



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

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

20 April 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 20 April 2011 at the RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 3.00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

15 April 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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1.04.0 DECLARATION OF OPENING

2.04.0 ANNOUNCEMENT OF VISITORS

3.04.0 ATTENDANCE

3.04.01 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 |
| 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 |
| Mr K Pearson | Special Project Advisor |

3.04.02 APOLOGIES

Cr L Rumble Deputy Shire President, Paraburdoo Ward

3.04.03 APPROVED LEAVE OF ABSENCE

Cr I Dias Paraburdoo Ward

4.04.0 PUBLIC QUESTION TIME

4.04.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary meeting of Council held on 16 March 2011 no public questions were asked.

4.04.02 PUBLIC QUESTION TIME

5.04.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.04.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.04.01 PETITIONS

6.04.02 DEPUTATIONS

6.04.03 PRESENTATIONS

Rachel Whiting, Manager, Small Business Centre West Pilbara will be giving brief over of the Centre and the services they offer to local businesses.

7.04.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.04.01 ORDINARY MEETING OF COUNCIL HELD ON 16 March 2011

Officers Recommendation

That the Minutes of the Ordinary Meeting of Council held on 16 March 2011, as previously circulated on 29 March 2011, be confirmed as a true and accurate record subject to the following amendment.

Insert the word “vote” into the Council Resolution of Agenda Item 16.03.04.

Council Decision

MOVED: Cr Thomas

SECONDED: Cr Shields

That Cr Dias be allowed to participate but not vote on Agenda Item 16.03.04.

CARRIED 7/0

8.04.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9.04.0 DECLARATION BY MEMBERS

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

9.04.01 DECLARATION OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

10.04.0 ENGINEERING SERVICES REPORTS

10.04.07 REQUEST FOR TRANSFER OF FUNDS FOR THE EXPANSION OF THE TOM PRICE TIP SITE

FILE REFERENCE: RE.TI.R.39084

AUTHOR'S NAME AND POSITION: Scott McCrae
Projects

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 April 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The current Tom Price landfill site has reached the capacity for locally produced waste. This proposal is a request to transfer funds from Onslow Transfer Station (C003) to the Tom Price Refuse Site Upgrade (C001) capital works budget to complete expansion work.

Background

The current tip site has been in operation since 2000 serving the greater Tom Price area. It is classified as a Class II/III landfill by the Department of Environment and Conservation (DEC). It receives waste streams from collected municipal and commercial collections households, commercial operators, bulk commercial waste operators and other local organizations to be deposited there. The current intake is approximately 20,000m³ of waste per annum. Nearby mining operations are self sufficient and have on site landfills or commercial operators removing waste.

The license enables us to bury (sealed) asbestos, store tyres, oils and paints. Other toxic chemicals require professional disposal. Since 2009, recycling of paper, cardboard, some plastics, cans & bottles has been undertaken in Tom Price with a processing & baling facility on site. In accordance with the State Government's Towards Zero Waste 2020 recycling further measures have been employed to recycle bulk steel and oil and encourage local households to deposit their unwanted 're-usable' goods to be made available to others (non-profit). The landfill site has reached its capacity in a number of areas and the available space to deposit putrescible waste is declining daily. The limited ability to compact the waste currently adds to the lack of space. A plan of the site is attached.

ATTACHMENT 10.04.07

Comment

Only half of the original acquisition of the current Lot 300 has been used for landfill. It is proposed that the remainder of the site be cleared and prepared for a ‘trench and fill’ method of disposal, which is the same as we are currently using. The extension will require, new fencing, clearing, excavation of pits and drainage and installation of water monitoring bores as recommended in the SKM Tom Price Landfill Extension report 2011. This is estimated to cost just over \$200,000.00 and provide waste disposal facilities for the town for the next 10 years.

Disposal options are being investigated whereby a greater proportion of the material from Paraburdoo may be transferred to Tom Price for processing. The projected intake at the Tom Price site could reach 29,000m³ p/a in the next ten years.

During this financial year, no development will take place regarding the design and construction of a transfer station in Onslow. Options regarding location, type of operation and management (Shire or external) are currently being examined. These funds are therefore available for re-allocation.

The ongoing operation of the Tom Price site will not require additional staff, however to promote the longevity of the operation other methods of compaction using specific plant, although costly, will be considered to better maximize this type of facility.

