



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

**Council Chambers, Community Recreation Centre
TOM PRICE**

18 May 2011

SHIRE OF ASHBURTON
ORDINARY COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on Wednesday 18 May 2011 at the Council Chamber, Community Recreation Centre, Tom Price commencing at 3.00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

13 May 2011

DISCLAIMER

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

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1.05.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 3.00 pm.

2.05.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed John Dagleish and David Lee from the Gorgon Expansion Project, Chevron Australia Pty Ltd, Ian Bell, Manager of Expansion Studies, Rio Tinto Pty Ltd, Mark Eaglesham, General Manager – Operations, Tom Price and Marandoo, Rio Tinto Pty Ltd, Renae Rutherford, Superintendant Communities – Inland, Cecilia Fernandez and members of the public to the public gallery.

Cr Corker was not in the room at commencement of meeting.

3.05.0 ATTENDANCE

3.05.01 PRESENT

| | |
|-----------------|---|
| Cr G Musgrave | Shire President, Tom Price Ward |
| Cr T Bloem | Tom Price Ward |
| Cr L Thomas | Tableland Ward |
| Cr K White | Onslow Ward |
| Cr L Shields | Tom Price Ward |
| Cr D Wright | Pannawonica Ward |
| Cr L Corker | Ashburton Ward |
| Cr I Dias | Paraburdoo Ward |
| Cr L Rumble | Paraburdoo Ward |
| Mr J Breen | Chief Executive Officer |
| Mr L Softley | Executive Manager Community & Economic Services |
| Ms A O'Halloran | Executive Manager Western Operations |
| Mr F Ludovico | Executive Manager Corporate Services |
| Mr G Brayford | Executive Manager Engineering Services |
| Ms J Smith | Executive Assistant CEO |
| Mr R Paull | Principal Town Planner |
| Chloe Shaw | Administration Assistant |

3.05.02 APOLOGIES

3.05.03 APPROVED LEAVE OF ABSENCE

4.05.0 PUBLIC QUESTION TIME

4.05.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 20 April 2011 the following questions were tabled by Ann Eyre. The questions were taken on notice and the following responses are tendered.

- Q1. The filling of the road drop off, on the Beadon Creek Road and Second Avenue, to the NTC yard. The drop off from the side of bitumen to the dirt is quite dangerous in places and with the tourist season upon us there will be many large boats and caravans using these roads. Could this be done or included in the next budget please.**

Maintenance work has been completed on Beadon Creek Road. Extra works to be undertaken on Onslow Road when plant is available.

- Q2. It has been said that the recreation at 4 Mile Creek will be improved and made useable. Is this true and if so when?**

The project to upgrade 4 Mile Creek recreation area will be included as a consideration for Council for the 2011/2012 Budget.

- Q3. I have had conflicting reports from the WaterCorp on what they are doing to deal with the Onslow's water problem. Does the Shire have anything concrete from them?**

Water Corp has advised that it is upgrading the Cane River bore field to improve water supply to Onslow in the short term. Forward planning is being undertaken by Water Corp for a long term sustainable supply.

4.05.02 PUBLIC QUESTION TIME

- 4.05.02.01** Cecilia Fernandez tabled the following questions. The questions were taken on notice and a written response will be prepared.

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

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

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

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

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

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- Where a development area is 2000m² NLA or less, Council may accept up to a maximum of 20% of the car parking requirement to be located within the Shire's road reserve, as directed by Council.
- For developments above 2000m² NLA, Council may accept a maximum of 10% of the parking requirement to be located within the Shire's road reserve, as directed by Council.

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

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

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

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

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

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

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

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



5.05.0 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications received for leave of absence.

6.05.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.05.01 PETITIONS

There were no petitions presented to Council.

6.05.02 DEPUTATIONS

There were no deputations presented to Council.

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6.05.03 PRESENTATIONS

David Lee and John Dagleish from the Gorgon Expansion Project, Chevron Australia Pty Ltd made a presentation on the Gorgon Expansion Project.

Ian Bell, Manager of Expansion Studies, Rio Tinto Pty Ltd made a presentation on the Coastal Water Project.

Mark Eaglesham, General Manager – Operations, Tom Price and Marandoo, Rio Tinto Pty Ltd, made a presentation on the major activities, programs, projects and changes that are relevant to Tom Price and Paraburdoo.

Cr Corker entered the meeting at 3.10 pm.

7.05.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.05.01 ORDINARY MEETING OF COUNCIL HELD ON 20 April 2011

Council Decision

MOVED: Cr Thomas **SECONDED:** Cr Bloem

That the Minutes of the Ordinary Meeting of Council held on 20 April 2011, as previously circulated on 4 May 2011, be confirmed as a true and accurate record subject to the following amendment.

Change the word “CARRIED” to “LOST” and change the word “prepare” to “prepared” into the Council Resolution of Agenda Item 16.04.07

Council Decision

MOVED: Cr Corker **SECONDED:** Cr Bloem

That Council:

1. Note the contents of this Report.
2. Advise RTIO that it is prepared to accept its request for use of the accommodation units as outlined in its correspondence of 26 March 2011 and delegates to the Chief Executive Officer to determine a market rate for the use of the units.

LOST 4/1
LOST DUE TO NO ABSOLUTE MAJORITY

CARRIED 9/0

8.05.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

A review of the newsletter “Inside Ashburton” will be conducted to see how effective it is and how well it is being received. Councillors are asked to make a contribution and to assist with engaging with the community.

9.05.0 DECLARATION BY MEMBERS

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

9.05.01 DECLARATION OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

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3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Cr Shields left the meeting at 4.13 pm.

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10.05.0 ENGINEERING SERVICES REPORTS

10.05.09 ENGINEERING SERVICES DECISION STATUS REPORT

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|----------|--------------------------------|--------------------|---|--|---|
| 1 | 04/11 | 10.04.07 | Request for Transfer of Funds for the Expansion of the Tom Price Tip Site | That Council resolve to: 1. Transfer funding from the Onslow Transfer station to the Tom Price waste site to the sum of \$205,300.00. 2. Delegate to the CEO the responsibility to apply for and where appropriate approve any other applications or permits required to effect the decision to expand the Tom Price tip site. | 1. Finalised. 2. Will be determined and implemented if necessary (May 2011) |
| 2 | 02/11 | 16.02.03 | Confidential Item – Private Works – BHPB ANSIA Road Macedon Dom Gas Plant | That Council: 1. Agrees in principle to pursuing the BHPB tender for access road construction for the Macedon LNG Project. 2. Appoints a project control group consisting of Cr Musgrave, Cr Corker, Cr Shields and Cr White (as proxy), the CEO and Operations Manager to consider the tender in greater detail and if the contract is offered to the Shire, advise whether to proceed or not. 3. Acting on the advice of the working party delegates the CEO to either accept or reject the contract. 4. Delegates the CEO, on the expiry of the statutory 6 week period, to accept the Business Plan providing no submissions have been received. | Completed Contract will not be offered to the Shire. (May 2011) |
| 3 | 10/10 | 10.10.22 | Proposed Relocation Of Recycling Facilities at Tom Price and Paraburdoo | That Council: 1. Relocate the recycling ‘drop off’ facilities in Tom Price to the Tom Price Land fill site. 2. Monitor the level of activity at the Paraburdoo Recycling Station with the understanding that this facility may, after consultation and agreement with the Paraburdoo Councillors be moved to Paraburdoo Land fill site. | The current locations offer the better service to the community and use has improved significantly. The service will be retained at these sites and reviewed if |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|---|--|--|
| | | | | | found necessary. Tom Price location may vary. (May 2011) |
| 4 | 06/10 | 04.06.01 | Public Question re: Entry Signs | <p>Jo Barron-Perry tabled the following question – Entry Signs – Why have they not been erected? This was one of the entries to our General Appearance win in 2009. Can the Tidy Towns Committee assist with this?</p> <p>Answer – Approval has only recently been received from Main Roads WA for the installation of the signs. A contractor has been engaged to do the work. Unfortunately he has been delayed however the signs for Paraburdoo are expected to be installed week commencing 21 June.</p> | <p>Paraburdoo complete. Tom Price complete. Roebourne-Wittenoom Complete. Pannawonica complete. Negotiating with MRWA on remainder. (April 2011) Negotiations with MRWA continuing. (May 2011)</p> |
| 5 | 08/09 | 10.08.22 | Temporary Road Closure – Yampire Gorge Road | <p>That Council</p> <ol style="list-style-type: none"> 1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months. 2. Instruct the Chief Executive Officer to place signage to this effect. 3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road. | <p>Ongoing.</p> <p>Closure being implemented. (Mar 2011)</p> |
| 6 | 04/08 | 10.04.08 | Relocation of Onslow Landfill | <ol style="list-style-type: none"> 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled 'Onslow Landfill Options' subject to environmental approvals being forthcoming. 2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be | <p>Ongoing.</p> <p>Investigation in place for Class 4 landfill to serve</p> |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|--------------|--|--|
| | | | | <p>established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site.</p> <p>3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design.</p> | <p>Pilbara and, in parallel, second preference site from SKM report. (March 2011)</p> <p>EOI for works being developed for issue in May 2011. (May 2011)</p> |

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

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

CARRIED 8/0

Cr Shields entered the meeting at 4.14 pm.

11.05.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.05.07 NAMELESS JARNDUNMUNHA FESTIVAL 2011 – REQUEST FOR FUNDING

FILE REFERENCE: CS.CE.01.00

AUTHOR'S NAME AND POSITION: Mabel Gough
Community Services Project Officer

NAME OF APPLICANT/RESPONDENT: Nameless Jarndunmunha Festival Committee c/o Linda McCarthy

DATE REPORT WRITTEN: 5 May 2011

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

In August 2011 the Nameless Jarndunmunha Festival is celebrating its 40th anniversary. The committee aims to increase the size of the festival to ensure that the event is marked on our residents and visitors calendar as the celebration of the year. The committee is requesting \$45,000 (combined cash and in kind), ranking the Shire as the second largest contributor to the event.

Background

The Nameless Jarndunmunha Festival is a community event which is held every year during the first week of August. Each year the Shire contributes combined cash and in kind donation to ensure the event is a success.

The Incorporated Committee comprising of 18 members have worked tirelessly to ensure a successful festival each year.

Comment

The Nameless Jarndunmunha Festival is the largest event on the Tom Price calendar each year. It requires support from all businesses, companies and individuals in the town to be an achievement. Without the support and the hard work of the committee the festival would not occur.

The festivities planned during the week include: Gala Ball, Street Parade, Fireworks, Peoples Exhibit, Side Show, Business Retail Outlets, Public Entertainment, and King of the Mountain. These events would not happen without the continuous and generous support from the Shire of Ashburton.

Without large cash contributions from sponsors a number of the large 'ticket' events planned for the weekend will be downsized or cancelled. Details can be viewed in the Committee's Financial Budget attached.

ATTACHMENT 11.05.07

Approval of funding as requested will allow the committee to achieve the goals set out in the Business Plan. The festival will be the biggest Nameless Jarndunmunha Festival in 40 years. This event enhances our lifestyle in Tom Price by providing a combined community approach in organising and funding a quality recreational and community event.

Consultation

Chief Executive Officer
Executive Manager, Community & Economic Services
Nameless Jarndunmunha Festival Committee

Statutory Environment

- Local Government Act 1995
- Shire of Ashburton Health Local Laws 1998
- Occupational Safety and Health Act 1998

Financial Implications

Funding of \$15,000 cash has been provide in the 2010/11 Budget for the 2011 Festival as there are a number of activities that need to be pre-booked and deposits paid. Normally “in-kind” contributions such as employee time, ground hire etc amount to approximately \$20,000.

If approved the proposed contribution will be \$20,000 cash and \$25,000 “in-kind”.

Strategic Implications

The Nameless Jarndunmunha Festival Committee is in line with:

- The Shires Strategic Plan 2007 - 2011, Objective 2: Include and Engage our Community.

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

That Council supports the 2011 Nameless Jarndunmunha Festival by providing \$45,000 from the 2011/2012 budget.

