultant's report at the cost to the company.*
- c) *Funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however there is no commitment on behalf of the company in terms of developing the future capacity.*
- d) *Relinquishing one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:*
  - *Lot 2B "Golf Course subdivision" and;*

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- Lot C “Karijini Special Use Zone”.
- e) *Committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2012. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.*
- f) *In consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.*
- g) *Participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.*
- h) *Undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point).*
- i) *With the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.*
- j) *With the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations.*

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

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### 13.2 PLANNING APPLICATION - PROPOSED MULTIPLE DWELLING AT LOT 667, NO.7 ANKETELL COURT, ONSLOW

<b>FILE REFERENCE:</b>	ON.AN.0667.00
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	AP Asphar Investments (Owner) Bruce Robinson Architects Pty Ltd (Applicant)
<b>DATE REPORT WRITTEN:</b>	9 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Application has been submitted on behalf of the owner of Lot 667, No 7 Anketell Court, Onslow to construct a '*multiple dwelling*' comprising eight (8) two storey units with four 3 bedroom units and four 2 bedroom units. The proposal includes '*dual keyed*' units that would potentially allow flexible use of the units such that they could be used as single bedrooms comprising a possible 16 unit use.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a Residential Design Codes (R-Code) of 12.5/30. The higher density applies when sewer is available to the land. Residential development in Western Australia is primarily controlled through the R-Codes. The Scheme does not include '*multiple dwellings*' as a use. It is open to the Council to consider the proposal as a '*use not listed*', however this will require a specific resolution of Council. Should Council not resolve that it is a '*use not listed*', the Application cannot proceed. The Applicant will have an appeal right to the State Administrative Tribunal.

The Western Australian Planning Commission has included a new Multi Unit Housing Code (MUHC) to provide for greater housing diversity, affordability and flexibility. The MUHC provides guidelines for the design of multiple unit and mixed-use developments. Advertising of the application (notice to all land owners in Anketell Court and sign on site has taken place in accordance with the Scheme provisions and no submissions (objection) received. The Application generally reflects the MUHC provides guidelines.

It is recommended that Council accept '*multiple dwelling*' as described in the Application as a '*use not listed*' and delegates the Chief Executive Officer to determine the Application in accordance with the relevant provision of the RCodes and the Scheme and addressing matters raised in this Report. Matters to be addressed include removal of the reference to '*dual keyed*' units (as it provides the opportunity for use for transient workforce accommodation or holiday purposes) and car parking.

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### Background

Lot 667, No 7 Anketell Court, Onslow has an area of 1622m<sup>2</sup> and is occupied by a single dwelling.

#### *Multi Unit Housing Code*

Residential development in Western Australia is primarily controlled through the *Residential Design Codes* (R-Codes). The Western Australian Planning Commission (WAPC) has included a new Multi Unit Housing Code (MUHC) to provide for greater housing diversity, affordability and flexibility. The MUHC provides guidelines for the design of multiple unit and mixed-use developments.

The MUHC applies to development applications across the State including areas zoned R30 or higher. The MUHC does not have a minimum site area requirement for applicable developments. Instead, other factors will serve to control the number of potential dwellings on a lot, including, but not limited to plot ratio, building setbacks and height controls (see the following sections for details). The minimum unit size is also set at 40 square metres per dwelling.

The potential scale of development in areas zoned R30 has building height limits of 9 metres to the top of a pitched roof or 7 metres to the top of a concealed (flat) roof (which generally provides for two storeys).

The Scheme does not include 'multiple dwellings' as a use. Clause 4.3.2 states:

*"If the use for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the use categories, the Local Government may determine:*

- (a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or*
- (b) that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4."*

Accordingly, it is open to the Council to consider the proposal as a 'use not listed', however this will require a specific resolution of Council. Should Council not resolve that it is a 'use not listed', the Application cannot proceed. The Applicant will have an appeal right to the State Administrative Tribunal.

#### *Site Coverage*

The MUHC acceptable development standard for site coverage in R30 is a maximum of 50%.

#### *Overshadowing*

No multiple dwelling is to overshadow more than 50 percent of the outdoor living area of an adjoining property.

#### *Privacy*

Privacy standards remain as per the existing R-Codes for developments adjoining lots zoned R60 and below, including minimum privacy setbacks and screening requirements.

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### *Outdoor Living Areas*

Each dwelling is to have at least one balcony, courtyard or the equivalent, with a minimum area of 10 square metres and minimum dimension of 2.4 metres. The outdoor living area is to be directly accessible from a habitable room (such as a living area or bedroom).

### *On-Site Car Parking Standards*

The MUHC has lower minimum car parking requirements than the group dwelling provisions of the R-Codes. The reduced MUHC car parking standards recognise that smaller dwellings and developments close to public transport options generally need fewer cars per household. Clearly however, no public transport is available to Onslow. The on-site car parking standards for the MUHC are as follows:

### *MUHC On-Site Car Parking Standards*

<b>Dwelling Type</b>	<b>Parking</b>
<b>Small Dwelling</b> 1 bedroom or less than 75m <sup>2</sup>	1 bay per dwelling
<b>Medium Dwelling</b> 75m <sup>2</sup> to 110m <sup>2</sup>	1.25 bays per dwelling
<b>Large Dwelling</b> Greater than 110m <sup>2</sup>	1.5 bays per dwelling
<b>Visitor Parking Bays</b>	0.25 bay per dwelling

### **Proposal**

Application has been submitted on behalf of the owner of Lot 667, No 7 Anketell Court, Onslow to construct a 'multiple dwelling' comprising eight (8) two storey units with four 3 bedroom units and four 2 bedroom units. The proposal includes 'dual keyed' units that would potentially allow flexible use of the units such that they could be used as single bedrooms comprising a possible 16 unit use.

Specifically, the proposal seeks the following unit/bedroom arrangement:

- Three bedroom with two keys - Units 1, 4, 5 and 8 (ground and first floor)
- Two bedroom with two keys – Units 2, 3, 6, and 7 (ground and first floor)

Eighteen car parking spaces have been provided located adjoining the both side boundaries.

## **ATTACHMENT 13.2**

### **Comment**

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a *Residential Design Codes* (R-Code) of 12.5/30. The higher density applies when sewer is available to the land. Residential development in Western Australia is primarily controlled through the R-Codes. The Application is assessed against the WAPC's Multi Unit Housing Code (MUHC) guidelines for the design of multiple unit and mixed-use developments as follows:

### *Site Coverage*

<i>Maximum</i>	<i>Proposed</i>
50% site coverage	43.8%

The Application complies with the MUHC acceptable site coverage standards.



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### *Overshadowing*

<i>MUHC Requirements</i>	<i>Proposed</i>
Not more than 50% overshadowing of outdoor living areas of adjoining property.	Not shown, however the proposal is sited to the rear of the lot. Land at the rear is vacant Unvested Crown Land. The proposal would be unlikely to impact adjoining (privately developed) land.

The Application will need to demonstrate compliance with the MUHC acceptable site overshadowing standards, however it is considered that this will be acceptable.

### *Privacy*

As noted, the development is orientated to the rear of the lot. The plans incorrectly depict the land to the rear is 'open space'. It is vacant Unvested Crown Land and it is possible that LandCorp will seek to develop the land in the future. On this basis, should an approval issue, all first storey units should have privacy screening for first floor bedroom windows.