Consultation

Chief Executive Officer
SKM Engineering Consultants
Department of Environment and Conservation

Statutory Environment

Environmental Protection Act 1986
Local Government Act 1995
Shire of Ashburton Health Local Laws 1998
Occupational Safety and Health Act 1984
Shire of Ashburton Occupational Safety and Health Guideline 2010
Bush Fires Act 1954
Environmental Protection (Rural Landfill) Regulations 2002
Environmental Protection (Controlled Waste) Regulations 2004
Environmental Protection (Unauthorised Discharge) Regulations 2004
Environmental Protection (Clearing of Native Vegetation) Regulations 2004
Guideline for Controlled Waste Treatment or Disposal Sites 1996 (as amended December 2009)
Department of Environment and Conservation license #L6807/1997/7.

Policy Implications

None

Financial Implications

Transfer of allocated funding from Onslow Refuse Transfer Station \$205,300.00 (C003) to Tom Price (C001) for the 2010-2011 financial year.

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Strategic Implications

The Shire of Ashburton's strategic approach to waste management is for the safe, responsible and environmentally competent disposal of waste, as well as encouraging prevention of waste creation at all stages of a products lifecycle. We can do this by providing some services directly, as well as initiating education programs for Shire residents (Shire of Ashburton - Waste Management Strategy 2008).

Voting Requirement

Absolute Majority Required.

Recommendation

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.

| | |
|--------------------------------|-------------------|
| Author: Scott McCrae | Signature: |
| Manager: Geoff Brayford | Signature: |

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10.04.08 ENGINEERING SERVICES DECISION STATUS REPORT

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|---|--|--|
| 1 | 03/11 | 10.03.05 | RFT 05/11 Shire Staff Housing Project – Tom Price | That Council: 1. Approves the Tender submitted by Haven Designs for the amount of \$830,058 excluding GST for the design and construction of Lot 27 Willow Road, Tom Price. 2. Approves the Tender submitted by Haven Designs for the amount of \$373,500 excluding GST for the design and construction of a rear house at Lot 825 Warara Street, Tom Price and construction of a new patio to the front of the existing house. 3. Provides delegated authority to the Chief Executive Officer to negotiate with the approved Tenderers as required and sign all contracts. | Completed. Contract awarded. (Apr 2011) |
| 2 | 02/11 | 10.02.01 | Tip Opening Hours – Onslow Tip | That Council: 1. Approve to close the Onslow Landfill Site one day per week, being Sunday, effective from 6 March 2011; and 2. Directs the CEO to advertise the intention to close the operation of the Onslow Landfill site on Sunday of every week. 3. Directs the CEO to review the closure in May 2011. | Completed. Advertising carried out. Sunday closure enacted. (April 2011) |
| 3 | 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. | Ongoing BHP negotiating with SOA. Possible construction of upgraded road (eg. Chevron Standard). (April 2011) |
| 4 | 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. | Being re-assessed. (April 2011) |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|---|---|--|
| 5 | 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 | 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 Paraburdoon are expected to be installed week commencing 21 June.</p> | Paraburdoon complete. Tom Price complete. Roebourne-Wittenoom Complete. Pannawonica complete. Negotiating with MRWA on remainder. (April 2011) |
| 7 | 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, Paraburdoon, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each. | Ongoing. Policy implementation being implemented internally. Tag lines for towns to be established. (July 2010) |
| 8 | 08/09 | 10.08.22 | Temporary Road Closure – Yampire Gorge Road | That Council <ol style="list-style-type: none"> 1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months. 2. Instruct the Chief Executive Officer to place signage to this effect. 3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road. | Ongoing. Closure being implemented. (Mar 2011) |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|----|-------------------------|-------------|---|--|---|
| 9 | 08/08 | 10.08.13 | Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price | <p>That Council;</p> <ol style="list-style-type: none"> 1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire. 2. Directs the EMES to seek a valuation of the proposed subdivision and prepare a detailed cost estimate for all works including survey, design and construction. 3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender | Completed. (April 2011) |
| 10 | 04/08 | 10.04.08 | Relocation of Onslow Landfill | <ol style="list-style-type: none"> 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled 'Onslow Landfill Options' subject to environmental approvals being forthcoming. 2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site. 3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design. | <p>Ongoing.</p> <p>Investigation in place for Class 4 landfill to serve Pilbara and, in parallel, second preference site from SKM report. (March 2011)</p> <p>EOI for works being developed for issue in May 2011. (April 2011)</p> |