**CARRIED 9/0
ABSOLUTE MAJORITY**

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11.05.08 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|---|--|--|
| 1 | 12/10 | 11.12.14 | SES – Tom Price – Training Tower Budget Amendment | That Council authorise the expenditure of up to \$35,000 for the repair of the Tower at the Tom Price SES Unit. | Order Issue (May 2011) |
| 2 | 11/10 | 15.11.24 | Bush Fire Advisory Committee | <p>That Council:</p> <ol style="list-style-type: none"> 1. Accept the minutes of the Bush Fire Advisory Committee held on 9 November 2010. 2. Revokes all previous FCO appointments and appoints: <ol style="list-style-type: none"> (a) Morgwn Jones as CBFCO Ian Chance as DCBFCO Chris O'Connell as DCBFCO Sebastian Reeve as FCO Geoff Harrison as FCO Peter Nazarovs as FCO Darryl Hannah as FCO Paul Madden as FCO For the whole of the Shire of Ashburton. <ol style="list-style-type: none"> (b) Ivan Dias as FCO Robert Morgan as FCO For the Paraburdoo area <ol style="list-style-type: none"> (c) Michael Booth (CBFCO Shire of Roebourne) as FCO Andrew Norris (CBFCO Shire of East Pilbara) as FCO Peter Wilden (CBFCO Town of Port Headland) as FCO For those areas where the Shires share a boundary. 3. Provides up to \$5000 for a purpose built Emergency Signage trailer. 4. Provides up to \$500 for signage at the Boonderoo Rd Station. 5. That a third nomination be sought from the Bush Advisory Committee for the Paraburdoo area. | Finalised. No new appointments to be made until next season. |
| 3 | 08/09 | 11.08.12 | Location of Entry Statement – Tom Price | Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement. | Ongoing. Meeting with Mike Fisher and Mark Eaglesham to discuss design / implementation of rock painted by local Aboriginal |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
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| | | | | | <p>Artist as a feature of the entry statement 24th August. Due to Mark Eaglesham's leave arrangements will now be meeting 23rd September 2010.</p> <p>Mike Fisher to develop conceptual plans for presentation to Councillors.</p> <p>Shire President emphasized that after the discussions and presentation by Matt Bird on the Shire Tourism Strategic Plan it had occurred to him that we need to take an holistic approach to the Shires developments of all entry statements and information bays within our Shire towns and decide how we will approach these developments in light of the fact that the PRC has commissioned consultants to report back on a common approach to information bay and town signage from a tourism perspective. It was decided by the Tom Price Entry Statement Working Group to await the outcomes of the PRC consultant. (Sept 2010)</p> |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|--------------------------|---|--|--|
| 4 | 08/08 | 11.08.08 | Review of Council Policies – Recreation & Culture | Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC05 & REC07 and report back to Council. | Ongoing. Policies REC05 & REC07 when Council finalises the Tourism Strategy. (Sept 2010) |
| 5 | 10/08 02/08 | 11.10.26 11.02.01 | Reconstruction of Vic Hayton Memorial Swimming Pool | <p>1. Resolves to bring forward funding of \$400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price.</p> <p>2. Resolves to endorse the early start of construction (pending confirmation of RIFP funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price.</p> <p>Council decision as at February 2008 That Council;</p> <ol style="list-style-type: none"> 1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool; 2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner; <ul style="list-style-type: none"> ○ Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware ○ Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room ○ Demolition of existing toddler's pool and construction of new toddler's of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children's pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm. ○ Demolition and construction of concrete concourse including new drainage ○ Upgrade lighting to required standard ○ Refurbishment of existing office, kiosk, change rooms and toilets; 3. Providing that the necessary funds are available, resolves | Finalised. Official opening of the Vic Hayton Memorial Pool in Tom Price was on the 6 th (May 2011). |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|--------------|--|----------------|
| | | | | to direct the Executive Manager Community & Economic Services to call a Design and Construct Tender for the works. | |

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council note the contents of the Community and Economic Services Status Report.

CARRIED 9/0

12.05.0 CORPORATE SERVICES REPORTS

12.05.22 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

| | |
|--|--|
| FILE REFERENCE: | AS.AS |
| AUTHOR'S NAME AND POSITION: | Janyce Smith Executive Assistant CEO |
| NAME OF APPLICANT/RESPONDENT: | Not Applicable |
| DATE REPORT WRITTEN: | 4 April 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in this matter. |
| PREVIOUS MEETING REFERENCE: | Not Applicable |

Summary

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

Background

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

Comment

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

- Seal 359 Loan Agreement for \$2,500,000 Loan No. 121 from WA Treasury Corporation to SOA
- Seal 360 SOA – Town Planning Scheme No. 7 Amendment No. 12

Consultation

Chief Executive Officer

Statutory Environment

Section 9.49 of the *Local Government Act 1995*

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no specific financial implications related to this issue.

Strategic Implications

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

6 – Well Managed and Contemporary Corporation

Statutory Compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Shields

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

CARRIED 9/0

12.05.23 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF MARCH AND APRIL 2011

| | |
|--|---|
| FILE REFERENCE: | FI.RE |
| AUTHOR'S NAME AND POSITION: | Linda McCarthy Finance Manager |
| NAME OF APPLICANT/RESPONDENT: | Not Applicable |
| DATE REPORT WRITTEN: | 11 April 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in this item |
| PREVIOUS MEETING REFERENCE: | Not Applicable |

Summary

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

Background

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

Comment

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

March 2011

- Statements of Financial Activity and associated statements for the Month of March 2011
ATTACHMENT 12.05.23a

April 2011

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

ATTACHMENT 12.05.23b

12.05.24 CORPORATE CREDIT CARD – COUNCIL POLICY EMP24

FILE REFERENCE: FI.BA

AUTHOR’S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 May 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.10.08 Ordinary Meeting of Council 24 October 2006.
Agenda Item 12.06.039 Ordinary Meeting of Council 20 June 2006.
Agenda Item 12.03.10 Ordinary Meeting of Council March 2008.
Agenda Item 12.03.06 Ordinary Meeting of Council 17 March 2009.

Summary

The current level of credit card funding allocated to the Chief Executive Officer and Executive Managers is proving inadequate.

Council’s approval is sought to increase the available credit card limit from \$45,000 to \$55,000 and make changes to the current allocation of credit therefore amend Policy EMP24 “Corporate Credit Card” to reflect these changes.

Background

Council, at its meeting on 17 March 2009 agreed to the following allocations of credit card funds:

| | |
|---|-----------------|
| Chief Executive | \$10,000 |
| Executive Manager Community & Economic Services | \$ 5,000 |
| Executive Manager Corporate Services | \$ 5,000 |
| Executive Manager Development Services | \$ 5,000 |
| Executive Manager Engineering Services | \$10,000 |
| Executive Manager Western Operations | \$10,000 |
| | \$45,000 |

Comment

The benefits of using credit cards for booking flights and accommodation are not just in the convenience but also cost saving as there are no commissions charged to transact in this manner.

There are increasing pressures on the current credit card allocation for a variety of reasons including an expanding workforce and increased costs of flights. There is an ongoing need to participate in meetings in Perth regarding development projects occurring in the Shire.

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At present Human Resources struggle to find available credit when booking flights to get potential staff to town for interview, existing staff to and from Perth for Training, Seminars or Workers Compensation appointments and for relocation of new staff to our various towns.

From an accounting perspective having flights booked for training, seminars, interviews, worker's compensation or relocation over a series of different credit cards is not ideal.

It proposed that a total pool of \$55,000 is required and that the HR Manager is allocated a balance of \$10,000 specifically for booking flights, accommodation and training.

ATTACHMENT 12.05.24

Statutory Environment

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

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

Financial Implications

Nil

Strategic Implications

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

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council:

- 1. Approve the increase in the overall card limit from \$45,000 to \$55,000;**
- 2. Approve allocation of \$10,000 to the HR Manager for the purpose of booking HR related flights, accommodation and training;**
- 3. Approve amendments to Council Policy EMP24 “Corporate Credit Card” as attached; and**
- 4. Direct the Chief Executive Officer to ensure that proper use declarations are made by every card holder.**

**CARRIED 9/0
ABSOLUTE MAJORITY**

12.05.25 DRAFT COMMUNITY ENGAGEMENT POLICY

| | |
|--|---|
| FILE REFERENCE: | OR.CM.10 |
| AUTHOR'S NAME AND POSITION: | Lisa Hannagan Administration Manager |
| NAME OF APPLICANT/RESPONDENT: | Not applicable |
| DATE REPORT WRITTEN: | 5 May 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in the proposal. |
| PREVIOUS MEETING REFERENCE: | Not applicable |

Summary

The Draft Community Engagement Policy is to set a framework for all community engagement activities conducted by the Shire of Ashburton.

Community engagement provides the community with the opportunity to participate in planning for the future. It is critical to the successful development and implementation of policies and decisions for improving services by being responsive to the needs of the community.

Background

Legislative requirements for Local Government planning are changing to build the capacity of local governments to better plan, manage and deliver services to their communities.

The new Integrated Strategic Planning Framework will be in operation by 1 July 2012 with full implementation by 1 July 2013.

It is timely that Shire of Ashburton considers its long term approach to community engagement and takes the opportunity to put in place a formal Policy that will assist in the process.

Comment

The Shire of Ashburton has consulted widely with its communities over many years without a formal Community Engagement Policy. As Local Governments move towards greater efficiency and accountability, it is important that the Shire of Ashburton formalises their position on Community Engagement.

This is the first step of improving community engagement and will be refined as we implement the policy and obtain feedback.

A draft Community Engagement Policy is attached.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act (1995) Section 5.56, Planning for the Future

Section 19C & 19D Local Government Act (Administration) Regulations 1996.

Policy Implications

Consideration of the Shire’s Local Planning Policy – Consultation for Planning Proposals (LPP17) has been taken into account with the development of the proposed Community Engagement Policy. The Local Planning Policy is directly related to levels of consultation required specifically for land use and development.

Financial Implications

There are no specific financial implications related to this issue.

Strategic Implications

Strategic Planning 2007-2011 – Objective 2. “Include & Engage our Community”

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr White

That Council adopt the Draft Community Engagement Policy.

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

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12.05.26 CORPORATE SERVICES DECISION STATUS REPORT

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-----------------|-------------|--|---|---|
| 1 | 04/11 | 12.04.17 | Chief Executive Officer Leave Arrangements | That Council: <ol style="list-style-type: none"> 1. Note and endorse the Chief Executive Officer's leave arrangements from 22 April to 1 May 2011 (inclusive). 2. Appoint Frank Ludovico, Executive Manager Corporate Services, as Acting Chief Executive Officer and delegate all powers of the CEO for the period 22 April to 1 May 2011 (inclusive). | Complete (May 11) |
| 2 | 04/11 | 12.04.18 | 2010/2011 Budget Review | <ol style="list-style-type: none"> 1. That Council adopts the 2010/2011 Budget Review and directs the Chief Executive Officer to take action on the issues it raises. | Complete. Report forwarded to the Dept of Local Government (May 11) |
| 3 | 04/11 | 12.04.19 | 2010/2011 Annual Elector Meeting Minutes | That Council receive the minutes of the Annual Electors Meeting and the held on Tuesday 16 March 2011. | Complete (May 11) |
| 4 | 04/11 | 12.04.20 | Local Government Election | That Council: <ol style="list-style-type: none"> 1. Declare, in accordance with section 4.20(4) of the <i>Local Government Act 1995</i>, the Electoral Commissioner to be responsible for the conduct of the 2011 Ordinary Election; 2. Decide, in accordance with section 4.6.1(2) of the <i>Local Government Act 1995</i> that the method of conducting the election will be as a postal election; and 3. Make provision for the expenditure of \$15,000 on costs associated with the 2011 Ordinary Election. | Complete Letter sent. (May 11) |
| 4 | 10/10 | 15.10.23 | RFT 18/10 Structure Review | That Council: <ol style="list-style-type: none"> 1. Receive the report, and 2. Endorse the assessment panel's recommendation that Morrison Low be awarded the contract for the Structure Review RFT 18/10 for the sum of \$129,600. | Ongoing (April 2011) |
| 6 | 05/10 | 10.05.10 | Shire Logo and Policy | That Council; <ol style="list-style-type: none"> 1. Approves the Logo Policy (Attachment 10.05.10c) 2. Approves the Tom Price logo and tag line "Experience It" 3. Approves in principle of the logo for the Shire of Ashburton, Paraburdoo, | Ongoing. Policy implementation being |

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| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-----------------|-------------|--|--|--|
| | | | | Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each. | implemented internally. Tag lines for towns to be established. (July 2010) |
| 5 | 05/10 | 12.05.37 | Repeal of Defunct and Obsolete Local Laws | That Council pursuant to section 3.12 of the Local Government Act 1995, give state wide public notice that it intends to make the Shire of Ashburton Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect being more efficient and effective local government by removing outdated local laws from the public record. (Attachment 12.05.37). | Ongoing Advertisement will appear in paper April 2011. (Mar 2011) Advertisement being drafted by Local Laws Consultant (June 2010) |
| 6 | 12/09 | 12.12.76 | Realignment of Hillside Pastoral Station Boundary Border | That Council defer consideration of the agenda item until the February 2010 meeting of Council, the reason being subsequent to the preparation of the agenda item the Shire received two more proposals from the Local Government Advisory Board to amend the Shire's boundary with the Shire of East Pilbara. It was considered appropriate to consider the proposals collectively. | Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals. Documentation has been collected now being reviewed by EMCS (March 2011) |

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Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr White

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

CARRIED 9/0

13.05.0 DEVELOPMENT SERVICES REPORTS

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

| | |
|--|---|
| FILE REFERENCE: | PS.TP.7 |
| AUTHOR'S NAME AND POSITION: | Kristy Ranger Executive Assistant to Building Services |
| NAME OF APPLICANT/RESPONDENT: | Not applicable |
| DATE REPORT WRITTEN: | 6 May 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest |
| PREVIOUS MEETING REFERENCE: | Not applicable |

Summary

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

Background

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

Comment

No approvals have been issued under delegation up until the date of this report.

Statutory Environment

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

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

There are no financial implications relative to this matter.

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

Strategic Implications

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

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

Critical Success Factors:

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

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr Shields

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

CARRIED 9/0

13.05.27 FURTHER REPORT – IMPLEMENTING DEVELOPMENT PANELS FOR LOCAL GOVERNMENT IN WESTERN AUSTRALIA

FILE REFERENCE: PS.SP.01.01

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

NAME OF APPLICANT/RESPONDENT: Department of Planning

DATE REPORT WRITTEN: 7 May 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.10.61 Ordinary Meeting of Council 27 October 2009
Agenda Item 13.04.24 Ordinary Meeting of Council 20 April 2011

Summary

At the Council meeting of 20 April 2011, Council nominated Cr Musgrave and Cr White as the Shire's local government representatives to the relevant Development Assessment Panel (DAP). Although the report recommendation referred to nominating two other councillors, no other nominations were put forward. The Shire wrote to the Department of Planning (DoP) with the nominations. DoP staff verbally suggested that in order to ensure Council representation on any DAP, that the Council again be asked if any other councillors may wish to nominate as alternative representatives. Essentially, if a DAP was required and either Cr Musgrave and/or Cr White were not available, it is likely that the DAP would proceed without Council representation.

Members are appointed for a two year term, are eligible to be reappointed and are subject to the normal local government criteria for disqualification from office. Local Government DAP members will be required to undergo training organised by the DAP Secretariat during May and June 2011, with provision of an allowance of \$400 paid upon completion.