Privacy standards remain as per the existing R-Codes for developments adjoining lots zoned R60 and below, including minimum privacy setbacks and screening requirements. There are also privacy provisions for developments adjoining lots zoned R60 and above.

### **Outdoor Living Areas**

<i>MUHC Requirements</i>	<i>Proposed</i>
Each dwelling is to have at least one balcony, courtyard or the equivalent, with a minimum area of 10 square metres and minimum dimension of 2.4 metres. The outdoor living area is to be directly accessible from a habitable room (such as a living area or bedroom).	Complies with the minimum area and access from habitable room: <ul style="list-style-type: none"> <li>• 3Bedroom units – 10.6m<sup>2</sup></li> <li>• 2Bedroom units – 12.5m<sup>2</sup></li> </ul> <p>Further information is required to define the minimum dimension of 2.4 metres.</p>

### **On-Site Car Parking Standards**

<i>MUHC Requirements</i>	<i>Proposed</i>
<b>Small Dwelling</b> 1 bedroom - 1 bay per dwelling <b>Medium Dwelling</b> 75m <sup>2</sup> to 110m <sup>2</sup> - 1.25 bays per dwelling <b>Visitor Parking Bays</b> 0.25 bay per dwelling	18 car parking spaces are to be provided. Using the MUHC requirements, 12 car parking spaces are to be required for the 8 units. However, the proposal seeks 'dual keying of all units. On this basis, this would generate 8 spaces for the resultant single bed units.

The issue of parking is confused as the MUHC provisions are predicated on an assumption that the land is located within walking distances to a commercial area and or public transport.

The Shire has not established a parking policy or Scheme provisions associated with multi-unit developments. The Scheme provisions do relate to group housing developments of two (2) spaces per unit and where one space is covered. It is reasonable for the development to reflect the Scheme requirements for group housing for two or more bed units and one space for single bed units. In addition, like group housing one covered parking should be available to each unit.

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### Location

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

### Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. With parking abutting the adjoining properties, solid fencing should be required as a condition to any Planning Approval (at the cost of the Applicant/developer). It is considered that both these issues can be adequately addressed in the manner set out below.

### Noise Generation

Noise made by occupants has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed.

In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

### Water Supply

Clause 5.9 of the scheme defines the matters that Council needs to have 'due regard' when determining an application. One such matter is Clause 5.9 (h):

*"the capacity of the site and surrounding locality to support the development including: (iv) public and utility infrastructure and community services;"*

The Shire is aware that the provision of water supply services to Onslow is at capacity. Water Corporation has advised that only 30 additional connections are likely to be available using the existing infrastructure and supply. In this regard, it is possible that there could be some servicing issues with the proposal (as well as all other proposals in Onslow).

It is not clear how Council should address the issue of infrastructure, especially water supply when dealing with planning applications. It would be possible to refuse applications and require the applicant to take the matter further to the State Administrative Tribunal where the application could be determined. However, this is not considered to be a reasonable approach as the Shire would incur considerable appeal costs and the provision of such services is not the responsibility of the Shire nor the applicant.

It is suggested that Council continue to consider applications in Onslow on planning merit but where an approval is issued, the applicant be advised that the provision of a reticulated water supply may be limited and that they may need to supplement or provide alternate means for such supply. The Applicant is aware of the issue of water supply in Onslow and has discussed the matter with Water Corp.

### Traffic Implications

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 adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

### Elevations

The elevations appear reasonable although some variation in the elevations either through building colour or design is preferable. The proposed external finishes to be used (various

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'Hardi-plank' finishes) are popular for use in developments throughout the Pilbara and with the complementary use of colours satisfactory results can be achieved.

### Landscaping

Should Planning Approval issue, it is appropriate that landscaping be a condition of any Approval. It is clear that there would be opportunities within the parking areas and adjacent to the units.

### **Conclusions**

The Application is the first 'multiple dwelling' proposals received by the Council since the WAPC adopted new provisions in late 2010. The Application represents a well-designed and configured proposal that would not detract from the site or location.

Council will need to consider the Application as a '*use not listed*' prior to addressing the proposal at large. One area that needs to be addressed is the '*dual keying*' of the units. '*Dual keying*' is normally associated with tourist uses where a unit is designed such that it can be used by one family or potentially, two couples or individuals. A lockable door separates the unit. The purpose of the development is for residential use, not 'holiday accommodation'.

The other potential use for '*dual keying*' would be for transient workforce accommodation purposes. This use isn't prohibited in the zone but under the Scheme, it is related to RCode densities. The Scheme identifies a series of more significant controls for transient workers accommodation than it does for holiday accommodation. These are largely set out in Clause 6.9, which states, in part:

- “6.9.1     *All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.*
- 6.9.2     *Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.*
- 6.9.3     *Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitate or developed for a different use intended for the site.”*

In accordance with Clause 6.9.1 transient workforce accommodation, whether a permanent or temporary structure is regarded as residential development and is subject to the provisions of the R Codes.

On this basis, it is recommended that Council:

1. Accept '*multiple dwelling*' as described in the Application as a '*use not listed*' (for the purpose of this Application); and
2. Delegates the Chief Executive Officer to determine the Application in accordance with the relevant provision of the RCodes and the Scheme and addressing matters raised in this Report (specifically but not limited to the removal of '*dual key*' units and carparking).

## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

### Consultation

Chief Executive Officer  
Executive Manager, Strategic & Economic Development

Advertising of the application (notice to all land owners in Anketell Court and sign on site has taken place in accordance with the Scheme provisions and no submissions (objection) received.

### Statutory Environment

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

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

There are no strategic implications relative to this issue.

### Policy Implications

The Shire/Council does not have a policy associated with '*multiple dwellings*'. It is anticipated that a draft Scheme Amendment and Policy will be presented to Council in early 2012.

### Voting Requirement

Absolute Majority Required.

### Recommendation

That Council:

1. With respect to the development application made by Bruce Robinson Architects Pty Ltd to use and develop land at Lot 667, No 7 Anketell Court, Onslow for the purposes of a '*multiple dwelling*', that Council in accordance with Clause 4.3.2(b) of the Shire of Ashburton Local Planning Scheme No. 7 considers that the proposed development may be consistent with the objectives and purposes of the zone or with the strategic intentions for the land and an application for planning approval should be determined in accordance with Part 5, including the advertising procedures of subclauses 5.7.3 and 5.7.4.
2. Delegates the Chief Executive Officer to determine the Application in accordance with the relevant provision of the RCodes and the Scheme and addressing matters raised in this Report (specifically but not limited to the removal of 'dual key' units and car parking).

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

## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

### 13.3 APPLICATION FOR PLANNING APPROVAL - COMMUNITY USE AT LOT 221 COGELUP WAY, TOM PRICE

<b>FILE REFERENCE:</b>	TP.CJ.0221.000
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	B. A. Thomas (Owner) IBM Pty Ltd (Applicant and purchaser)
<b>DATE REPORT WRITTEN:</b>	9 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.07.37 Ordinary Meeting of Council 21 July 2009 Agenda Item 13.04.10 Ordinary Meeting of Council 21 April 2009

#### Summary

Application for 'community use' has been submitted from the prospective purchaser of Lot 221 Cogelup Way, Tom Price that is occupied by a two storey dwelling and large shed. The Applicant (IBN Corporation) has determined there is a need to provide a specific activity centre for indigenous members that currently reside in and around Tom Price. The use of the building is permissible under the Scheme and on the basis of the description of use provided, it should not unreasonably impact upon the amenity of the neighbourhood.