Officers Recommendation

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

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11.04.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.04.06 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|---|---|---|
| 1 | 03/11 | 11.03.04 | Adoption of Shire of Ashburton – Tourism Destination Strategy | That Council adopt the Tourism Destination Development Strategy. | Finalised. (16 March 2011) |
| 2 | 12/10 | 11.12.14 | SES – Tom Price – Training Tower Budget Amendment | That Council authorise the expenditure of up to \$35,000 for the repair of the Tower at the Tom Price SES Unit. | Rio Tinto building approval received 4/2/11. Contractor scheduling work.(Dec 2010) |
| 3 | 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 <p>For the whole of the Shire of Ashburton.</p> (b) Ivan Dias as FCO Robert Morgan as FCO <p>For the Paraburdoo area</p> (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 <p>For those areas where the Shires share a boundary.</p> 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. | Under the ACT all FCO’s are appointed by the Bush Fire Advisory Committee (BFAC) and endorsed by Council. The EMA in Paraburdoo has resigned and the BFAC have taken him off the list of FCO’s in Paraburdoo, however once the replacement EMA is employed he will be appointed by due process to be recognised as an additional FCO for Paraburdoo. (Nov 2010) |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|---|---|---|
| 4 | 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. | <p>Ongoing.</p> <p>Meeting with Mike Fisher and Mark Eaglesham to discuss design / implementation of rock painted by local Aboriginal Artist as a feature of the entry statement 24th August. Due to Mark Eaglesham's leave arrangements will now be meeting 23rd September 2010.</p> <p>Mike Fisher to develop conceptual plans for presentation to Councillors.</p> <p>Shire President emphasized that after the discussions and presentation by Matt Bird on the Shire Tourism Strategic Plan it had occurred to him that we need to take an holistic approach to the Shires 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</p> |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|--------------------------|---|--|---|
| | | | | | decided by the Tom Price Entry Statement Working Group to await the outcomes of the PRC consultant. (Sept 2010) |
| 5 | 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) |
| 6 | 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 | Ongoing. Pool opened to public on 24 September 2010. Official pool opening being planned for late November 2010. Due to non availability of Ministers the official opening has been postponed to the new year. (Nov 2010) |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|--------------|--|----------------|
| | | | | <p>12.8m and depth 760mm to 910mm.</p> <ul style="list-style-type: none"> ○ Demolition and construction of concrete concourse including new drainage ○ Upgrade lighting to required standard ○ Refurbishment of existing office, kiosk, change rooms and toilets; <p>3. Providing that the necessary funds are available, resolves to direct the Executive Manager Community & Economic Services to call a Design and Construct Tender for the works.</p> | |

Officers Recommendation

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

12.04.0 CORPORATE SERVICES REPORTS

12.04.15 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 351 Agreement between Country Arts WA Inc & SOA: 2011 Intrastate Tour Dinosaur Petting Zoo – Tom Price.
- Seal 352 Employment contract Chief Executive Officer – Jeffrey Breen.
- Seal 353 Transfer of Land – Lot 327 Warara Street, Tom Price.
- Seal 354 Transfer of Land – Lot 604 Rocklea Road, Paraburdoo.
- Seal 355 Agreement between Country Art WA Inc & SOA: 2011 Intrastate Tour Dinosaur Petting Zoo – Onslow.
- Seal 356 Annual Audit Compliance Report – Department of Environmental Protection – Tom Price.
- Seal 357 Annual Audit Compliance Report – Department of Environmental Protection – Paraburdoo.
- Seal 358 Annual Audit Compliance Report – Department of Environmental Protection – Onslow.

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

Officers Recommendation

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

| | |
|-----------------------------|-------------------|
| Author: Janyce Smith | Signature: |
| Manager: Jeff Breen | Signature: |

12.04.16 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF FEBRUARY AND MARCH 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:

February 2011

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

ATTACHMENT 12.04.16a

March 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 12.04.16b

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

Consultation

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

Statutory Environment

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

Policy Implications

There are no Council Policies relevant to this issue.

Financial Implications

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

Strategic Implications

There are no strategic implications relevant to this issue

Voting Requirement

Simple Majority Required

Officers Recommendation

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

| | |
|--------------------------------|-------------------|
| Author: Linda McCarthy | Signature: |
| Manager: Frank Ludovico | Signature: |

12.04.17 CHIEF EXECUTIVE OFFICER LEAVE ARRANGMENTS

FILE REFERENCE: PE:EM.(Breen.Jeffrey)

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

NAME OF APPLICANT/RESPONDENT: Jeff Breen
Chief Executive Officer

DATE REPORT WRITTEN: 5 April 2011

DISCLOSURE OF FINANCIAL INTEREST: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Chief Executive Officer wishes to take leave between 22 April and 1 May 2011 (inclusive).

This report is advising Council of the proposed leave for information purposes, and seeks the appointment of an Acting Chief Executive Officer for this period.

Background

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave; however the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all employees.

The Chief Executive Officer's leave is, in essence, approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position, during this period.

Comment

The author is of the opinion that there is a sufficiently experienced management team from which it is appropriate to make an appointment of Acting Chief Executive Officer. It is for this reason it is proposed that Frank Ludovico, Executive Manager Corporate Services be appointed to the role of Acting Chief Executive Officer.