Members will be eligible for a fee of \$400 per DAP meeting, \$400 for attendance at any proceeding in the State Administrative Tribunal and \$100 for any determination in regard to an amendment or cancellation of an already approved application. Travel expenses associated with DAP functions will be reimbursed.

It is recommended that Councillors nominate as the alternative representatives to the relevant Development Assessment Panel.

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Background and Proposal

DAP's have been introduced by the State Government as part of a raft of amendments to legislation governing the planning system which in essence seek to improve its performance and outcomes.

At the Council meeting of 20 April 2011, Council nominated Cr Musgrave and Cr White as the Shire's local government representatives to the relevant Development Assessment Panel (DAP). Although the Report recommendation referred to nominating 2 other councillors, no other nominations were put forward. The Shire wrote to the Department of Planning (DoP) with the nominations. DoP staff verbally suggested that in order to ensure Council representation on any DAP, that the Council again be asked if any other councillors may wish to nominate as alternative representatives. Essentially, if a DAP was required and either Cr Musgrave and/or Cr White were not available, it is likely that the DAP would proceed without Council representation.

Nominated local government representatives will be required to undergo training organised by the DAP Secretariat with provision of an allowance of \$400 paid upon completion. Members are appointed for a two year term, are eligible to be reappointed and are subject to the normal local government criteria for disqualification from office.

Members will receive a \$400 fee for each DAP meeting attended and \$100 for the determination of an amendment or cancellation of an existing approved application.

Members will be required to attend proceedings in the State Administrative Tribunal with respect to determination of applications made by the DAP and are eligible for a fee of \$400 for such attendance. The written advice provided on DAP meetings states that they are conducted during normal weekday business hours. However, at a recent presentation undertaken by the DoP, it was suggested that such meetings will be held in the evenings. The Shire is seeking to have this confirmed. Travel expenses associated with DAP functions will be reimbursed.

The Department of Planning (DoP) has also advised that if, within the 2 year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to renominate and the Minister to reappoint.

Comment

In order to ensure Council representation on DAP's associated with the Shire of Ashburton, it is recommended that councillors consider nomination as alternative representatives. In the event that there are more than two nominations for each of the above positions, it is recommended that a secret ballot be held to determine the alternative Council representatives.

Statutory Environment

Planning and Development Act

Policy Implications

There are no policy implications relative to this issue.

Financial Implications

Fees for members as detailed above.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council:

- 1. In addition to the nomination of Councillors Musgrave and White as the Shire's local government representatives to the relevant Development Assessment Panel, nominate Councillors Dias and Wright as the alternative representatives.**

CARRIED 9/0

Amanda O'Halloran left the meeting at 4.31 pm.

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Wright, Cr Dias, and Cr Rumble declared an indirect financial interest in Agenda Item 13.05.28. The nature of their interest being Cr Bloem and Cr Wright are employees of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd, Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd and owns shares in Rio Tinto Pty Ltd, and Cr Rumble owns shares in Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Wright, Cr Dias and Cr Rumble to debate and vote on Agenda Item 13.05.28. The Minister's written approval for Cr Bloem and Cr Wright to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. the approval is only valid if Councillor White declares an interest in the items resulting in a quorum not being achieved;
2. the approval is only valid for the ordinary meeting of Council to be held on 18 May 2011;
3. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
4. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
5. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

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

ATTACHMENT 13.05.28

Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 13.05.28 in accordance with Section 5.60A of the Local Government Act. The interest being Cr White owns shares in Rio Tinto Pty Ltd.

Councillors Dias, Rumble and White left the meeting at 4.33 pm

13.05.28 DEVELOPMENT APPLICATION – 251 PERSON TRANSIENT WORKERS ACCOMMODATION FACILITY ON SPECIAL LEASE 3116 – 4627 DEEPPDALE ROAD, PANNAWONICA

FILE REFERENCE: PN.DP.0000.00

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

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

DATE REPORT WRITTEN: 7 May 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.12.12 Ordinary Meeting of Council 15 December 2008

Summary

The Shire is in receipt of an Application for Planning Approval for a 251 person transient workers accommodation facility on Special Lease 3116-4627, Deep Dale Road, Pannawonica. This proposal is essentially a permanent village to service the Mesa A mine site.

At the Council meeting of 15 December 2008, Council conditionally approved a very similar application (for 250 person transient workers accommodation facility), however the development did not commence due to the global financial crisis. The Applicant (RTIO) advises that the project was placed on hold. The facility is proposed to remain in operation for the anticipated life of the Mesa A mine (previously advised to be 2020). RTIO has also advised that it is intended to remove Camp David at the end of 2012.

The 250 person transient workers accommodation facility planning approval has expired and RTIO now seek a new approval (with addition of one room due to minor room layout reconfigurations for the universal access). The proposal has been assessed against the provisions of the Scheme and Local Planning Policy "*Transient Workforce Accommodation*". The only area of non-compliance with the Policy is the proposal by the Applicant for 251 rooms, whereas the Policy seeks to limit the number of rooms for that type of camp ('Type A') to 200 rooms. The number of rooms sought directly relates to the operation of the Mesa A mine. All other aspects of the extensive Policy provisions comply.

It is recommended that planning approval be issued for the 251 person transient workers accommodation.

Background

At the Council meeting of 15 December 2008, Council conditionally approved a very similar application (for a 250 person transient workers accommodation facility) however the development did not commence due to the global financial crisis.

The Applicant (RTIO) advises that the project was placed on hold. This proposal is essentially a permanent village to service the Mesa A mine site. The site of the proposed village is vacant (except for 2 dilapidated buildings). However, the development will be incorporated into the existing development which is partially occupied by an existing car park, dry mess and workers accommodation units. The village will be situated approximately 500m from the sewerage ponds.

Comment

The land is zoned 'Rural' under the Shire of Ashburton Town Planning Scheme No. 7 ('Scheme'). Under the Scheme, the village is primarily defined as '*Transient Workforce Accommodation*' which means:

"... 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 contractor's camp and dongas."

A '*Transient Workforce Accommodation*' is a permissible use.

Proposal

The Application before Council comprises 251 transient workforce accommodation rooms with associated supporting facilities and infrastructure. The transient workforce accommodation proposal is planned in two separate stages and the works subject of this application are outlined below.

3.1 Stage 1 (113 Rooms)

Construction of the following works:

- 37 x transportable buildings consisting of 3 rooms per building, equating to 111 rooms in total;
- 1 x transportable building consisting of 2 universal accessible rooms (identified as UAR on drawing WHP-SK-200);
- 4 x laundries;
- 2 x BBQ gazebo;
- 2 x room gazebos;
- 4 x locker rooms;
- 1 x communications building; and
- 6 x new carparking bays (south of the existing Town Office); and
- 4 x new carparking bays north of the UAR, refer to drawing WHP-SK-200).

3.2 Stage 2 (138 Rooms)

Construction of the following works:

- 46 x transportable buildings consisting of 3 rooms per building, equating to 138 rooms in total;
- 2 x laundries;
- 3 x locker rooms; and
- 9 x room gazebos.

Stage 1 works are proposed to commence in mid August 2011. Stage 2 works are proposed to commence post 2012.

ATTACHMENT 13.05.28

The assessment of planning applications, in general, relates directly to Clause 5.9 of the Scheme where in considering applications the Council shall have 'due' regard to the matters as relevant in Clause 5.9. Only Clause 5.9 (i) (ie. Consistency with Shire's Planning Policy "Transient Workforce Accommodation") appears to be unresolved. Matters such as landscaping, car parking etc can be dealt with as conditions. It should be noted that the Application was advertised and no objection was lodged. Matters such as social issues (Clause 5.9(m)) is difficult to ascertain and given there were no objections, unlikely to sustain as a ground of refusal.

The proposal has been assessed against the provisions of the Scheme and 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.*

4.6 Density of Development

4.6.1 Type A camps should not exceed 200 accommodation rooms.

4.6.2 Type B camps shall provide the necessary number of accommodation rooms associated with the relevant operation.

4.6.3 The overall density of development of the camp should not exceed 100 persons per hectare.

4.6.4 The Shire may consider variations to the above requirements, subject to the proponent providing adequate justification for the proposed variation(s) to the satisfaction of the Shire."

The closest definition of the proposal under the Policy would be a TYPE A Camp – which are:

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“...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.

The Council shall seek to ensure that any such development shall:

- *be of a very high quality for the benefit of occupiers, as well as the community; and*
- *reflect a motel/resort style development, with significant landscaping, recreation areas/facilities quality design and material.*

Council may seek to limit the overall proportion (%) of transient workforce accommodation within a development so that some tourist access may be available.”

It is noted that Pannawonica is zoned ‘Rural’ under the Scheme and does not reflect the definition of “..., typically on land zoned for residential or commercial purposes”. However, the site generally abuts the “... existing urban or resident populations...” of Pannawonica. The area of the new portion of the village (essentially the new accommodation area) is approximately 7.1 ha, giving a density of 35 people per ha. As noted, the Application is defined under the Policy as a Type A camp where the number of accommodation room should not exceed 200. The Application seeks 251 rooms.

In addressing the Application against the Policy, the following comparisons can be made:

| Policy Provisions | Application | Comment |
|--|---|---|
| Is the Application 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? | The Site abuts the rear of houses in Pannawonica and the accommodation units are set back from Deep dale Drive by approximately 150 metres. | The development is not unlikely to adversely affect the residential amenity, nor is it likely to detract from the visual attraction of the locality. In fact, the development would afford Council the opportunity to improve the general site through landscaping buffering of the existing development as well as providing additional parking areas. |
| Is the Application adjacent to recognised tourist routes, unless suitably screened or designed for permanent use? | Deep Dale Drive is not known as a recognised tourist route. | This aspect of the Policy is not considered relevant. |
| Is the Application within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones: <ul style="list-style-type: none"> • Rural Residential; • Industrial and mixed Business/Development • Industry; or • Mixed Business. | The Application is located approximately 500 metres from the waste water treatment plant. | The only provision relevant is the water treatment plant buffers as – although no such buffers are applicable under the Scheme, normally a 500m separation would be considered adequate. |

The proposal has been assessed against the provisions of the Scheme and Local Planning Policy “Transient Workforce Accommodation”. The area of possible non-compliance with the Policy relates to

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the establishment of 251 rooms, whereas the Policy seeks to limit the number of rooms for that type of camp ('Type A') to 200 rooms.

It is open for the Council to refuse or modify the Application in relation to non-compliance with the Policy. However it is suggested that refusal based solely on non-compliance with a Policy (limitation of 200 rooms) and without any other clear planning rationale is not a reasonable means to oppose an Application. Accordingly, it is recommended that the Planning Application be approved with an advice note to the Applicant stating:

“The Application for 251 rooms exceeds the “Transient Workforce Accommodation” Policy provision of 200 rooms, however in this instance and because it specifically relates to the operation of Mesa A mine, Council is willing to approve it in this instance.”

Consultation

Chief Executive Officer

The Application was advertised for 21 days in the form of a sign on site, notice in the Pilbara News (2 occasions), and notices on the Shire Website and available to the Shire's Tom Price and Pannawonica offices.

Statutory Environment

Shire of Ashburton Local Planning Scheme No.7.

Policy Implications

Local Planning Policy “Transient Workforce Accommodation”.

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Wright

That Council:

1. Approve the development application made by RTIO Pty Ltd for a 251 Person Transient Workers Accommodation Facility on Special Lease 3116-4627, Deep Dale Road, Pannawonica Shire of Ashburton in accordance with the endorsed plans, subject to the following conditions:
 - a) A Building Licence for the development should be obtained prior to May 18, 2013. This Planning Consent lapses if a Building Licence for the

development has not been obtained by May 18, 2013. Further to this, if the development is not substantially commenced in accordance with the Building Licence by May 18, 2013, then this Planning Consent lapses at that date.

- b) The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy – "*Transient Workforce Accommodation*", the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
- c) Plans submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.
- d) Prior to occupation and use of the village the "owner of the land" shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the Scheme. The agreement shall require the use of the structures to cease by 31 December 2020 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days.
- e) Vehicle parking, crossovers to Deep Dale Road, manoeuvring and circulation areas shall be suitably constructed, drained, sealed, kerbed, maintained and marked to the specifications and satisfaction of the Shire of Ashburton.
- f) Parking spaces, shall have dimensions of at least 5.5 metres by 2.5 metres with a 6 metre wide access way.
- g) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location:
 - location and species of all trees to be removed and / or retained;
 - the location and type of fencing to be installed;
 - the location and type of reticulation to be installed; and
 - the location and type of paving to be installed.

The Plan should also include a plant schedule nominating each species, the spacing of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The Plan should identify and include any adjoining road verges. The Plan must be submitted and approved prior to the issue of a building licence. In relation to the a landscape assessment, the Applicant shall determine the extent of visibility the buildings will have from the Deep Dale Drive and recommend suitable means (if any) by which the buildings do not dominate the landscape.

- i) Landscaping and reticulation to be installed within 12 weeks of the use commencing or occupation of the development and thereafter maintained to the satisfaction of the Shire of Ashburton.

- j) The design and layout of the buildings shall be consistent with the provisions of the Residential Planning Codes.