It is recommended that Planning Approval issue subject to conditions associated with the Approval being 'personal' to IBN and subject to plans showing car parking.

#### Background

A two-storey dwelling and large shed occupy Lot 221 Cogelup Way, Tom Price. In 2009, Council refused the shed on the basis that it would be the largest outbuilding on residential land the Council has approved. Access was also sought for the shed directly to Killawarra Drive.

The Applicant took the matter to the State Administrative Tribunal (SAT) where it was resolved to approve the shed but reduced to 90m<sup>2</sup> and that Council will not agree to any formal sealing of access or the formation of a crossover from the subject land to Killawarra Drive.

Should the existing curbing be damaged, Council may seek to undertake legal action to rectify the curbing and to have access closed.

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### Proposal

The Applicant (IBN Corporation Pty Ltd) is a private company categorized a social service and welfare organization and located in South Hedland, WA.

IBN has determined there is a need to provide a specific activity centre for indigenous members that currently reside in and around the town of Tom Price. IBN advise as follows:

*"The aim is to provide them with opportunity to improve their level of confidence and self-esteem and empower them to better participate in the mainstream community. The property at 221 Cogelup Way has been identified as being most suitable for this purpose for a number of reasons. The property is located away from the centre of town with spacious areas of bushland surrounds, a wide street that allows for minimal disruption to traffic and neighbours. The premises has spacious rooms that can be easily accessed and provide for administration and community activities to be practically undertaken. The property includes two separate accommodation chalets that provide for temporary accommodation of members to attend the training courses, visiting IBN staff, Instructors, Medical practitioners and other training personnel that have been invited to run workshops and courses.*

*The property includes a shed that would be used for storage of maintenance equipment, donated furniture for further distribution and other general items. No access to the shed is needed or expected from Killawarra Drive as access through the existing entries to the property is all that is required for current and future purposes.*

*The property has ample parking space outside that adequately allows for up to three or four staff vehicles. No additional parking space will be required with the attendees being provided with arranged transport to and from the premises by either of the following means; Mawankara -mini bus, Pilbara-Kimberley care (elders) -mini bus, Extra people (provided by Gumula mini bus). Numbers for individual activities are estimated at between ten and no more than twenty-five for each individual activity.*

*Activities are to be held during office hours only with the majority taking place in the morning normally expected to be over before 2pm in the afternoon. No two activities will be held simultaneously each having its own scheduled time and day. The property will provide a comfortable learning environment and peer support to members for the following activities:*

- *Young Mother's Support Group Wednesday morning's 9.300m -11.30am for peer support of young mothers focusing on education and mental well-being.*
- *Elder's Group Thursday of each month 9.300m -12.00 - addressing issues of individual isolation of elderly and handicapped members and incorporating creative activities including painting, carving, story-telling and craft making.*
- *Health Workshop last Thursday of each month from 100m -12.00 - medical appointments by appointment. Providing support and information on chronic conditions including Kidney failure, heart disease, diabetes and incorporating health checks for blood pressure, sugar levels and obesity. With particular focus on nutrition and exercise.*

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- *Men's Group Fridays, 100m -2pm (fortnightly) for support and direction of young men in areas of employment, networking, self and family responsibilities and addressing such issues as anger management, domestic violence and drug and alcohol education.*
- *Driver's Theory Programme Mondays 9am -11.30am -providing instruction with regard to the theory section of their driving licence required either for social purposes or the benefit of improving their employment prospects. The programme will focus on the understanding of road regulations as well as driver skills and vehicle safety providing a stable platform for completing their practical driving test at a later date with an authorized organization towards eventually becoming a responsible road user.*

*Currently there is no proposal in place to have someone occupy the premises after hours however the provision of a caretaker or similar role would reasonably be expected to be considered should the purchase take place."*

### ATTACHMENT 13.3

#### **Comment**

Under the Shire of Ashburton Local Planning Scheme No. 7, 'community use' is defined as:

*"....land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit."*

The Application includes limited information with respect to car parking and layout, however the use of the building is permissible under the Scheme and on the basis of the description of use provided, it should not unreasonably impact upon the amenity of the neighbourhood. Importantly, the majority of clients will be either picked up in IBN's mini bus or in walking distance.

The use appears appropriate to the locality and will provide a community benefit. It is recommended that Planning Approval issue subject to conditions associated with the Approval being 'personal' to IBN and subject to plans showing car parking.

#### **Consultation**

Chief Executive Officer

Advertising of the application (notice to all adjoining and opposite land owners and sign on site has taken place in accordance with the Scheme provisions and no submissions (objection) received.

#### **Statutory Environment**

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

#### **Financial Implications**

There are no financial implications relative to this issue.

#### **Strategic Implications**

There are no strategic implications relative to this issue.

#### **Policy Implications**

There are no policy implications relative to this issue.

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### Voting Requirement

Absolute Majority Required.

### Recommendation

That Council:

1. Approve Planning Application made by the IBN Corporation Pty Ltd to use the existing dwelling at Lot 221 Cogelup Way, Tom Price for the purposes of a community use building subject to the following conditions:
  - a) Prior to occupation of the community use building, the Applicant shall provide the Shire with plans depicting parking on site for a minimum of four (4) spaces to the satisfaction of the Chief Executive Officer.
  - b) This Planning Approval is issued to IBN Corporation Pty Ltd and is not transferable to any other person or operator.
  - c) 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.
  - d) All car parking generated by the use shall occur within the boundaries of the property.
  - e) Prior to occupation of the 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 building.
  - f) Vehicle access to the Shed is not permitted from Killawarra Drive.
  - g) IBN Corporation Pty Ltd will use its best endeavours to ensure that the operation of the 'community use' does not result in parking in Killawarra Drive.
  - h) The Use hereby approved shall comply with definition of 'community use' of the Shire of Ashburton Town Planning Scheme No. 7 as follows:

*"....land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit."*

Note:

- A. Council will not agree to any formal sealing of access or the formation of a crossover from the subject land to Killawarra Drive.
- B. 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).



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

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### 13.4 DRAFT LOCAL PLANNING SCHEME NO. 13 - CONSIDERATION FOR FINAL APPROVAL

<b>FILE REFERENCE:</b>	PS.TP.7.13
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	7 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.12.76 Ordinary Meeting of Council 15 December 2010

#### Summary

Draft Amendment No. 13 to the Shire of Ashburton Local Planning Scheme ('Scheme') was initiated by Council at its 15 December 2010 meeting. The draft Amendment would allow for land in Onslow zoned Residential R12.5 and where reticulated water and sewer was available to seek:

- two grouped dwellings on a vacant lot comprising not less than 875m<sup>2</sup>, with a minimum site area of 450m<sup>2</sup> per grouped dwelling, subject to advertising; and
- grouped dwellings at a maximum density of R30 on vacant lots greater than 1500m<sup>2</sup> subject to advertising.

Any application would require an engineering assessment as to the implications on the floodway and development within it.