2. Advise the applicant as follows:

- I. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- II. The Application for 251 rooms exceeds the “*Transient Workforce Accommodation*” Policy provision of 200 rooms. However in this instance and because it specifically relates to the operation of Mesa A mine, Council has agreed to approve the development.
- III. The issuing of development approval for the development pursuant to Shire’s Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.
- IV. Further Building and Health consent will be required for the use and development of the ‘permanent ‘and temporary ’Accommodation Units.
- V. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- VI. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- VII. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

CARRIED 6/0

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Wright, Cr Dias, and Cr Rumble declared an indirect financial interest in Agenda Item 13.05.29. The nature of their interest being Cr Bloem and Cr Wright are employees of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd, Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd and owns shares in Rio Tinto Pty Ltd, and Cr Rumble owns shares in Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Wright, Cr Dias and Cr Rumble to debate and vote on Agenda Item 13.05.29. The Minister's written approval for Cr Bloem and Cr Wright to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. the approval is only valid if Councillor White declares an interest in the items resulting in a quorum not being achieved;
2. the approval is only valid for the ordinary meeting of Council to be held on 18 May 2011;
3. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
4. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
5. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

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

ATTACHMENT 13.05.29

Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 13.05.29 in accordance with Section 5.60A of the Local Government Act. The interest being Cr White owns shares in Rio Tinto Pty Ltd.

Amanda O'Halloran re-entered the meeting at 4.36 pm.

**13.05.29 DEVELOPMENT APPLICATION – COASTAL WATER PROJECT
(VARIOUS CROWN LAND AND CROWN RESERVES) PANNAWONICA**

FILE REFERENCE: ST.YLEN

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

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

DATE REPORT WRITTEN: 7 May 2011

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

PREVIOUS MEETING REFERENCE: N/A

Summary

The Shire is in receipt of an Application for Planning Approval for water supply infrastructure located approximately 48 kilometres south-east of Pannawonica and extended 87 kilometres in a north easterly direction towards Millstream. The development referred to as the Coastal Water Project (CWP) will transfer water to existing Water Corporation infrastructure, approximately 6km south of the Water Corporation Summit Tanks at Millstream. The transfer pipeline route traverses northeast from the Bungaroo Valley, following the existing Millstream-Yarraloola Road, then Pannawonica-Millstream Road and then Dawson Creek Road.

It is recommended that Planning Approval issued for the infrastructure development.

Proposal

The Application before Council comprises the installation of a bore field at Bungaroo Creek located 48km south east of Pannawonica.

ATTACHMENT 13.05.29a

The bore field will supply 10GL/yr of potable water to a connection into the existing West Pilbara Water Supply Scheme at Millstream. The water will be delivered via an 87km pipeline and associated transfer pump station. The proposed bore field includes nine bores installed over a distance of 16km along the Bungaroo Valley floor. A buried collector pipeline will connect the bore field to a transfer pump station facility east of the bore field. The development area is located approximately 48 kilometres south-east of Pannawonica and extends 87 kilometres in a north easterly direction towards Millstream.

The 87km pipeline will transfer water to existing Water Corporation infrastructure, approximately 6km south of the Water Corporation Summit Tanks at Millstream. The transfer pipeline route traverses northeast from the Bungaroo Valley, following the existing Millstream-Yarraloola Road, then Pannawonica-Millstream Road and then Dawson Creek Road.

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The transfer pipeline crosses two major waterways within the Robe River Catchment; being the Robe River and Kumina Creek, as well as twenty-three smaller watercourses. The collector pipeline crosses Bungaroo Valley and Bungaroo Creek. The Applicant advises that the development is referred to as the Coastal Water Project (CWP) and has arisen in response to growing demand from regional development. The demand includes that generated by RTIO activities as well as forecasted growth in local communities requiring additional water supply.

Adjacent land uses include cattle grazing, mineral exploration, the Millstream Reserve and Unallocated Crown Land.

Comment

The land is zoned 'Rural' and also reserved Public Purposes - 'Water and Drainage' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').

ATTACHMENT 13.05.29b

The CWP can be described as 'Infrastructure' for the purposes of determining land use permissibility under the Scheme. Under the Rural zone 'infrastructure' is a 'Discretionary' use meaning that the land use is not permitted unless the Council has exercised its discretion by granting planning approval.

Clause 6.12.1 of the Scheme states in part:

“ In considering any proposed development within the Rural Zone, but in an area subject to strategic proposals for urban or industrial development, the Local Government shall only grant approval where that proposed development or use will not, in the opinion of Local Government, prejudice the future development of those proposals.”

It is considered that in relation to Clause 6.12.1, the Application is neither subject to any strategic proposals nor would prejudice the future development of the land or surrounding lands. In relation to the 'Public Purposes - Water and Drainage' reserve, the "erection or construction" of infrastructure requires the approval of Council under clause 3.2.3. Clause 3.2.7 of the Scheme requires:

“In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.”

In this regard, the 'authority' would be Hamersley Iron Infrastructure – the infrastructure arm of RTIO. In this regard, referral is not considered necessary.

The CWP was subject to Environmental Approval under Part IV of the *Environmental Protection Act* (1986) (EP Act). The Environment Protection Authority determined that the application did not require assessment under Part IV of the EP Act.

It would appear that the proposed CWP will have substantial benefit for the Pilbara region through the supply of reticulated water. It is noted that the proposed route of the pipeline will be within some road reserve areas. In this regard, reinstatement of any affected Shire roads along with traffic management of construction operations will be required. In this regard, RTIO should be advised that consent from the Shire for access to the road reserves will be required.

The development is unlikely to negatively impact on the locality and accordingly it is recommended that Planning Approval issue.

Consultation

Chief Executive Officer

Statutory Environment

Shire of Ashburton Local Planning Scheme No.7.

Policy Implications

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

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Shields

That Council:

- 1. Approve the development application made by RTIO Pty Ltd for water supply infrastructure ('Coastal Water Project') sited on various Crown land and Crown reserves and located approximately 48 kilometres south-east of Pannawonica and extended 87 kilometres in a north easterly direction towards Millstream Pannawonica Shire of Ashburton in accordance with the endorsed plans, subject to the following condition:
 - a) This Planning Consent lapses if the development has not substantially commenced by 18 May 2013.****
- 2. Advise the applicant as follows:
 - I. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).**
 - II. It is noted that the proposed route of the pipeline will be within some road reserve areas. In this regard, reinstatement of any affected Shire roads along with traffic management of construction operations will be required. In this regard, RTIO should be advised that consent from the Shire for access to the road reserves will be required. In this regard, please contact the Executive****

Manager, Engineering Services on 91884444 for further information.

- III. The issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.
- IV. Further Building consent will be required for the construction of buildings.
- V. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- VI. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- VII. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

CARRIED 6/0

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Wright, Cr Dias, and Cr Rumble declared an indirect financial interest in Agenda Item 13.05.30. The nature of their interest being Cr Bloem and Cr Wright are employees of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd, Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd and owns shares in Rio Tinto Pty Ltd, and Cr Rumble owns shares in Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Wright, Cr Dias and Cr Rumble to debate and vote on Agenda Item 13.05.30. The Minister's written approval for Cr Bloem and Cr Wright to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. the approval is only valid if Councillor White declares an interest in the items resulting in a quorum not being achieved;
2. the approval is only valid for the ordinary meeting of Council to be held on 18 May 2011;
3. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
4. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
5. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

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

ATTACHMENT 13.05.30

Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 13.05.30 in accordance with Section 5.60A of the Local Government Act. The interest being Cr White owns shares in Rio Tinto Pty Ltd.

13.05.30 DEVELOPMENT APPLICATION – MARANDOO WATER PIPELINE & ASSOCIATED INFRASTRUCTURE (VARIOUS CROWN LAND AND CROWN RESERVES) HAMERSLEY PASTORAL STATION (PL 3114 1277), TOM PRICE

FILE REFERENCE: MI.MRDO

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

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

DATE REPORT WRITTEN: 7 May 2011

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

PREVIOUS MEETING REFERENCE: N/A

Summary

The Shire is in receipt of an Application for Planning Approval for water supply infrastructure located approximately 20 km north east of the Tom Price townsite. The development referred to as the 'Marandoo Water Pipeline' project will transfer water from the existing Southern Fortescue Borefield to Tom Price.

It is recommended that Planning Approval issued for the infrastructure development.

Background

RTIO currently supplies potable water to Tom Price town from the existing Southern Fortescue Bore field. This existing pipeline is the primary water supply to Tom Price. RTIO advise that as part of the Marandoo Mine Phase 2 project RTIO proposes to expand the existing mining operations at Marandoo by mining below the watertable.

"A portion of the dewatering water will be transported from Marandoo mine to the South Fortescue Borefield and Tom Price Town. ReInjection into the existing Southern Fortescue Borefield aquifer has been selected as an important part of the Marandoo dewatering water management strategy. The main infrastructure is in place to achieve this, however, modifications and upgrade works are required to ensure the infrastructure is adequate."

Proposal

The Application before Council is described as the 'Marandoo Water Pipeline' project ('project) and comprises the following:

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- Existing water pipeline upgrade works. The majority of these works will be carried out from the intersection of Southern Fortescue Pipeline and Marandoo Railway toward the Southern Fortescue Borefield.
- Additional water pipeline sections will be constructed at the northern end of the Southern Fortescue Borefield.
- Upgrade of chlorination system for supply to Tom Price.
- Modifying ten existing dewatering bores and establishing new reinjection bore(s) at the Southern Fortescue Borefield to upgrade the infrastructure including:
 - supplying new submersible pumps, motors and associated cables into the existing bore casings including installation of concrete slabs;
 - reinstating several of the existing pumps into new bore arrangements;
 - installing pipeline and powerline extension to new bore(s) as required; and
 - installing new headworks inclusive of all valving and instrumentation, injection piping and new risers for existing and new bores.
- Installing a carbon steel pipe that bypasses the existing South Fortescue tank and pump station.
- Several temporary buildings (approximately two crib rooms/offices and one ablution facility) will be required for the contractors to be able to construct these proposed works (proposed at the Southern Fortescue tank and pump station).

ATTACHMENT 13.05.30

Comment

The project can be described as 'Infrastructure' for the purposes of determining land use permissibility under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').

Under the Scheme, the land subject of new infrastructure is zoned 'Rural'. It is noted that a minor portion of the water pipeline encroaches the 'Conservation, Recreation and Nature Landscape' Scheme Reserve, however this is an existing portion of the water pipeline.

Under the Rural zone 'infrastructure' is a 'Discretionary' use meaning that the land use is not permitted unless the Council has exercised its discretion by granting planning approval.

Clause 6.12.1 of the Scheme states in part: "*In considering any proposed development within the Rural Zone, but in an area subject to strategic proposals for urban or industrial development, the Local Government shall only grant approval where that proposed development or use will not, in the opinion of Local Government, prejudice the future development of those proposals.*"

It is considered that in relation to Clause 6.12.1, the Application is neither subject to any strategic proposals nor would prejudice the future development of the land or surrounding lands.

The project was subject to Environmental Approval under Part IV of the *Environmental Protection Act* (1986) (EP Act). The Environment Protection Authority determined that the application did not require assessment under Part IV of the EP Act.

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It would appear that the proposed 'Marandoo Water Pipeline' project will have substantial benefit for the Pilbara region through the supply of reticulated water. The development is unlikely to negatively impact on the locality and accordingly it is recommended that Planning Approval issue.

Consultation

Chief Executive Officer

Tim Eckersley, General Manager Approvals, Rio Tinto Pty Ltd addressed the Council meeting of 21 April 2010 regarding the Marandoo Project.

Statutory Environment

Shire of Ashburton Local Planning Scheme No.7.

Policy Implications

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

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Bloem

That Council:

1. **Approve the development application made by RTIO Pty Ltd for water supply infrastructure ('Marandoo Water Pipeline' project) sited on various Crown land and Crown reserves within Hamersley Pastoral Station (PL 3114 1277) and located approximately 20 km north east of the Tom Price townsite, Shire of Ashburton in accordance with the endorsed plans, subject to the following condition:**
 - a) **This Planning Consent lapses if the development has not substantially commenced by May 18, 2013.**
2. **Advise the applicant as follows:**
 - I. **Council strongly recommends that adequate crossing points be provided to ensure stock and fauna movement. Council has expressed a preference that the pipeline be undergrounded where possible.**
 - II. **Council has determined this application. Rights of appeal are also available to**

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

- III. The issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the Operation/Construction Facility unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.
- IV. Further Building consent will be required for the construction of buildings.
- V. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- VI. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- VII. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

CARRIED 6/0

Amanda O'Halloran left the meeting at 4.44 pm.

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

FILE REFERENCE: PS.TP.7.14

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 8 May 2011

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

PREVIOUS MEETING REFERENCE: 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.

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

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

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

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

Background

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

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

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

"Development Principles

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

Desired Future Character

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

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

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

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

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

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

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

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

“6.10 Commercial zones

ADDING THE FOLLOWING:

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

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

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

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

Comment

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

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

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

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

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

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

ATTACHMENT 13.05.31

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

Consultation

Chief Executive Officer

Statutory Environment

Planning and Development Act 2005

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

Shire of Ashburton Town Planning Scheme No. 7
Environmental Protection Act 1986

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

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.

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- 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.

Policy Implications

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

Financial Implications

None anticipated

Strategic Implications

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

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council:

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

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

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

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

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

6.10.4 *are not met, transient workforce accommodation is prohibited.”*

2. Amending the zoning table as follows:

- (a) Identifying ‘*Transient Workforce Accommodation*’ as an ‘A’ use class in the ‘Commercial and Civic’ zone.

2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that Amendment No. 14 be advertised for a period of 42 days, in accordance with the *Town Planning Regulations 1967*.
3. Council adopts draft *Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7* as a draft Local Planning Policy under the provisions of clause 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme concurrently with the advertising of draft Amendment No. 14.
4. That following advertising of the draft Amendment No. 14 and draft *Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7*, the matters be referred back to Council for consideration.

CARRIED 6/0

Cr Dias, Cr White, and Cr Rumble re-entered the room at 4.47 pm.
Amanda O’Halloran re-entered the meeting at 4.50 pm.

13.05.32 PROPOSED HOLIDAY ACCOMMODATION (9 UNITS), VACANT LAND (LOT 308) CORNER OF FIRST AVENUE AND SIMPSON STREET, ONSLOW

FILE REFERENCE: ON.SE.308

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

NAME OF APPLICANT/RESPONDENT: Bachkit Australia Pty Ltd

DATE REPORT WRITTEN: 9 May 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.09.51 Ordinary Meeting of Council
15 September 2010

Summary

An application for Planning Approval has again been lodged for holiday accommodation comprising 9 single bed tourist units (5 two storey and 4 single storey) on Lot 308, the corner of First Avenue and Simpson Street, Onslow. Council approved a similar development on the land in September 2010. Subsequent to the approval, a site survey was undertaken by the developer where it was revealed that the area of land was some 70m² less than depicted on the original application. The revised plans correctly define the area of the land which essentially results in a modified setback to First Avenue.

Water Corporation has advised that it would not be able to provide a reticulated water service to more than one connection (ie. unit on the lot). It is open to Council to refuse the Application due to the limitations on the provision of reticulated water. The Applicant has, however, advised that it would accept a conditional approval that includes a provision where the commencement is conditional on a reticulated water service is available to the units.

This arrangement would appear to be acceptable to Water Corp. If this is acceptable to Council, then the normal period of time associated with development approvals (2 years) should be expanded to 5 years.

Background

The subject, 913m² site is zoned "Commercial and Civic" under the Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") and is presently occupied by a duplex. The Shire (under delegation) has previously issued planning approval for the duplex. Council approved holiday accommodation comprising 9 single bed tourist units (5 two storey and 4 single storey) on the land in September 2010.

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Subsequent to the approval, a site survey was undertaken by the developer where it was revealed that the area of land was some 70m² less than depicted on the original application. The differences in the current application compared to the approval in September 2010 are as follows:

Proposed Units 17 & 18

- previous set back off First Ave 7.8m - new setback to be 5.99m
- timber deck deleted on east elevation to allow carparking
- new deck on north elevation for entry to Unit 17
- previously 2.2m set back off northern boundary - new setback to be now 3.367m
- Disabled carpark changed to standard (2.5m wide)

General

- Dimensions of site adjusted as per survey (changes made to setback of Units 17&18)
- Pool deleted (marked as optional)
- Fence on corner of Simpson and First realigned to boundary (straight not curved) as per survey and lowered with visually permeable fencing
- Slimline tanks deleted
- Untrafficable decking deleted on First Floor
- Decking extended on Units 10, 12, 14, 16, 18 to allow on access to entry door

Proposal

The subject application is for “holiday accommodation” at Lot 308 on the corner of Second Avenue and Simpson Street, Onslow. Under the Shire’s Planning Scheme, “holiday accommodation” is defined as:

“any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for two or more movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding Bed/Breakfast facilities (which are within the definition of home business), hotel and motel.”

The Applicant has approval for a similar development at Lot 309, corner of Second Avenue and Simpson Street which includes manager’s accommodation. The applicant proposes that the manager at Lot 309 also manage Lot 308. This may be acceptable provide Lot 309 is developed first and where there is an agreement (in perpetuity) over both lots for the management arrangement.

The proposal currently before Council comprises 9 single bed tourist units (5 two storey and 4 single storey) as follows:

Details:

- i) Zoning of site: Commercial and Civic
- ii) Site Area: 913m²
- iii) Setbacks: First Avenue – 5.99m
Simpson Street – 4.0m. Rear Lane - 1.0m
Side boundary – 2m
- iv) Gross floor area: 435m²

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- v) Plot Ratio: 0.47:1
- vi) Elevations: Two storey buildings to be constructed externally of corrugated colourbond steel. The wall sheeting will be laid horizontally with the roof having an 180⁰ pitch. Sufficient openings of various sizes would appear to preclude any blandness.
- vii) Design: The buildings essentially comprise five “two storey pods” with a optional swimming pool/pergola/bbq area located towards the First Avenue/Simpson Street frontage. A 1.8m high masonry wall will encompass this area. A “common area” is to be located mid-site between three unit buildings.
- ix) Car Parking: Spaces required:

| | |
|---|----|
| One per accommodation unit, plus one per every three units for visitors | 12 |
| Spaces provided | 11 |

- x) Building Ground: All built upon areas will have a minimum ground level of 5AHD. The Scheme requires a minimum of 5AHD.
- xi) Landscaping: Indicative only.

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

ATTACHMENT 13.05.32

Comment

Zoning of Site:

The subject land is rectangular in shape and zoned *Commercial and Civic* under the Shire of Ashburton Planning Scheme No. 7 (“Scheme”). It is also included in the “*Onslow Coastal Hazard Areas Special Control Area*” and in this regard, the minimum floor height in the “*Onslow Coastal Hazard Areas Special Control Area*” is required to be 5AHD. This has been depicted on the submitted plans. With Council approval “holiday accommodation” is a permissible use in the current zoning of the site.

Site Area:

There is no minimum site area requirement for a holiday accommodation under the Scheme.

Setbacks:

Considering the proposal is for a commercial development in a commercial zone predominantly containing residential development, the setbacks appear reasonable and satisfy Building Codes of Australia (BCA) requirements in relation to heights of buildings.

The setback to Second Avenue will ensure adequate sight distance is maintained across the intersection. However, although the Residential Planning Codes do not apply to “holiday accommodation”, it is reasonable that the setbacks for the development to the adjoining property (used for residential purposes) reflect the setback requirements from the Codes, as it ensures adequate residential amenity for the adjoining land. In this regard, the plans have been assessed under the codes and found to reflect the necessary setbacks.

Gross Floor Area/Plot Ratio/Site Coverage:

The Scheme does not contain maximum limitations in these areas. Clause 6.10 of the Scheme indicates that development in the subject zone should be in keeping with a specific strategic or policy statement, however, in the absence of such documents Council shall take into account matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures. It is considered that a plot ratio of less than 0.6:1 within a commercial zone does not constitute an overdevelopment of the site.

Elevations:

The elevations appear reasonable. The corrugated colourbond sheeting to be used is becoming increasingly popular for use in developments throughout the Pilbara and with the complementary use of colours satisfactory results can be achieved.

Density:

As related to the plot ratio and site coverage, the density of the development is acceptable for the commercial zoning of the site.

Car Parking:

Twelve (12) parking spaces need to be provided in order to satisfy the provisions of the Scheme. Eleven (11) parking spaces are shown on the submitted plans. The twelfth space can be provided abutting the two spaces on First Avenue however, the overall development of Lots 308 and 309 result in 23 spaces being required. It is appropriate that should Lot 308 be developed in isolation to Lot 309, the 12 spaces be provided. The advice from the applicant is that both lots will be developed simultaneously.

All parking is designed on the basis of reversing from the site. Access is sought from the ROW which would need to be sealed (at the Applicant's expense) for the length of the property frontage to the ROW.

Building Ground Levels:

The site is located in the frontal dune system of the *Onslow Coastal Hazard Area* as identified in the Shire Planning Scheme. This requires floor levels of the buildings to be built to a level of 5m AHD in accordance with clause 7.3 of the Scheme. The proposed development provides for all structures to be built at this level. The front retaining wall adjacent to the car park will be approximately a metre high tapering to about 150mm at the rear. The car parking will be provided at the existing ground level. This is permitted under clause 7.3.8 of the Scheme, as these areas will be non-habitable. The Scheme requires any building development or building alteration approval in the hazard area be endorsed with the following:

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

Landscaping:

Should Council issue Planning Approval, 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. Also it will be recommended that the parking areas be suitably brick paved.

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Overall:

With the present commercial boom being experienced by Onslow any planned addition to the accommodate stock should be encouraged. Importantly, there are no significant areas of non-compliance with the Scheme or policy.

However, the significant issue for the application is the provision of reticulated water. As noted, it is suggested that the Applicant be provided with the opportunity to address the water supply issue with Water Corporation before such a determination. The applicant has acknowledged the inability for Water Corporation to supply sufficient water to the development. As noted, Council essentially has two choices in relation to determining the Application in light of the inability of Water Corp to provide a reticulated water service to the site – either:

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

The Shire has discussed the matter of dealing with applications in Onslow with the Shire's solicitor. The advice provided is that Council would be well within its rights to refuse any development Application because an important element of infrastructure (i.e. reticulated water) is not available. However, it is acknowledged that the Water Corporation has indicated that the time frame to upgrade the system is 2015. It is questioned as to whether the Applicant should be penalised for the limitations of the water system that is not within their control. In this regard, it is suggested that if Council seeks to approve the Application, a condition be included that links the issue of the Building Licence with an agreement with the developer and Water Corporation with the provision of water.

Any time limit for an approval should be extended from the normal 2 year period to 5 years - to account for the Water Corporation's upgrade of the system. Should the upgrade not be available after the 2015 approval time limit, the Applicant could seek an extension of time or the approval would lapse.

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Manager Building Services

Under the Scheme, holiday accommodation is a 'D' use. This use does not require advertising pursuant to the Scheme. Accordingly, the Application has not been advertised although it is open for Council to advertise any application it sees fit. Given that the proposal reflects the purpose of the zone and has been designed to reflect the set back provisions of the RCodes, advertising is not considered necessary.

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 ('Scheme')

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Statement of Planning Policy No. 2.6 - State Coastal Planning Policy - the Scheme was Gazetted after the introduction of the Policy and addressed in the 'Onslow Coastal Hazard Areas Special Control Area' where the minimum floor height is 5AHD. A condition reflecting the Scheme provision associated with 'Onslow Coastal Hazard Areas Special Control Area' is recommended (draft condition aa).

However, it is possible that a change of the minimum floor height may result from a review being undertaken by the Department of Planning. While no new figures can be provided at the time of this Planning Application, it is appropriate that prior to building licence, the Applicant has satisfied itself that the minimum floor is based on the best information available at the time of construction. The State and the Local Government Authority are not liable in the event of any damage caused by natural events.

Policy Implications

"Local Planning Policy – Parking and Setbacks - First Avenue, Onslow" applies to the land as follows:

"4.1.1 Where development of Lots 305–308, 333–336, 501, 502, 339 and 968 is sought, Council is prepared to support car parking to have direct access to First Avenue. Council will require parking bays to comply with the provisions of the Shire of Ashburton Town Planning Scheme No. 7.

4.1.2 Building Setbacks to First Avenue will be a minimum of 4 metres. Access to the rear ROW is supported. Any Planning Approval will include a ROW upgrading contribution."

In this regard, the setback to First Avenue is .78m and access to the ROW is sought. Importantly, no portion of the road pavement of First Avenue is located on Lot 308. The application is considered to comply with the Policy.

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED:

Cr Corker

That Council:

- 1. Approve the development application made by Bachkit Australia Pty Ltd for land at Lot 308 Corner of Second Avenue and Simpson Street Onslow to construct and use for the purposes of a 'holiday accommodation' generally in accordance with the submitted plans, subject to the following conditions and foot notes:**

- a) The use shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the**

land in order to serve the holiday accommodation, to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton. A building licence shall not issue until written confirmation from Water Corporation is provided to the Shire that a full reticulated water service to the site is available.

- b) A building licence for the development should be obtained prior to 15 May 2016 . This Planning Approval lapses if a building licence for the development has not been obtained by 15 May 2016. Further to this, if the development is not substantially commenced in accordance with the building licence by 15 May 2016 and a reticulated water supply is not available to service the development by this date, then this Planning Approval lapses at that date.
- c) With the permission of the Shire of Ashburton, this Planning Approval may be extended.
- d) Unless with the written consent of the Council, the car parking and landscaping shall be completed to the satisfaction of the Shire prior to the occupation of the 'holiday accommodation'.
- e) Prior to the issue of a building licence, plans shall be submitted showing:
 - i) twelve onsite car parking spaces to the requirements of the Shire of Ashburton (see note (ii));
 - ii) manager's unit for a ground floor unit unless an agreement subject to Condition f is undertaken with the Shire of Ashburton.
- f) Prior to the issue of a building licence, the Applicant shall enter into a written agreement with the Shire of Ashburton for:
 - i) sealing the length of the ROW from the nearest adjoining road to the crossover at the rear of Lot 308; and
 - ii) management arrangement with the owner of Lot 309 for the management operation for both Lot 308 and 309 that will be in perpetuity over both lots.

All costs associated with the sealing of the ROW along with Shire legal costs for the agreement shall be at the expense of the Applicant.
- g) Plans submitted with the building licence are to be generally in accordance with plans submitted show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.
- h) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
- i) The use of transportable buildings in the development in any form is not permitted.

- j) The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing to adjoining land shall consist of appropriate acoustic materials, a minimum 1.8 metres in height (above 5AHD) and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application.
- k) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building licence application.
- l) The uses when established shall at all times comply with the definition of 'holiday accommodation' as contained within the Scheme as follows:

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

stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.

u) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location and:

- species of all trees to be removed and / or retained;
- type of fencing to be installed;
- of reticulation to be installed; and
- type of paving to be installed.

The Plan should also include a plant schedule nominating each species, the spacings of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The Plan should identify and include any adjoining road verges. The Plan must be submitted and approved prior to the issue of a building licence.

- v) Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the use and thereafter maintained to the satisfaction of the Shire of Ashburton.
- w) The provision of a suitably screened bulk bin area/s for refuse to the specifications and satisfaction of the Shire of Ashburton prior to occupation of the development. Details to be submitted with the building licence application.
- x) The development being connected to a reticulated water supply or other alternative to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development.
- y) The development being connected to a reticulated deep sewer to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development. Full plumbing details must be submitted with the building licence application.
- z) No room (other than manager's room) is to be occupied by any person for more than 3 months within any 12 month period. In that regard, the manager / operator are to maintain a register of guests which is to be made available for perusal by Shire of Ashburton officers on demand.
- aa) The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events.