At the Council Meeting of April 2011 and prior to advertising, Council modified draft Amendment No. 13 to change the existing Residential 'R12.5' for land in Second Avenue, Third Avenue and Hedditch Street, Onslow from 'R12.5' to 'R20'. The provision subject of draft Amendment No. 13 was changed to refer to 'R20' land in Onslow, as should the modification to change the existing 'R12.5' to 'R20' be given final approval, there would be no 'R12.5' land remaining in Onslow.

At the Council Meeting of April 2011, Council adopted draft Amendment No.13 for advertising (42 days). Three (3) submissions of no objection have been received during the advertising period, however a modification to the Amendment provision is sought providing discretion in setbacks due to the location of exiting dwellings. After considering the submissions, it is recommended that Council adopt draft Amendment No.11 for final approval (without modification) and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

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It is recommended that Council adopt a modified draft Local Planning Policy in accordance with the provisions of the Scheme. However, final advertising of the Policy should only be undertaken if Amendment No. 13 is approved by the Minister.

### Background

At the Ordinary Meeting of Council on 15 December 2011, Council resolved to initiate a new planning scheme provision that would allow for land in Onslow zoned Residential R12.5 and where reticulated water and sewer was available to (potentially) have:

- two grouped dwellings on a vacant lot comprising not less than 875m<sup>2</sup>, with a minimum site area of 450m<sup>2</sup> per grouped dwelling, subject to advertising; and
- grouped dwellings at a maximum density of R30 on vacant lots greater than 1500m<sup>2</sup> subject to advertising.

Council also requested that the Amendment be referred to the EPA and that the views of the Department of Planning, Department of State Development, Water Corp and Land Corp be sought. In preparing a further Report on the matter, the Chief Executive Officer was requested to:

- i) Address the responses from the EPA and agencies; and
- ii) Provide a draft Local Planning Policy that addresses the necessary residential design criteria and any special town related matters.

At the Council Meeting of April 2011 and prior to advertising, Council modified draft Amendment No. 13 to change the existing Residential 'R12.5' for land in Second Avenue, Third Avenue and Hedditch Street, Onslow from 'R12.5' to 'R20'. The provision subject of draft Amendment No. 13 was changed to refer to 'R20' land in Onslow, as should the modification to change the existing 'R12.5' to 'R20' be given final approval, there would be no 'R12.5' land remaining in Onslow.

At the Council Meeting of April 2011, Council adopted draft Amendment No.13 for advertising (42 days) along with a draft *Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7* also be adopted for advertising in association with Amendment No. 13.

### Comment

As with most planning Schemes in Western Australia, the Residential Planning Codes (R-Codes) are incorporated into the Shire of Ashburton Town Planning Scheme No. 7 ('Scheme') by reference and all residential use and development is to be in accordance with the R Codes. Clause 6 of the Scheme empowers the R-Codes as the principal policy for which all residential development must be assessed against.

The Scheme Map clearly identifies all residential lots with an R-Code, the number of which identifies the maximum density on a per hectare basis. For example, a lot with an R-Code of R20 has a general density of 20 dwellings per hectare. On a square metre basis this equates to an average 500m<sup>2</sup> site / lot area per dwelling. The R-Codes are a State Planning Policy and apply state-wide to the majority of the local government town planning schemes.

In the preparation of the Scheme residential lots / areas were designated R-Codes according to the most appropriate density for the site based on existing character and values to be retained in the future. The advertising of draft Amendment No. 13 was then carried out in accordance with the planning regulations. Three (3) submissions of no objection have been received during the advertising period, however a modification to the Amendment provision

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is sought providing discretion in setbacks due to the location of existing dwellings. The Schedule of Submissions are provided in Attachment 13.4.

### ATTACHMENT 13.4

Normally, in larger centres and cities, specific residential areas are coded at higher densities to encourage grouped dwelling development. These areas are generally identified around focus points, such as town centres, neighbourhood centres and areas of open space. Principles of orderly and proper planning and sustainability, suggest that the location of higher density areas about identified focus points is an appropriate form of 'consolidation' of zoning and correspondingly higher density development opportunities.

#### Conclusions

Onslow is under considerable development pressure for residential accommodation. The Amendment will assist in providing the opportunity for additional group housing development within Onslow without the need for expanding the Townsite.

On the basis of the above, Amendment No. 13 should therefore be adopted for final approval, modified as reflected in the attached Schedule of Submissions. Final advertising and adoption of draft *Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7* of the Policy should only be undertaken if Amendment No. 13 is approved by the Minister.

#### Consultation

Chief Executive Officer  
Executive Manager, Strategic & Economic Development

#### Statutory Environment

Planning and Development Act 2005

Town 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 EPA after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC.

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.

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- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.
- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

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

### Financial Implications

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."*

### Policy Implications

None anticipated.

### Voting Requirement

Simple Majority Required.

### Recommendation

That Council:

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval, draft Amendment No. 13 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by:

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:

*"6.6.3 Notwithstanding any other provision of the Scheme, on land in 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:*

- (a) *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 875m<sup>2</sup>, with a minimum site area of 435m<sup>2</sup> per grouped dwelling subject to formal advertising pursuant to Clause 5.7;*

- (b) *the local government may for the purposes of urban consolidation,*

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*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 1,500m<sup>2</sup> subject to formal advertising pursuant to Clause 5.7;*

- (c) *in determining any application lodged pursuant to Sub-Clauses (a) & (b) above the local government may reduce front setbacks to reflect R30 and 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."*
2. That the Council endorses the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 13.
  3. That the Council refer Amendment No. 13 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
  4. 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 the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.
  5. That with respect to draft '*Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7*' of Council:
    - i) note the Schedule of Submissions;
    - ii) modify draft '*Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7*' as recommended in the Schedule of Submissions; and
    - iii) adopt draft '*Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7*' as a Local Planning Policy under the provisions of clause. 2.3 of Shire of Ashburton Local Planning Scheme No. 7.
  6. The Chief Executive Officer be requested to advertise draft "*Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7*" after the Minister for Planning favourably determines draft Amendment No. 13.

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

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### 13.5 DRAFT LOCAL PLANNING SCHEME NO. 14 - CONSIDERATION FOR FINAL APPROVAL

<b>FILE REFERENCE:</b>	PS.TP.7.14
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	7 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.06.39 Ordinary Meeting of Council 15 June 2011 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

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.

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.

At the Council Meeting of April 2011, Council adopted draft Amendment No.14 for advertising (42 days). Two (2) submissions of no objection have been received during the advertising period.

It is recommended that Council adopt draft Amendment No.14 for final approval (without modification) and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

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It is recommended that Council adopt draft Local Planning Policy in accordance with the provisions of the Scheme. However, final advertising of the Policy should only be undertaken if the Minister approves 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 (final) 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."*



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

*"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.

## **ATTACHMENT 13.5**

### **Comment**

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.

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### Conclusions

On the basis of the above, Amendment No. 14 should therefore be adopted for final approval,. Final advertising and adoption of 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*' of the Policy should only be undertaken if Amendment No. 14 is approved by the Minister.

### Consultation

Chief Executive Officer  
Executive Manager, Strategic & Economic Development

### Statutory Environment

Planning and Development Act 2005

Town 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 EPA after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC.

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 services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.
- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

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

### Financial Implications

None anticipated.

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### 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."*

### 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.

### Voting Requirement

Simple Majority Required.