Advise the Applicant as follows:

- i) This Planning Approval is issued with the knowledge that a reticulated water

- supply for the use is currently not available. It is issued with the Applicant's full awareness that such a supply may not be available for many years. The Applicant has advised the Shire that it will not seek a building licence until confirmation from Water Corporation that a full reticulated water service to the site will be available.
- ii) With respect to the requirement for 12 car parking spaces, the Council will accept the construction of 11 spaces for the development of Lot 308, provided a building licence is sought concurrently with the development of Lot 309 Second Avenue.
 - iii) A condition reflecting the Scheme provision associated with '*Onslow Coastal Hazard Areas Special Control Area*' has been included (condition *aa*). However, it is possible that a change of the minimum floor height may result from a review being undertaken by the Department of Planning. While no new figures can be provided at the time of this Planning Approval, it is appropriate that prior to building licence, the Applicant has satisfied itself that the minimum floor is based on the best information available at the time of construction. The State and the Local Government Authority are not liable in the event of any damage caused by natural events.
 - iv) The Applicant is advised that the Planning Approval is for the purposes of 'holiday accommodation'. Transient workforce accommodation cannot be given consent by Council on the land as it is prohibited under the Planning Scheme. Transient workforce accommodation is defined as: "*dwelling intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas*".
 - v) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) that are to be approved by the Shire's Principal Building Surveyor prior to the issue of the Building licence.
 - vi) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
 - vii) The Water Corporation recommends that with respect to the provision of any landscaping in Onslow, the following should be undertaken to ensure the most efficient use of water. The Shire anticipates that this advice will be provided on any approved landscaping plan:
 - 1. Appropriate soil amendment / conditioning for the region, which forms the best basis for plants to survive and thrive (depth of 300mm for garden beds)
http://www.watercorporation.com.au/W/waterwise_karratha.cfm

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- 2. Waterwise irrigation with improvements in irrigation scheduling and application and use of rain sensors
[http://www.watercorporation.com.au/files/waterwise/Waterwise Display Village Criteria 2010.pdf](http://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf)**
 - 3. Adequate mulching to retain moisture (5 to 7.5cm thickness recommended).**
- viii) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.**
- ix) Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).**

CARRIED 9/0

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

13.05.33 DEVELOPMENT SERVICES DECISION STATUS REPORT

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|--|---|--|
| 1 | 04/11 | 13.04.19 | Native Title Determination Application – LY & Ors v State of Western Australia | That Council resolve to become a party to Native title Determination Application LY and Ors v State of Western Australia (Federal Court Application No – WAD 340/2010). | Ongoing Application sent 4 May 2011. (May 2011) |
| 2 | 04/11 | 13.04.20 | Draft Town Planning Scheme Amendment No. 13 and Associated Draft Local Planning Policy for Advertising | That Council in Pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 13 ("draft Amendment") to the Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") which proposes: 1. Modifying the existing Residential Planning Code equivalent for land zoned 'Residential' under the Scheme of 'R12.5' for land in Second Avenue, Third Avenue and Hedditch Street, Onslow from R12.5 to 'R20' as set out in the Amendment Map. 2. Modifying Clause 6.6 of the Scheme by inserting the following clause: "6.6.3 <i>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:</i> (a) <i>the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling subject to formal advertising pursuant to Clause 5.7;</i> (b) <i>the local government may for the purposes of urban consolidation, only consent to the development of a vacant lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m² subject to formal advertising pursuant to Clause 5.7; and</i> (c) <i>in determining any application lodged pursuant to Sub-Clauses (a) & (b) above the local government shall consider, in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in</i> | Ongoing Scheme Amendment documents prepared and forwarded to the EPA for assessment. One a favourable EPA response has now been received the matter will be advertised for 42 days and then referred back to Council for final consideration. (May 2011) |

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| | | | | <p style="text-align: center;"><i>which the proposed development is to be situated.”</i></p> <p>3. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred back to the Environmental Protection Authority (EPA) as required by Part V of the Act and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.</p> <p>4. That Council adopts <i>draft Local Planning Policy – Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7</i>, (modified to refer to Water Corp’s advice in the report), a draft Local Planning Policy under the provisions of clause 2.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the Scheme concurrently with the advertising of draft Amendment No. 13 to the scheme.</p> <p>5. Following advertising of the draft Amendment No. 13 and draft <i>Local Planning Policy - Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7</i>, the matters be referred back to Council for consideration.</p> | |
| 3 | 04/11 | 13.04.21 | Fortescue Metals Group’s Solomon Hub Project Response to Council | <p>That Council:</p> <p>1. Request the CEO to advise FMG that:</p> <ul style="list-style-type: none"> • Cr Musgrave and Cr Thomas have been nominated as the Council representatives; • FMG be requested to run and sponsor the ‘working group’ meetings; and • FMG advertise for community members for the ‘working group’ before the first meeting is held. | Ongoing Correspondence sent to FMG. Council will be informed of FMG’s reply. (May 2011) |
| 4 | 04/11 | 13.04.22 | Draft Pilbara Planning and Infrastructure Framework | <p>That Council:</p> <p>1. Note the draft <i>Pilbara Planning and Infrastructure Framework</i> (‘<i>Framework</i>’) as prepared by the Western Australian Planning Commission;</p> <p>2. Request the CEO to prepare a submission to the draft <i>Framework</i> based on the matters identified in this Report to be lodged with the WAPC on or before 9 May 2010; and</p> <p>3. Request the CEO to provide Councillors with a copy of the submission.</p> | Correspondence sent to WAPC. Should the WAPC reply, Council will be advised. (May 2011) |

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| 5 | 04/11 | 13.04.23 | Planning Application – Over Sized Shed at 652 No. 9 Simpson Street Onslow | <p>That Council:</p> <ol style="list-style-type: none"> 1. Approve the Application for Planning Approval for an over sized outbuilding at Lot 652 No. 9 Simpson Street, Onslow generally in accordance with the plans submitted but modified to have a maximum floor area of 90m² and subject to the following conditions: <ol style="list-style-type: none"> 1. All development is to be in accordance with the approved Development Plan (attached), including any amendments placed thereon by the Shire of Ashburton and except as may be modified by the following conditions. 2. A building licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire of Ashburton prior to the commencement of any on-site works whatsoever. 3. The design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Details to be submitted prior to or with the building licence application. 4. The external walls and roofing shall not include the use of zincalume. | Council decision sent to applicant. Unless an appeal to SAT is lodged, no further action required. (May 2011) |
| 6 | 04/11 | 13.04.24 | Implementing Development Panels for Local Government in Western Australia. | <p>That Council:</p> <ol style="list-style-type: none"> 1. Nominate Councillors Musgrave and White as the Shire's local government representatives to the relevant Development Assessment Panel. | Correspondence sent to DoP. Further item in May agenda requesting 3 rd and 4 th Councillors to participate in the DAP. (May 2011) |
| 7 | 04/11 | 15.04.02 | Chevron Australia's Final Environmental Impact Statement on the Environmental Review and Management Programme for Wheatstone | <p>That Council:</p> <ol style="list-style-type: none"> 1. Note the contents of this Report. 2. Request the Chief Executive Officer: <ol style="list-style-type: none"> i) To write to Chevron Australia seeking a clear and unequivocal statement in relation to the following matters: <ul style="list-style-type: none"> • Whether Chevron Australia is committed to the social and infrastructure development of Onslow? • Whether Chevron Australia agrees and will commit to having the location of the entire Wheatstone operational workforce in | Ongoing Correspondence sent to Chevron and EPA. Council will be informed of Chevron's reply. (May 2011) |

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| | | | | <p>Onslow?</p> <ul style="list-style-type: none"> • Clarification of the following statement on page 241 of Chevron Australia's "Final EIS/Response to Submissions on the ERMP for Wheatstone" - "Chevron is assessing the feasibility of locating a portion of its operational workforce as residents within Onslow with the remaining staff being fly- in-fly-out (FIFO). At present the lack of essential infrastructure at Onslow means it is not feasible to locate the operational workforce in Onslow, and Chevron cannot make a final decision on the location of its operational workforce until there is more information about the future availability of essential infrastructure" and whether Chevron in this statement, is suggesting that the FIFO component of the operational workforce is to be accommodated outside of Onslow (perhaps in the ANSIA)? • Whether Chevron Australia will modify its "Final EIS/Response to Submissions on the ERMP for Wheatstone" to reflect (for example) the following statement in the draft ANSIA Structure Plan: "As discussed within the Structure Plan report, whilst those workers involved in the construction of development within the ANSIA will be housed within Transient Workers Accommodation (TWA), operational staff will be housed in Onslow". (page 31) <p>ii) To write to the EPA advising that Chevron Australia's "Final EIS/Response to Submissions on the ERMP for Wheatstone" does not accurately reflect Chevron Australia's stated position to Council on accommodating the Wheatstone operational workforce in Onslow.</p> | |
| 8 | 04/11 | 16.04.07 | Confidential Item – Shire's Nameless Valley Workforce Accommodation Camp | <p>That Council:</p> <ol style="list-style-type: none"> 1. Note the contents of this Report. 2. Delegate to the Chief Executive Officer authority to determine an application from the Shire for planning approval to use and develop Lot 26 (gravel reserve) Nameless Valley Road, Tom Price for up to 80 transient workforce accommodation units. 3. With respect to 2. above, the CEO be requested to ensure that a condition be included in any planning approval requiring a period of review | No action required as it was lost due to no absolute majority. (May 2011) |

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| | | | | <p>(recommended to be 12 months) where the proposal would be referred to Council for decision.</p> <p>4. Advise RTIO that it is prepare to accept its request for use of the accommodation units as outlined in its correspondence of 26 March 2010 and delegates to the Chief Executive Officer to determine a market rate for the use of the units.</p> | |
| 9 | 03/11 | 13.03.13 | Draft Local Planning Scheme Amendment No. 7 and Draft Local Planning Polity for Advertising | <p>That Council:</p> <p>1. In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 12 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by:</p> <p>“1. <i>Rezoning Lot 604 Rocklea Road Paraburdoo from ‘Public Purposes – Community’ reserve to ‘Residential’ zone with a Residential Planning Code equivalent of ‘R 50’ as set out in the Amendment Map.</i></p> <p>2. <i>Rezoning part Lot 603 Rocklea Road Paraburdoo and Lot 606 You Yi Lane Paraburdoo from ‘Community’ zone to ‘Residential’ zone with a Residential Planning Code equivalent of ‘R 50’ as set out in the Amendment Map.</i></p> <p>3. <i>Modifying the existing Residential zone Residential Planning Code for part Lot 603 Rocklea Road Paraburdoo to R50’ as set out in the Amendment Map.”</i></p> <p>2. Adopts draft ‘<i>Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo</i>’ as a draft Local Planning Policy under the provisions of clause 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 and it be advertised in accordance with clause 2.3.1 of the Scheme concurrently with the advertising of draft Amendment No. 7.</p> <p>3. That following advertising of the draft Amendment No. 7 and draft ‘<i>Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo</i>’, the matters be referred back to Council for consideration.</p> | Ongoing Amendment to be advertised from 20 April 2011 for 42 days as resolved by Council. Once advertising is complete, it is anticipated that a further Report will be referred to the June meeting of Council. (May 2011). |
| 10 | 03/11 | 13.03.14 | Draft Local Planning Scheme Amendment No. 12 (consideration for | <p>That Council:</p> <p>1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period: –</p> | Ongoing Scheme Amendment |

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| | | | adoption for final approval) and adoption of draft Local Planning Policy. | <p>i) Adopt for final approval, draft Amendment No. 12 ("Amendment") to the Shire of Ashburton Local Planning Scheme No. 7 ("Scheme"), which proposes to modify Clause 6.6 of the Scheme by inserting the following clauses:</p> <p>“6.6.2 <i>Notwithstanding any other provision of the Scheme, where reticulated sewerage and water is available to a lot in Tom Price and Paraburdoo:</i></p> <p>(a) <i>the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a lot comprising not less than 874m², with a minimum site area of 437m² per grouped dwelling, within any area coded R20 or greater on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;</i></p> <p>(b) <i>subject to Sub-Clauses (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R30 on a lot greater than 1,500m² within any area coded R20 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;</i></p> <p>(c) <i>subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R40 on a lot greater than 1,500m² within any area coded R30 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7; and</i></p> <p>(d) <i>in determining any application lodged pursuant to Sub-Clauses (a), (b) & (c) above, the local government shall consider in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.”</i></p> <p>ii) Endorse the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 12.</p> | forwarded to the WAPC and Minister for Planning for final approval. (May 2011) |

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| | | | | <ul style="list-style-type: none"> iii) Refer Amendment No. 12 to the Shire of Ashburton Local Planning Scheme No. 7, so adopted for final approval to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning. iv) 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. <p>2. That with respect to draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i>, Council:</p> <ul style="list-style-type: none"> i) note the submission received during advertising and adopts draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i>; ii) modify draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i> as discussed in this Report and as included in Attachment 3 to the Report; and iii) adopt draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i> as a Local Planning Policy under the provisions of clause. 2.3 of Shire of Ashburton Local Planning Scheme No. 7. <p>3. The Chief Executive Officer be requested to advertise draft <i>'Local Planning Policy - Assessment of Applications under Clause 6.6.2 of the Shire of Ashburton Local Planning Scheme No. 7'</i> after the Minister for Planning favourably determines draft Amendment No. 12.</p> | |
| 11 | 03/11 | 13.03.15 | <p>Implementation of Draft Onslow Aerodrome Master Plan as follows:</p> <ul style="list-style-type: none"> ▪ Initiation of draft Local Planning Scheme Amendments No's 15 and No 16 – to rezone certain portions of Lot 16 on deposited plan | <p><i>Draft Amendment No. 15</i></p> <p>1. That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 15 ("draft Amendment No. 15") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:</p> <ul style="list-style-type: none"> 1. To rezone Lot 16 on Deposited Plan 161140, Onslow Road, Onslow (portion of Onslow airport) from 'Public Purposes – Airport' reserve to 'Mixed Business' zone as set out in the Amendment Map. 2. Modifying the zoning table as follows: | Ongoing Amendment documents currently being prepared and when the environmental and design information is |