### Recommendation

That Council:

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval, draft Amendment No. 14 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by:

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

*"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."*

2. That the Council endorses the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 14.

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3. That the Council refer Amendment No. 14 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. 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 the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.
5. That 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*' be adopted as a Local Planning Policy under the provisions of clause. 2.3 of Shire of Ashburton Local Planning Scheme No. 7.
6. The Chief Executive Officer be requested to advertise 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*' after the Minister for Planning favourably determines draft Amendment No. 14.

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

## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

### 13.6 EXTENTION OF TIME - TRANSIENT WORKFORCE ACCOMODATION UNITS, BEADON BAY VILLIAGE, LOTS 557 & 563 BEADON CREEK ROAD, ONSLOW

**FILE REFERENCE:** BD.R.04101.000

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

**NAME OF APPLICANT/RESPONDENT:** Mr Kevin Sweetman

**DATE REPORT WRITTEN:** 11 October 2011

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

**PREVIOUS MEETING REFERENCE:**

- 13.03.12 Ordinary Meeting of Council 17 March 2010
- 13.08.378 Ordinary Meeting of Council 16 August 2005
- 13.12.305 Ordinary Meeting of Council 10 December 2004
- 13.10.235 Ordinary Meeting of Council 21 October 2003
- 15.09.97 Ordinary Meeting of Council 16 September 2003
- 13.10.160 Ordinary Meeting of Council 1 November 2002
- 13.09.149 Ordinary Meeting of Council 17 September 2002
- 13.08.146 Ordinary Meeting of Council 20 August 2002

#### Summary

At the Council meeting of 17 March 2010, Council approved a development application at the Beadon Bay Village for additional 64 transient workers accommodation units on Lot 557 and 40 units on Lot 563. The Approval sought to retain the units for a three-year period (until 2013). The units were established in accordance with the Approval however, the operator has sought to retain the units until 2018. This is due to the intense pressure on Onslow for accommodation.

The proposal is consistent with the provisions of the Shire's planning scheme and policies and will provide accommodation within Onslow for companies using the town as a base. Accordingly, it is recommended that the application be approved, subject to appropriate conditions being included.

#### Background

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

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Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to the closed Parsley Street road reserve of approximately 60 metres. Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south-eastern and northern portions of the site with a communal swimming pool located centrally. Access to both Lots 563 and 577 is currently provided by the closed Parsley Street road reserve.

At the Council meeting of 17 March 2010, Council approved a development application at the Beadon Bay Village for additional 64 transient workers accommodation units on Lot 557 and 40 units on Lot 563. The Approval allowed for the construction of a total of 16 transient workforce accommodation buildings comprising:

- 10 transportable buildings, each containing 4 units (total of 40), in the north eastern portion of Lot 563 and set back 44 metres from Beadon Creek Road; and
- 6 transportable buildings, each containing 4 units (total of 24), in the north eastern portion of Lot 577.

The Application sought to retain the units for a three year period (until 2013) and this was reflected as a condition of Approval. The units were established in accordance with the Approval as reflected in the following condition (in part):

- “3) *Prior to the development being occupied the “owner of the land” shall at the expense of the owner and accepting Council’s costs, prepare and enter into a signed agreement with the Shire. The agreement shall:*
- ii) require the use of the structures to cease by 17 March 2013 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days;”*

The agreement (as required by the above condition) has been entered into by the operator and the Shire. It is noted that the Shire has received no complaints have been received in relation to the use and operation of the units. Under delegation, the Chief Executive Officer has agreed to extend the Approval for a further three (3) years, due to the need for controlled and serviced transient workforce accommodation in Onslow.

### **Proposal**

The operator of the Beadon Bay Village caravan park has sought to retain the units until 2018. This is due to the intense pressure on Onslow for accommodation.

### **Comment**

It is agreed that with Chevron taking the ‘Financial Investment Decision’, accommodation in Onslow has been at a premium, both in availability and cost. The opportunity to retain established accommodation for the construction period for both Chevron’s Wheatstone LNG plant and BHPB’s Macedon Domestic Gas Plant is a benefit for the community. This won’t obviate the need for significant additional accommodation for Onslow and for the Ashburton North area, but it will assist in lessening the impact.

### **Consultation**

Chief Executive Officer  
Executive Manager, Strategic & Economic Development

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### Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

### Financial Implications

There are no financial implications relevant to this matter.

### Strategic Implications

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

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

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

#### *"New Industry*

##### *Measures and Targets*

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

### Policy Implications

Transient workforce accommodation should be consistent with the provisions of Council's adopted Local Planning Policy *Transient Workforce Accommodation*. Specifically, the Policy States:

#### *"4.5 Location of Camps*

*4.5.1 The particular location of any proposed camp is at the discretion of the Shire and will depend on the capability, suitability and appropriateness of the site for the proposal. The Shire does not support Transient Workforce Accommodation camps located:*

- in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction;*
- adjacent to recognised tourist routes, unless suitably screened or designed for permanent use;*
- within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones:*
  - Rural Residential;*
  - Industrial and mixed Business/Development;*
  - Industry; or*
  - Mixed Business."*

The land is within a zone that the Policy accepts as being appropriate for transient workforce accommodation. The proposal would be classified as a „TYPE A Camp” which are:

*"... located within or in proximity to existing urban or resident populations, typically on land zoned for residential or commercial purposes. These camps may be further categorized into long term operational camps and (generally) shorter term construction camps."*

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Under the policy, Type A camps should not exceed 200 accommodation rooms and in this regard, the proposal complies with the policy. Also relevant to the proposal is Local Planning Policy “*Transportable Dwellings, New and Second- hand*” which states:

*“5.1 For all transportable housing:*

- building plans comprising site, floor and elevation plans and a septic tank application (if applicable) will be required;*
- dwellings shall be designed to reflect the existing character of development surrounding the subject site;*
- roof pitch shall be a minimum 10° if the majority of the surrounding dwellings are so constructed;*
- void area between floor and ground levels is to be enclosed by brickwork or other materials to the satisfaction of the Shire;*
- where deemed necessary by the Shire, verandah(s) and/or painting shall be undertaken to enhance of the dwelling;*
- where deemed necessary by the Shire, landscaping shall be undertaken around the dwelling;*
- where Council requests any work to be carried out to enhance the appearance of the building and/or it surrounds, it may seek the payment of a bond/bank guarantee to ensure that such works are completed; and*
- within 8 weeks of the building being located on the approved site, Council's Building Surveyor will carry out a final inspection to ensure that all the conditions of approval have been complied with. If these have not been met, then Council may consider issuing an order to have the building removed from the site.”*

The Approval reflects the policy although the buildings propose a 3° pitch. However this reflects existing accommodation units on site.

### **Voting Requirement**

Simple Majority Required.

### **Recommendation**

That Council:

1. Resolve to extend the Planning Approval approved by Council on 17 March 2010 for additional 64 transient workers accommodation units on Lot 557 and 40 units on Lot 563 Beadon Bay Village Caravan Park until November 2018.

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



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

<b>FILE REFERENCE:</b>	RD.OG.02.05
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Chevron Australia Pty Ltd
<b>DATE REPORT WRITTEN:</b>	6 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Chevron Australia is seeking approval to construct offices and infrastructure, road, services and transient workforce accommodation at Lots 152,153 and 238 Onslow Road, Ashburton North. This application meets the criteria for a Development Assessment Panel and will be determined by the Pilbara Joint Development Assessment Panel (JDAP). The JDAP is an independent decision making body comprising independent technical experts and Shire of Ashburton Councillor representatives. DAPs are able to determine certain development applications in the place of the original decision making authority, being the local government in this case.

The planning application seeks approval to commence development of transient workforce accommodation and temporary construction infrastructure to facilitate the ultimate development of the Wheatstone LNG and Domgas Plant. These initial construction activities (months 1 through 10) are focused on providing roads, beds, and water. The application assumes that existing access roads including the Primary Access Road within the Multi-User Infrastructure and Access Corridor developed by BHP Billiton for their Macedon project will be able to be utilized by the Wheatstone project for access to the various work areas.

It is recommended that Council note the application for Planning Approval and delegate to the Chief Executive Officer and the Executive Manager Technical Services, authority to submit the Responsible Authority Report to the Development Assessment Panel pursuant to Regulation 12 of the Planning & Development (Development Assessment Panels) Regulations 2011.

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### **Background**

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

### **Proposal**

The Application seeks the following:

#### *Temporary Construction Offices and Facilities*

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

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

#### *Pioneer Concrete Batching Plant*

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

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

#### *Temporary Access Roads*

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

#### *Compaction Phase Seawater Intake*

A temporary seawater intake and processing facility is to be installed at the beach within the proposed Common User Coastal Area. The facility is established using offshore electric submersible pumps to allow large quantities of seawater to be brought onshore for construction use and for processing into fresh water.

#### *Transient Workforce Accommodation*

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

**ATTACHMENT 13.7**

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### Comment

This application meets the criteria for a Development Assessment Panel application under Regulation 5 of the Planning and Development (Development Assessment Panels) Regulations 2011 and will be determined by the Pilbara Joint Development Assessment Panel (JDAP). The Value is greater than \$7 million. The JDAP is an independent decision making body comprising independent technical experts and elected Local Government representatives. DAPs are able to determine certain development applications in the place of the original decision making authority, being the local government in this case.

Under the above Regulations, the Shire is obliged to provide the JDAP with a Report to allow consideration of the Application. The Council has no role in the decision making process.

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

The Application has been advertised (closing 9 November 2011) in accordance with the Scheme, comprising:

- A notice in the Pilbara News; and
- Notification to interested parties comprising BHP Billiton, Forrest and Forrest and Onslow Solar Salt.

The views of the Application from the following State agencies have also been sought:

- Main Roads WA;
- Department of Water;
- LandCorp;
- Department of State Development; and
- Department of Environment.

### Statutory Environment

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

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

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

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

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

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

### Financial Implications

There are no financial implications relevant to this matter.

### Strategic Implications

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

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

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

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

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Absolute Majority Required.

### Recommendation

That Council:

1. Note the application for Planning Approval to construct offices and infrastructure, road, services and transient workforce accommodation at Lots 152,153 and 238 Onslow Road, Ashburton North which meets the criteria for a Development Assessment Panel application under Regulation 5 of the Planning and Development (Development Assessment Panels) Regulations 2011 to be determined by the Pilbara Joint Development Assessment Panel (JDAP).
2. The Chief Executive Officer and the Executive Manager Technical Services be delegated authority to submit the Responsible Authority Report to the Development Assessment Panel pursuant to Regulation 12 of the Planning & Development (Development Assessment Panels) Regulations 2011 for the above application.

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

## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

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

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

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

**NAME OF APPLICANT/RESPONDENT:** LandCorp

**DATE REPORT WRITTEN:** 1 November 2011

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

**PREVIOUS MEETING REFERENCE:**

No specific Agenda Item relates to the matter before Council, however the following Items were associated with the ANSIA Strategic Industrial Area:

Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011

Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011

Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010

Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008

Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009

Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009

Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009

Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010

Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

### Summary

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

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

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

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

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

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

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

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It is recommended that Council:

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

### Background

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

### ATTACHMENT 13.8A

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

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

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

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

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

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

### Proposal

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

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

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

### ATTACHMENT 13.8B

### Comment

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

### Environment Protection Authority

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

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

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



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

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

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

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

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

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

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

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

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

#### ***Ammonia and Ammonia Nitrate Plants***

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

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

#### ***Future Industrial Area***

The draft *Development Plan* shows an area defined as 'Future Transport & Laydown Precinct' with a total area in the vicinity of 625ha. It is proposed to be located on the Onslow Solar Salt boundary. This doesn't reflect the area for industry defined in the

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ANSIA Structure Plan and it is understood that the proponent does not anticipate developing this area in the short term. It is possible to pursue additional areas of development outside of the approved ANSIA Structure Plan but should be in the form of an amendment to the ANSIA Structure Plan. Accordingly, the area can be shown on the Development Plan but needs to be conditioned that it is subject to future planning assessments.

### *General Modifications*

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

### **Conclusion**

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

Accordingly, it appropriate for Council to favourably considering:

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

### **Consultation**

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

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

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

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

### **Statutory Environment**

*Planning and Development Act 2005*

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

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

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

### *Environmental Protection Act*

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

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

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

### **Financial Implications**

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

### **Strategic Implications**

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

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

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

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

*"New Industry*

*Measures and Targets*

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

### **Policy Implications**

There are no policy implications relevant to this matter.

### **Voting Requirement**

Absolute Majority Required.

### **Recommendation**

That Council:

#### **(A) DRAFT ANSIA INDUSTRIAL DEVELOPMENT PLAN**

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

#### **(B) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 17**

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

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

- c) Insert after Clause 6.11.8 of the Scheme the following:  
*LandCorp ANSIA Industrial Development Plan*

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

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

- d) Amending the Scheme Maps accordingly.

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.
3. 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.
4. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:
  - Department of State Development
  - Department for Planning
  - Dampier Port Authority
  - Department of Environment and Conservation
  - Environment Protection Authority
  - Main Roads WA
  - Department of Water
  - Department of Mines and Petroleum
  - Department of Transport
  - Water Corporation
  - Horizon Power
  - Department of Indigenous Affairs
  - Department of Health
  - Chevron Australia Pty Ltd

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5. That following response from the EPA in accordance with Part 2 or Part 3, the matter back to Council for consideration.

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

1. That the Council in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Scheme Amendment No. 18 to the Shire of Ashburton Local Planning Scheme No. 7 by:
  - a) Rezoning Portion of Lot 152, Onslow Road from 'Rural' zone to 'Industry' zone.
  - b) Amending the Scheme Maps accordingly.
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.
3. 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.
4. That prior to referring back the Amendment to Council for consideration, the views of the following agencies be sought concerning the draft Amendment:
  - Department of State Development
  - Department for Planning
  - Dampier Port Authority
  - Department of Environment and Conservation
  - Environment Protection Authority
  - Main Roads WA
  - Department of Water
  - Department of Mines and Petroleum
  - Department of Transport
  - Water Corporation
  - Horizon Power
  - Department of Indigenous Affairs
  - Department of Health
  - Chevron Australia Pty Ltd
5. That following response from the EPA in accordance with Part 2 or Part 3 the matter back to Council for consideration.