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| | | | <p>161140, Onslow Road, Onslow (Onslow Airport) from public purposes 'Airport' reserve to 'mixed business' zone.</p> <ul style="list-style-type: none"> ▪ Preparation of a Draft Development Plan. ▪ Proposed subdivision application to the WAPC | <p>Identifying 'Aerodrome' as a 'D' use class in the 'Mixed Business' zone.</p> <p>3. That, as the draft Amendment No. 15 is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment No. 15 be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council to consider whether the Amendment will further pursued.</p> <p>4. That following response from the EPA in accordance with part 3. above, the matter be referred back to Council for further consideration</p> <p><i>Draft Amendment No. 16</i></p> <p>2. That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 15 ("draft Amendment No. 16") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:</p> <ol style="list-style-type: none"> 1. To rezone Lot 16 on Deposited Plan 161140, Onslow Road, Onslow (portion of Onslow airport) from 'Public Purposes – Airport' reserve to 'Mixed Business' zone as set out in the Amendment Map. 2. That, as the draft Amendment No. 16 is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment No. 16 be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council to consider whether the Amendment will further pursued. 3. That following response from the EPA in accordance with part 2. above, the matter be referred back to Council for further consideration. <p><i>Draft Development Plan</i></p> <p>3. That Council request the Chief Executive Officer to make appropriate arrangements to prepare a draft 'development plan' based on draft Onslow</p> | <p>available, the Amendments will be forwarded to the EPA as per Council decision. (May 2011).</p> |

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| | | | | <p>Aerodrome Master Plan and the attachments referred to in this Report and for the draft 'development plan' to be referred to the EPA for environmental assessment in association with draft Scheme Amendment No. 15 and draft Scheme Amendment No. 16.</p> <p><i>Subdivision Application</i></p> <p>4. That Council delegate Chief Executive Officer authority to prepare and lodge an application for subdivision approval from the WAPC based on the concept of Precinct 1 as defined draft Onslow Aerodrome Master Plan at a time of his choosing.</p> | |
| 12 | 03/11 | 15.03.01 | Proposed closure and transfer of portion of un-named road reserve to Lot 2 Stadium Road, Tom Price and 'cancellation' of portion of un-named Mall Reserve, Tom Price. | <p>1. That Council:</p> <ul style="list-style-type: none"> a) Close 100m² portion of unnamed road reserve for transferral to Lot 2 Stadium Road Tom Price in compliance with Section 58 of the Land Administration Act 1997, in accordance with ATTACHMENT b) Advertise the closure and transfer referred to in 1a) above in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment, pursuant to Section 58 of the Land Administration Act 1997. c) Require that should any objection be received in response to the statutory advertising of the proposed closure or the property transferral, that it be referred back to the Council for consideration. d) Note that providing no objections are received from the public in relation to the proposed road closure and transferral, request the Chief Executive Officer to submit to the Minister for Lands a request to close the portion of un-named road reserve for transferral to Lot 2 Stadium Road Tom Price in accordance with ATTACHMENT 15.03.01. <p>2. That Council:</p> <ul style="list-style-type: none"> a) Cancel the 426m² portion of unnamed mall reserve in compliance with Section 62 of the Land Administration Act 1997, in accordance with ATTACHMENT 15.03.01. b) Request the Chief Executive Officer to advertise the cancellation referred to in 2a) above in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment, pursuant to Section 62 of the Land Administration Act 1997. c) Pursuant to Section 59(2) of the Land Administration Act 1997, request the Chief Executive Officer to send copies of the advertisement | <p>Ongoing Advertising undertaken as resolved by Council. A further report to Council is anticipated for the June 2011 meeting. (May 2011)</p> |

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| | | | | <p>referred to in 2a) above to the holders of the freehold in, and occupiers of, land adjoining the land in question, to suppliers of public utility services on the land in question and to the Planning Commission, and specify in that advertisement a period of not less than 35 days from the day of that advertisement during which submissions relating to the request may be lodged with the Shire.</p> <p>d) Require that should any objection be received in response to the statutory advertising of the proposed cancellation that it is referred back to the Council for consideration.</p> <p>e) Note that providing no objections are received from the public to the cancel the 426m² portion of unnamed mall reserve, request the Chief Executive Officer to submit to the Minister for Lands a request to cancel the 426m² portion of unnamed mall reserve in accordance with ATTACHMENT 15.03.01.</p> | |
| 13 | 02/11 | 13.02.04 | Revised Local Planning Policy – Transient Workforce Accommodation | <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt modifications to “<i>Local Planning Policy - Transient Workforce Accommodation</i>” (LPP13) and advertise in accordance with clause 2.31 of the scheme. 2. Directs that upon completion of the advertising period referred to in 1 above, the matter to be referred back to Council for further consideration. | Ongoing Advertising undertaken as resolved by Council. A further report to Council is anticipated for the May meeting. (May 2011) |
| 14 | 02/11 | 13.02.05 | Revised Local Planning Policy – Design Guidelines for the Tom Price Town Centre | <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt modifications to “<i>Local Planning Policy - Design Guidelines for the Tom Price Town Centre</i>” (LPP10) and advertise in accordance with clause 2.31 of the scheme. 2. Subject to no adverse comments being received during the advertising period during 1 above, Council adopt “<i>Local Planning Policy - Design Guidelines for the Tom Price Town Centre</i>” (LPP10) in accordance with provisions of the scheme. 3. Request the Chief Executive Officer to prepare a further report on the matter if any adverse comments are received. | Ongoing Advertising is being undertaken as resolved by Council. (May 2011) |

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| 15 | 02/11 | 13.02.09 | Draft Local Planning Scheme Amendment No. 14 – new scheme provision for transient workforce accommodation as an ‘A’(discretionary use) in the commercial and civic zone | <p>That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), initiate draft Amendment No. 14 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:</p> <ol style="list-style-type: none"> 1. Modifying Clause 6.10 of the Scheme by inserting the following clause: <p style="margin-left: 20px;"><i>“6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:</i></p> <ol style="list-style-type: none"> a) <i>the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;</i> b) <i>the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;</i> c) <i>a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;</i> d) <i>connection to reticulated sewer, water, and power is available; and</i> e) <i>where the development is of a permanent nature and where dongers and transportable buildings or structures of any description are not proposed.</i> <p style="margin-left: 20px;"><i>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.”</i></p> 1. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA be referred back to Council to consider whether the Amendment will further pursued. 2. That the views of Department of Planning and Department of State Development sought concerning the draft Amendment. 3. That following response from the EPA in accordance with Part 2 above and the Department of Planning, Department of State Development and Land Corp in accordance with Part 3, the matter be referred back to Council for further consideration. In preparing a further Report on the | <p>Ongoing Scheme Amendment documents prepared and forwarded to the EPA for assessment. EPA response has now been received and the matter will be referred back to Council for consideration in a further Report at the May Council meeting. (May 2011)</p> |

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| | | | | matter, the Chief Executive Officer be requested to address the responses from the EPA and agencies. | |
| 16 | 12/10 | 13.12.74 | Draft Amendment No. 10 to Planning Scheme No. 7 and Draft Ashburton North Strategic Industrial Area Structure Plan | <p>That Council:</p> <p>a) Advise Chevron Australia Pty Ltd that:</p> <p>i) subject to modifications generally in accordance with Schedule 1 attached to this Report (Attachment 13.12.74f) along with an assessment of the impact of lighting and noise at the Ashburton River within the buffer zone from the proposed port and Wheatstone development; and</p> <p>ii) receipt of a revised hydrology assessment prepared to the satisfaction of the Chief Executive Officer;</p> <p>Council is willing to accept the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> as a draft structure plan pursuant to the provisions of the the Shire of Ashburton Local Planning Scheme No. 7 and more specifically, (draft) Local Planning Scheme Amendment No. 9.</p> <p>b) Request Chevron Australia Pty Ltd to undertake the modifications as included in Schedule 1 and any modifications an outcome of the revised hydrology assessment along with any other modifications identified by the Chief Executive Officer as being appropriate and then refer the document back to the Shire.</p> <p>c) Advise Chevron that in relation to the modifications sought in 1 above, it should not be construed that further changes to the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> will not be required as an outcome of the referral of draft Scheme Amendment No. 10 and further assessment of information received.</p> <p><i>DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 10</i></p> <p>1. That the Council in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> ("Act"), initiate Scheme Amendment No. 10 to the Shire of Ashburton Local Planning Scheme No. 7 by:</p> <p>a. Rezoning portion of Part Lot 152 and Part Lot 153 Onslow Road, Unallocated Crown Land Lot 238 and portion of Part Unallocated Crown Land Lots 301 and 302 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve.</p> <p>b. Rezoning Part Lot 152 Onslow Road from 'Rural' zone to 'Special</p> | <p>Ongoing Chevron advised of Council's decision. The Scheme Amendment documents were prepared and forwarded to the EPA for assessment on 23 December, 2010. The respective agencies were provide with a copy of the Amendment and appendices and asked for comment.</p> <p>EPA advise that formal environmental assessment is not required.</p> <p>Matters associated with corridor access, infrastructure contributions</p> |

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| | | | | Use – Transient Workforce Accommodation' zone. c. Inserting into Schedule 2 the following: | | | | and Hooleys Creek are still outstanding. |
| | | | | No. | Description of Land | Special Use | Conditions | |
| | | | | 2. | Portion of Ashburton Location 153, Onslow Road | Transient Workforce Accommodation | 1. Land use and development shall generally be in accordance with a Structure Plan and Development Plan approved by the local government and the Western Australian Planning Commission which addresses those matters defined in Clause 7.9 and Appendix 11 as it relates to the Ashburton North Strategic Industrial Area and specifically, provides details on the layout, staging, operational period of the use, accommodation of operational workforce, transport, access, landscaping, management and environmental issues associated with the development and the use of the land. 2. All transient workforce accommodation shall be considered a 'D' use under the Scheme. 3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or maintenance of those uses and developments approved in writing by the | A further Report to Council in relation the ANSIA to be provided when matters addressed in the Scheme have been satisfactorily addressed by the proponent. (May 2011) |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | | | Current Status |
|---|-------------------------|-------------|--------------|--|--|--|----------------|
| | | | | | | <p>local government.</p> <p>4. Transient workforce accommodation for operational purposes of any use or development is prohibited.</p> <p>5. The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.</p> | |
| | | | | <p>2. That, as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council for further consideration.</p> <p>3. The initiation of draft Amendment No. 10 as referred to in 1. above is subject to the following being undertaken prior to the referral of draft Amendment No. 10 to the EPA (as referred in 2. above):</p> <p>a. Gazettal of Amendment No. 9 to the Shire of Ashburton Local Planning Scheme No.7; and</p> <p>b. the proponent undertaking the modifications to draft Local Planning Scheme Amendment No. 10 generally in accordance with those included as</p> <p>Schedule 2 (Attachment 13.12.74g), the modifications the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> (Attachment 13.12.74f)</p> | | | |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

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

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|----|-------------------------|-------------|--|--|--|
| 17 | 12/10 | 13.12.75 | Draft Planning Scheme Amendment No. 11 to Rezone Onslow Strategic Industrial Zone to Rural, Delete Onslow Strategic Industrial Buffer Area and Draft Local Planning Policy for the Development of the Land | <p>That Council, the Council in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> ("Act"), initiate draft Amendment No. 11 ("draft Amendment") to Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") that proposes to:</p> <ol style="list-style-type: none"> 1. Rezone Part Location 303, Onslow Road, Onslow from 'Strategic Industrial zone to 'Rural' zone. 2. Modify the Scheme Maps accordingly. 3. Modify Clause 7.1 of the Scheme to delete reference to 'Onslow Strategic Industrial Buffer' and for Clause 7.1 to read as follows: <p style="margin-left: 40px;"><i>"7.1 Operation of Special Control Areas</i></p> <p style="margin-left: 80px;"><i>7.1.1 The following special control areas are shown on the Scheme map:</i></p> <ol style="list-style-type: none"> (a) <i>Tidal Inundation Areas</i> (b) <i>Onslow Coastal Hazard Area</i> (c) <i>Onslow Airport Height Restrictions Area</i> (d) <i>Cane River Water Reserve Area</i> (e) <i>Turee Creek, Mt Lionel and Mt Stevenson Borefields</i> (f) <i>Wittenoom</i> (g) <i>Ashburton North Strategic Industrial Area"</i> 4. Modify the Scheme Legend to delete "Onslow Strategic Industrial Buffer – Special Control Area" as set out in the Amendment Legend. 5. Modify the Scheme Maps to delete "Onslow Strategic Industrial Buffer – Special Control Area". 6. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act and on receipt of a response from the EPA, be referred back to Council for further consideration. 7. That following response from the EPA in accordance with part 4 above, the matter be referred back to Council for further consideration. In preparing a further Report on the matter, the A/Chief Executive Officer be requested to: <ol style="list-style-type: none"> i) address the response from the EPA; and ii) provide a draft Local Planning Policy that addresses the need for an | Ongoing Scheme Amendment documents prepared and forwarded to the EPA for assessment. EPA response has now been received and the matter will be referred back to Council for consideration in association with Amendment 10. (May 2011) |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|----|-------------------------|-------------|---|--|--|
| | | | | overall structure plan for the site along with the preferred uses and request input from the Onslow Recreational Clubs Association in its preparation. | |
| 18 | 06/10 | 13.06.31 | Draft Town Planning Scheme Amendment No. 8 –Modifications To Strategic Industrial Zone To Prohibit Transient Workforce Accommodation. | <p>1. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i>, adopt draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying the zoning table of the Scheme to read as follows:</p> <p>(a) Identifying Transient Workforce Accommodation as an X use class in the Strategic Industry zone.</p> <p>2. That Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</p> <p>3. That the Council refer the draft Amendment so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</p> <p>That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.</p> | Ongoing Amendment referred to Western Australian Planning Commission. Await Minister's decision. (Oct 2010) (May 2011) |
| 19 | 05/08 | 13.05.23 | Council Policy Review – Aboriginal Environment Health Policy. | Directs the Chief Executive Officer to draft a new Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council | Ongoing Close to finalising AEH-Strategy. To be submitted to Council ASAP. (May 2011) |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council note the contents of the Development Services Decision Status Report and attached Scheme Amendments Report. ATTACHMENT 13.05.33.