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

## 14. OPERATIONS REPORTS

### 14.1 SUPPLY OF CRACK SEALING SERVICES RFT 14/11 TENDER AWARD

<b>FILE REFERENCE:</b>	AS.TE.11.14
<b>AUTHOR'S NAME AND POSITION:</b>	Fiona Keneally Acting Executive Manager, Operations
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Shire of Ashburton has a large number of roads displaying longitudinal cracking, particularly in the townships of Tom Price and Paraburdoo. To provide long term waterproofing of the underlying pavement, it is necessary to treat the longitudinal cracks prior to any resealing.

Contracts were called for the supply of crack sealing services to fulfil the requirements of the abovementioned problem.

#### Background

Traditionally sealed Shire of Ashburton roads have been treated with PMB bituminous reseals. This treatment is only providing crack protection for 2-3 years. Existing sealed roads throughout these townships will require resealing for other reasons over the next 5-10 years (e.g. oxidisation, stripping, flushing etc). To provide long term waterproofing of the underlying pavement, it is necessary to treat the longitudinal cracks prior to any resealing.

Recent inspections have identified that the performance of the Shire road pavements are at risk in those areas where cracking is evident. Prior to the onset of expected summer rains, it is deemed essential to treat identified roads to prevent any damage that water ingress to the pavement may cause.

Tenders were called for a twelve month period, however it is expected that the successful Tenderer will complete all required works in one site visit.

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### **Comment**

At the time of closure of tender, three tenders were received –

SUPERSEALING PTY LTD  
ROADWORK INDUSTRIES  
FULTON HOGAN INDUSTRIES

Tenders were assessed by an assessment panel consisting of Fiona Keneally and Allan Monson.

Tenders were assessed on the basis of price, scheduled delivery date, industry experience equipment offered, and OHS management systems in place.

### **COST (Lump Sum Requested in Tender Specification)**

SUPERSEALING PTY LTD	\$266,790.00
FULTON HOGAN INDUSTRIES	\$275,000.00
ROADWORK INDUSTRIES	\$4.20 per metre plus \$4000 mobilisation and demobilisation (non conforming)

Note – It is estimated that there is in excess of 70,000 lineal metres of crack sealing required on Shire of Ashburton roads.

### **SCHEDULED DELIVERY DATE**

SUPERSEALING PTY LTD	November 2011
FULTON HOGAN INDUSTRIES	February 2012
ROADWORK INDUSTRIES	Negotiable

On the basis of industry experience, equipment offered and OH&S management systems, Tenderer's ratings are reasonably equivalent.

### **Consultation**

Executive Manager Technical Services  
Chief Executive Officer  
Road Maintenance Coordinator

### **Statutory Environment**

Not Applicable.

### **Financial Implications**

Expenditure will be in accordance with budget as approved by Council.

### **Strategic Implications**

Not Applicable.

### **Policy Implications**

Not Applicable.

### **Voting Requirement**

Simple Majority Required.



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### **Recommendation**

That Council approves the award of RFT 14/11 for the Supply of Crack Sealing Services to Supersealing Pty Ltd, based on lump sum price (\$266,790), ability to deliver almost immediately and their capability to equally meet remaining weighting criteria.

<b>Author: Fiona Keneally</b>	<b>Signature:</b>
<b>Manager: Jeffrey Breen</b>	<b>Signature:</b>

## 15. COMMUNITY DEVELOPMENT REPORTS

### 15.1 REVIEW OF FAMILY POOL PASS

<b>FILE REFERENCE:</b>	FI.FE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Deb Wilkes Executive Manager, Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 November 2011
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Public Question Ordinary Council Meeting of 19 October 2011

#### Summary

The adopted schedule of Fees and Chargers 2011-2012 contains a fee and definition for a "Family Pool Pass". In this context, a "family" is defined as 2 adults and 2 children, a situation that has caused some concern among residents in the Shire.

This report recommends changing that definition to accommodate larger families.

#### Background

In the Shire of Ashburton's Schedule of Fees and Charges adopted in 2010-2011, a definition of "family" for the purpose of a Family Pool Pass was included. This definition stated a family was 2 Adults and 2 Children. The same definition was then adopted in the current, 2011- 2012, Schedule of Fees and Charges.

Throughout 2010-2011 inconsistent decision-making to "waive" this definition appears to have taken place, resulting in a situation where, even if residents were aware that the definition existed, they were certainly not expecting it to be enforced.

Additionally, to date in the 2011-2012 financial year, some families have, in good faith, purchased "family" passes for 1 adult and 3 children, so any change to the current definition should not disadvantage them.

#### Comment

Research of other local government municipalities across the Pilbara, and across the State, reveals no consistency in this issue, with some having no family passes at all, others having them for one-off entry only, while others have "block" passes (eg 20 visits). Likewise, there is no consistency in the definition of "family" across various local governments. A summary is listed below.

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	Type of Family Pass	Definition of Family
Shire of East Pilbara	10/20/50/Visits	2 adults/2 children (5 - 16 yrs)
Shire of Exmouth	4 or 12 month pass	No definition
Shire of Roebourne	Single visit only	2 adults /3 children
Town of Port Hedland	Single visit only	2 adults/2 children
Shire of Broome	1 month pass	No definition
City of Mandurah	No Family Pass offered	

Enquiries received from families in Paraburdoo indicated they would like a more flexible definition and administration of this fee.

According to the Australian Bureau of statistics, the Shire of Ashburton has just over 27% of its population aged 0 – 14 years, while the State average for this age group is less than 20%.

Changing the definition to *“Up to 5 people, including no more than 2 adults”* would accommodate this greater than average number of young children. This definition would also allow families with only 1 adult in the household, or where only one parent usually accompanies the children to the pool, to include an extra child if required. That is, the family pass could include 2 adults and 3 children or it could include 1 adult and 4 children.

Where families have more than five members who regularly attend the pool, a separate *“additional person”* pass could be established as a new fee. This pass would be available only to families who have already purchased a seasonal family pass and would allow for additional family members to access the pool at a nominal charge. Currently seasonal passes for Adults are set at \$155 and \$110 for a child. Having a more nominal fee, such as \$30, for an *“additional person”* would be an advantage for larger families, especially where the youngest child(ren) are under 6 years of age and would therefore normally pay \$1.00 per standard entry.

### Consultation

Shire of Ashburton Pool Managers

### Statutory Environment

Any change to the current definition of “family” as being 2 adults and 2 children, and any decision to include additional fees, needs to be approved by Council and advertised as an amendment to the 2011-2012 Schedule of Fees and Charges

### Financial Implications

Theoretically, a change to the definition of “family” to include a larger number of people/children should have a negative effect on the budget, with more people entering and using the pool with no corresponding increase in the fee charged. However, given the indiscriminate nature in which waivers to this definition were previously approved, it is difficult to assess to what level, if any, this will be apparent.

### Strategic Implications

Any changes to the definition of *“Family”* for the purpose of pool entry are consistent with Strategy 2 *“Include and Engage Our Community”*.

### Policy Implications

There are no policy implications.

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### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. Changes the definition of *“family”* (for the purpose of pool entry) to *“Up to 5 people including no more than 2 adults”*.
2. Includes a new fee titled *“additional person”* which is only to be used in conjunction with a seasonal family pool pass.
3. Establishes a fee of \$30 for the *“additional person”* seasonal pass.