CARRIED 9/0

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

14.05.0 WESTERN OPERATIONS REPORTS

14.05.09 WESTERN OPERATIONS DECISION STATUS REPORT

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|------------------------------|-------------|------------------------------------|--|--|-------------|---------|-----------|--------|-------|---------|----------|----------|----------|--|---------|----------|----------|----------|--------|---|---|----------|----------|---|------------------------------|--|--|--|---|
| ENGINEERING | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 03/09 | 15.03.01 | Mosquito Management Plan | That Council 1. Formalise a Mosquito Control Program for the Shire of Ashburton 2. Approve the unbudgeted capital expenditure of \$23,000 on Mosquito Control Program assets | 5/4/2011 – Have spoken with EHO this is ongoing. | | | | | | | | | | | | | | | | | | | | | | | | | |
| COMMUNITY | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 03/11 | 14.03.04 | Multipurpose Centre Gym Operations | <p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the opening and Shire operation of the Multipurpose Complex Gym. 2. Adopts the Fees and Charges proposed and that these fees and charges be advertised by Local Public Notice. <p align="center"><i>Proposed Fees and Charges</i></p> <table border="1"> <thead> <tr> <th>Type</th> <th>Weekly rate</th> <th>Monthly</th> <th>6 monthly</th> <th>Yearly</th> </tr> </thead> <tbody> <tr> <td>Adult</td> <td>\$45.00</td> <td>\$110.00</td> <td>\$360.00</td> <td>\$485.00</td> </tr> <tr> <td>Concession <i>(Must present pension card)</i></td> <td>\$30.00</td> <td>\$ 90.00</td> <td>\$320.00</td> <td>\$425.00</td> </tr> <tr> <td>Family</td> <td>-</td> <td>-</td> <td>\$490.00</td> <td>\$615.00</td> </tr> <tr> <td>Lost Swipe Card (Initially supplied with Membership)</td> <td>\$35.00 per replacement card</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>** Singular visit – flat fee of \$15.00 *** Corporate membership discounts haven't been included in the fees and charges schedule. Business proposing the memberships of 10 or more members will be offered the concession rate per membership sort.</p> | Type | Weekly rate | Monthly | 6 monthly | Yearly | Adult | \$45.00 | \$110.00 | \$360.00 | \$485.00 | Concession <i>(Must present pension card)</i> | \$30.00 | \$ 90.00 | \$320.00 | \$425.00 | Family | - | - | \$490.00 | \$615.00 | Lost Swipe Card (Initially supplied with Membership) | \$35.00 per replacement card | | | | 18/5/2011 Equipment being installed – waiting on IT to install IT equipment to support swipe card implementation. Then Gym ready for opening. |
| Type | Weekly rate | Monthly | 6 monthly | Yearly | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adult | \$45.00 | \$110.00 | \$360.00 | \$485.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Concession <i>(Must present pension card)</i> | \$30.00 | \$ 90.00 | \$320.00 | \$425.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Family | - | - | \$490.00 | \$615.00 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lost Swipe Card (Initially supplied with Membership) | \$35.00 per replacement card | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|------------------|-----------------|-------------|--|--|--|
| 2 | 03/11 | 14.03.05 | Inclusion of the “Jims Gym” Building and Land into the Onslow Sport Club Lease | That Council endorse the inclusion of the “Jims Gym” land and building into the Onslow Sports Club Lease and accept the resulting legal and survey fees to facilitate this. | 5/5/2011 To be initiated |
| 3 | 02/11 | 14.02.01 | Pannawonica Community Investment | Council resolves to accept the Wandoo offer of reimbursement for monies previously expended \$23,777.00 and redirect the \$50,000.00 towards age appropriate play equipment as required. | 8/5/2011 This has been delayed – waiting on further information from RIO |
| 4 | 05/10 | 16.05.06 | Draft Ashburton North Community Investment Strategy | That Council support in principle the draft Ashburton North Community Infrastructure Strategy. | 8/5/2011 – Agenda Item to be prepared. |
| 5 | 04/10 | 14.04.06 | Lot 944 First Street, Onslow Reserve 42626 | That Council: (a) call for expressions of interest from the Onslow community to establish an arts and culturally based use for the property 944 First Street, and (b) that Council list the appropriate budget funding for the upkeep and progressive restoration of the property 944 First Street. | 08/05/2011 To be priority in the third quarter of 2011 |
| 6 | 11/08 | 14.11.18 | Pannawonica Community Plan | That Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that: (a) The Shire views with concern the company’s public release of the Pannawonica Community Plan prior to the Council having an opportunity to formally consider the Shire initiated plan (b) It does not support the Pannawonica Community plans prepared by the company for the following reasons: a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncosted b. The community plan largely consists of elements which are not community infrastructure or services c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement. | 08/05/2011 To be included in renewed relationship with Rio Tinto |
| CORPORATE | | | | | |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|--------------------|-----------------|-------------|---|---|---|
| 1 | 03/05 | 12.03.120 | Robe River Memorandum of Understanding | That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments: <ol style="list-style-type: none"> 1. The Shire of Ashburton leasing: <ul style="list-style-type: none"> • The Library, Shire Office and Sentinel Chicken Coops; • The Dog Pound; • The Caravan Park and Ablutions Block 2. Robe River renovating the above facilities prior to the commencement of the leases. 3. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 4. The Shire of Ashburton committing to funding the Community Liaison Officer position for twenty (20) hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours. 5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis. | To be priority in the Third quarter of 2011 |
| DEVELOPMENT | | | | | |
| 1 | 04/11 | 14.04.07 | RFT 06/11 Design and Construct of Three Residential Dwellings in Onslow | That Council: <ol style="list-style-type: none"> 1. Allocate the additional \$342,000 to fund the Construction of 3 residential dwellings in Onslow tender in the 2011/2012 Budget. 2. Appoint RFT 06/11 to DA Burke as the preferred Tenderer. 3. Delegate the CEO to award the contract to DA Burke subject to successful negotiation. 4. Delegate the CEO authority to determine any planning application of lot 318 second Ave, Onslow. | 08/05/2011 – Contract Documents being drawn up |
| 2 | 12/10 | 14.12.20 | Approval of Regular Passenger Transport Service for Onslow | That Council: <ol style="list-style-type: none"> 1. Approve the A/Chief Executive Officer to write to the Department of Transport requesting Onslow be a deregulated RPT route provided that the aerodrome is upgraded to sustain the service. 2. Approve in principle Skipper Aviations request to operate a RPT service to Onslow (on the proviso that the aerodrome is upgraded to sustain the service). 3. Amend the 2010/11 Budgeted Fees and Charges to include a RPT Head Tax of \$32.50 per Adult and \$16.25 per Child less than 12 years. | 4/03/2011 Application with the Department of Transport |
| 3 | 11/10 | 16.11.13 | Onslow Aerodrome Master Plan | That Council: <ol style="list-style-type: none"> 1. Council endorses the DRAFT ONSLOW AERODROME MASTER PLAN, as a planning guideline for the expansion and development of the Onslow Aerodrome land. Council agrees to the allocation of \$100,000 towards the Onslow | 05/04/2011 EOI advertised. Planning to tender for design by May |

MINUTES – ORDINARY MEETING OF COUNCIL 18 MAY 2011

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-----------------|-------------|--|--|---|
| | | | | aerodrome upgrade and associated planning and consultant services. | 2011. |
| 4 | 12/08 | 13.12.408 | Proposed Transfer of Emergency Services Building | <p>That :-</p> <ol style="list-style-type: none"> 1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- <ol style="list-style-type: none"> i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. 2. The necessary procedures required to affect the transfer be implemented. 3. The present designation of Lot 971 in the Shire's Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow. 4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued. | <p>Ongoing</p> <p>This item to be a priority in the third quarter of 2011</p> |

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr Bloem

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

CARRIED 9/0

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

No new business of an urgent nature was introduced.

16.05.0 CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Wright

That Council close the meeting to the public at 5.06 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

**16.05.08 CONFIDENTIAL ITEM - RFT 03/11 DISPOSAL OF LOT 604
ROCKLEA ROAD, PARABURDOO**

FILE REFERENCE: PA.RO.604

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

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

DATE REPORT WRITTEN: 5 May 2011

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest

PREVIOUS MEETING REFERENCE: Agenda Item 10.02.03 Ordinary Council Meeting 16 February 2011
Agenda Item 13.13.03 Ordinary Council Meeting 16 March 2011
Agenda Item 13.11.68 Ordinary Council Meeting 17 November 2010
Agenda Item 13.11.69 Ordinary Council Meeting 17 November 2010
Agenda Item 12.02.09 Ordinary Council Meeting 13 February 2007

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Dias

That Council approves Better Builders (WA)'s request to change the conditions of sale of Lot 604 Rocklea Road, Paraburadoo with the following conditions:

1. Deposit to be increased from \$80,500 to \$125,000 within 10 business days of acceptance of these conditions;

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

CARRIED 6/3

Cr Dias and Cr Thomas voted against the motion.

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Wright, Cr Dias, and Cr Rumble declared an indirect financial interest in Agenda Item 16.05.09. The nature of their interest being Cr Bloem and Cr Wright are employees of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd, Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd and owns shares in Rio Tinto Pty Ltd, and Cr Rumble owns shares in Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Wright, Cr Dias and Cr Rumble to debate and vote on Agenda Item 16.05.09. The Minister's written approval for Cr Bloem and Cr Wright to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. the approval is only valid if Councillor White declares an interest in the items resulting in a quorum not being achieved;
2. the approval is only valid for the ordinary meeting of Council to be held on 18 May 2011;
3. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
4. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
5. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

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

ATTACHMENT 16.05.09

Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 16.05.09 in accordance with Section 5.60A of the Local Government Act. The interest being Cr White owns shares in Rio Tinto Pty Ltd.

Cr White, Cr Dias and Cr Rumble left the meeting at 5.21 pm.

**16.05.09 CONFIDENTIAL ITEM – SHIRE'S NAMELESS VALLEY
WORKFORCE ACCOMMODATION CAMP**

FILE REFERENCE: CA.NM.VA

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

**NAME OF APPLICANT/
RESPONDENT:** Owner: State of Western Australia
Applicant: Shire of Ashburton/RTIO

**DATE REPORT
WRITTEN:** 8 May 2011

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 16.04.07, Ordinary Meeting of Council 20
April 2011

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr Shields **SECONDED:** Cr Bloem

That Council:

1. Note the contents of this Report.
2. Notes that the Chief Executive Officer will lodge an application to the Shire for planning approval to use and develop Lot 26 (gravel reserve) Nameless Valley Road, Tom Price for up to 80 transient workforce accommodation units.

3. Requests the Chief Executive Officer to prepare a report under the normal planning process in relation to 2. above and for the report/application to be referred to Council for determination.
4. Advise RTIO that subject to a planning approval being issued in relation to 2. and 3. above that Council would be prepared to accept its request for use of the accommodation units as outlined in its correspondence of 26 March 2011.
5. Charge a rate of \$115.50 per day, per room for the Shire’s Nameless Valley Workforce Accommodation Camp (subject to market variation). An occupant register (notating the company not the individual) is to be maintained.

**CARRIED 5/1
ABSOLUTE MAJORITY**

Cr White, Cr Dias and Cr Rumble re-entered the meeting at 5.27 pm.

Frank Ludovico, Larry Softley, Geoff Brayford, Amanda O’Halloran, Rob Paull, Janyce Smith and Chloe Shaw left the meeting at 5.28 pm.

16.05.10 CONFIDENTIAL ITEM – PERFORMANCE REVIEW EXECUTIVE MANAGER COMMUNITY AND ECONOMIC SERVICES

FILE REFERENCE: JA.90

AUTHOR’S NAME AND POSITION: Jeff Breen
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 8 May 2011

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

PREVIOUS MEETING REFERENCE: N/A

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr Corker **SECONDED:** Cr Shields

That Council endorse the CEO’s recommendation as per his report.

**CARRIED 7/2
Cr White and Cr Thomas voted against the motion**

**16.05.11 CONFIDENTIAL ITEM – PERFORMANCE REVIEW EXECUTIVE
MANAGER CORPORATE SERVICES**

FILE REFERENCE: JA.06

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

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

DATE REPORT WRITTEN: 8 May 2011

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

PREVIOUS MEETING REFERENCE: N/A

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr Corker **SECONDED:** Cr Thomas

That Council endorse the CEO's recommendation as per his report.

**CARRIED 9/0
ABSOLUTE MAJORITY**

Council Decision

MOVED: Cr Dias **SECONDED:** Cr Shields

That Council re-open the meeting to the public at 5.45 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

17.05.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 15 June 2011, at the Barry Lang Centre, Pannawonica commencing at 3.00 pm.

18.05.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.46 pm.