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

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### 15.2 DONATION TO THE MAJEWSKI FAMILY FUNDRAISER

**FILE REFERENCE:** FI.FE.00.00

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

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

**DATE REPORT WRITTEN:** 9 November 2011

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

Mr Majewski was a former resident and worker in Tom Price, with strong community connections, who recently passed away after trying to rescue his son who had fallen at Karijini.

This report seeks approval for an "out of policy" donation to be made to the fundraising appeal.

#### Background

Mr Majewski was a former Deputy Principal in Tom Price, and, together with his family developed strong connections throughout the community. During the October 2011 school holidays, a family outing to Karijini turned tragic and Mr Majewski passed away after falling while trying to rescue his son.

The community rallied to provide support for the family, and a fundraising event was organised at the Vic Hayden Memorial Swimming Pool on Sunday November 7<sup>th</sup>.

Councilor Peter Foster enquired as to whether the Shire could waiver or donate the entry fees for the day to the event (see email exert below).

***From:*** Peter Foster [mailto:peter\_a\_foster@bigpond.com]

***Sent:*** Sunday, 23 October 2011 10:17 AM

***To:*** Jeffrey Breen

***Cc:*** Cr Lisa Shields; Cecilia Fernandez

***Subject:*** Some local issues

*Good Morning Jeff,*

*The first issue is over the use of Tom Price Swimming Pool for a fundraising function for the Majewski Family after the unfortunate death of Mr Majewski from injuries suffered at Karijini National Park.*

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*I'm not sure whom is in charge of organising the fundraiser, but I was approached in Tom Price Post Office on Friday. They wish for the fundraiser to be held on Sunday 6th November.*

*They have approached Ray from the Tom Price Swimming Pool to negotiate this fundraiser and have it there and there is some angst around the entry fee for the pool on this day.*

*The fundraisers asked whether the Tom Price Swimming Pool could waiver the entry fee on this day, or somehow donate a percentage to the fundraising fund, as people who will be attending the Tom Price Swimming Pool on this day will be attending the fundraiser and not using the pool for personal or recreational use.*

*Ray apparently responded saying that they could not guarantee that everyone attending the pool would be attending the fundraiser, and as such he was obliged to charge the regular entry fee.*

*How is the entry fee for the Tom Price Swimming Pool administered?? Is there anything that we can assist the fundraisers with for this day?? Tom Price Town is very supportive of all its' people and as has been proven in the past, when someone is in need, everyone pitches in and helps. I believe they have organised a sausage sizzle, jumping castle, silent auctions with items donated by local business / artists and other fundraising events. I believe all proceeds are going to a trust fund for Mrs Majewski and her son.*

*Personally I feel we should consider waiving the entry on this day, and letting the fundraising team set up a bucket for gold coin entry for donations, or could the Shire of Ashburton donate a portion of the entry fee to the fundraising fund?? What are your thoughts?? I feel as Counsellor, surely we can help??*

*I look forward to hearing from you, cheers again.*

*Peter Foster  
Councillor – Tom Price Ward  
Shire of Ashburton  
B. Arts (Newcastle)  
Mob: 0412 459 454  
Email: [peter\\_a\\_foster@bigpond.com](mailto:peter_a_foster@bigpond.com)*

### **Comment**

Many groups and organisations donated goods and services to this fundraising event. Activities, stalls and items were available for a "donation" with all money raised going to the newly established family trust

The Shire was approached during the planning stages of this event and asked if it would also contribute to the event. In-kind support was agreed to, and the Shire "donated" the use of the pool inflatable (usual charge is \$90 an hour) to the event. In addition, it was recognised that additional pool staff would need to be employed that day because of anticipated high attendance numbers so it was agreed that the Shire would absorb the cost of doing this as an "in kind" donation to the event.

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Progressing Councillor Foster's requests:

1. Because the event was held during regular opening hours, it was not possible to waive the entry fee, so standard entry fees were charged. This also allowed those who wished to support the event, and those who did not, to enter and use the pool facility. A total of \$937.00 was taken at the entry gate that day.
2. After discussion with the organisers, a bucket for donations was not set up at the entry as it was felt that since entry fees were being charge this was not appropriate, however, a total was \$140.00 was collected as "donations" by children using the inflatable and this was donated to the event.
3. While donation of the entry fee itself is potentially problematic from a transparency perspective, a donation equivalent to those entry fees could be approved. This will require Councillor approval as Council Policy REC08 Community Donations states that donations may only be made to not-for-profit organisations involved in
  - *Law, order and Public Safety*
  - *Youth Services and Charitable purposes (To offer groups and organisations financial assistance to encourage high standards of community service and programme delivery in the areas such as health, welfare, training and general interest groups that promotes a positive public image of the Shire of Ashburton)*
  - *Education, Arts Culture, Sport and recreation.*

### Consultation

Chief Executive Officer

### Statutory Environment

Nil

### Financial Implications

There will be no financial implication as the established donation account has sufficient funds within it for any approved donation.

### Strategic Implications

Nil

### Policy Implications

1. Council Policy FIN012 states that donations can only be made to Charities registered within the Shire of Ashburton (with the exception of the Royal Flying Doctor)
2. Council Policy REC08 states that donations may only be made to not-for-profit organisations involved in:
  - *Law, order and Public Safety*
  - *Youth Services and Charitable purposes (To offer groups and organisations financial assistance to encourage high standards of community service and programme delivery in the areas such as health, welfare, training and general interest groups that promotes a positive public image of the Shire of Ashburton)*
  - *Education, Arts Culture, Sport and recreation.*

## **AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011**

### **Voting Requirement**

Absolute Majority Required.

### **Recommendation**

That Council:

1. Approve a donation of \$937.00 to the Majewski family appeal, this amount being equivalent to the entry fees taken at the Vic Hayden Memorial Swimming Pool on the day of the Majewski Family Fundraising Appeal, Sunday 6 November 2011.

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



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

**17. CONFIDENTIAL REPORTS**

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

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

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:*
  - (I) a trade secret;*
  - (II) information that has a commercial value to a person; or*
  - (III) information about the business, professional, commercial or financial affairs of a person,*

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

- (f) a matter that if disclosed, could be reasonably expected to:*
  - (I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (II) Endanger the security of the local government's property; or*
  - (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) such other matters as may be prescribed.*

## AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011

### 17.1 CONFIDENTIAL ITEM - PROPOSED TOM PRICE AIRPORT

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

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

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

**DATE REPORT WRITTEN:** 8 November 2011

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

Please refer to Confidential Item Attachment under separate cover.

### 17.2 CONFIDENTIAL ITEM - PURCHASE OF UNCONSTRUCTED PART OF BOONDEROO ROAD TO FORM ADDITIONAL BLOCK

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

**AUTHOR'S NAME AND POSITION:** Anika Serer  
Land Development and Marketing Co-Ordinator

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

**DATE REPORT WRITTEN:** 5 November 2011

**DISCLOSURE OF FINANCIAL INTEREST:** Not Applicable

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.05.13 Ordinary Council Meeting 4 May 2007  
Agenda Item 15.02.02 Ordinary Council Meeting 17 February 2010

Please refer to Confidential Item Attachment under separate cover.

## **AGENDA - ORDINARY MEETING OF COUNCIL 16 NOVEMBER 2011**

### **18. COUNCILLOR AGENDA ITEMS**

Councillor requested agenda items have been included.

### **19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 14 December 2011, at the Council Chambers, Recreation Centre, Tom Price commencing at 3.00 pm.

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