Should these arrangements be acceptable to Council, it is necessary for Frank Ludovico, Executive Manager Corporate Services, to be provided with relevant authority to undertake the role of Acting Chief Executive Officer.

Consultation

Executive Management Team
Shire President

Statutory Environment

Sections 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions, and Section 5.36 relating to employees.
Chief Executive Officer’s Employment Contract.

Policy Implications

There are no known policy implications relevant to this issue.

Financial Implications

There are only minor financial implications to Council in respect to the CEO’s leave as all leave entitlements are provided for within the Adopted Budget.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council:

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).

| | |
|----------------------------|-------------------|
| Author: Jeff Breen | Signature: |
| Manager: Jeff Breen | Signature: |

12.04.18 2010/2011 BUDGET REVIEW

| | |
|--|--|
| FILE REFERENCE: | FI.BU.10.11 |
| AUTHOR'S NAME AND POSITION: | Frank Ludovico Executive Manager Corporate Services |
| NAME OF APPLICANT/RESPONDENT: | Not Applicable |
| DATE REPORT WRITTEN: | 12 April 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in this item. |
| PREVIOUS MEETING REFERENCE: | Not Applicable |

Summary

To present the Budget Review for 2010/2011 in accordance with the Local Government (Financial Management) Regulations 1996.

Background

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to conduct a budget review between 1 January and 31 March each financial year.

Regulations 33(2) and (3) require the results of the review to be submitted to Council within 30 days of the review. Council is then to consider the review to determine whether or not to adopt the review, any part of the review or any recommendations made in the review. If Council does this at this meeting, this will meet the required timeframe.

Regulation 33 A(4) requires a copy of the and the determination to be provided to the department of Local Government and Regional Development (DLGRD).

Comment

The Budget Review process was initiated in January 2011 with all Executive Managers being provided workbooks containing details of each account number that came under their responsibility.

The Review was conducted using December 2010 actual figures. The March 2011 actual figures are included in the Review document for comparison purposes and a final re-evaluation of the projections.

Budget Impact

The 2010/11 Budget Review will be tabled at the Council Meeting.

Consultation

Internal consultation with Executive Management and Responsible Officers.
Bob Waddell, Local Government Consultant

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 33A –Review of Budget

Policy Implications

The Budget Materiality variance adopted in February 2010 of a percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) for the 2009/2010 financial year was used in the Budget Review.

Financial Implications

Detailed above.

Strategic Implications

2007-2011 Strategic Plan – 6 A Well Managed and Contemporary Corporation
Optimize performance, Statutory Compliance, Good Governance.

Voting Requirement

Absolute Majority Required.

Officers Recommendation

1. That Council adopts the 2010/2011 Budget Review and directs the Chief Executive Officer to take action on the issues it raises.

| | |
|-------------------------------|-------------------|
| Author: Frank Ludovico | Signature: |
| Manager: Jeff Breen | Signature: |

12.04.19 2009/2011 ANNUAL ELECTORS MEETING MINUTES

| | |
|--|--|
| FILE REFERENCE: | OR.MT 1 |
| AUTHOR'S NAME AND POSITION: | Frank Ludovico Executive Manager Corporate Services |
| NAME OF APPLICANT/RESPONDENT: | N/A |
| DATE REPORT WRITTEN: | 7 April 2010 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in this item |
| PREVIOUS MEETING REFERENCE: | Agenda Item 12.02.05 Ordinary Council Meeting 16 February 2011 |

Summary

The minutes of the 2009/2010 Annual Electors Meeting are presented to Council for their receipt and to discuss any issues that arose.

Background

The 2009/2010 Annual Electors Meeting for the Shire of Ashburton was held on 16 March 2011 and the minutes of the meeting are attached for Council information

(ATTACHMENT 12.04.19).

Comment

The minutes of the 2009/2010 Annual Electors Meeting are presented to Council for their receipt and to discuss any issues that arose.

Consultation

Internal consultation between the CEO and the Executive Management Team.

Statutory Environment

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

Policy Implications

There is no Council policy relative to this issue.

Financial Implications

There are no financial implications relative to this issue.

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

Strategic Implications

Strategic Plan 2007 – 2011 (Plan for the Future)

Objective 6 – A Well Managed and Contemporary Corporation: Deliver effective and accountable governance, widely recognisable for high calibre staff, services, processes and interaction with key stakeholders.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council receive the minutes of the Annual Electors Meeting and the held on Tuesday 16 March 2011.

| | |
|-------------------------------|-------------------|
| Author: Frank Ludovico | Signature: |
| Manager: Jeff Breen | Signature: |

12.04.20 2011 LOCAL GOVERNMENT ELECTION

| | |
|--|---|
| FILE REFERENCE: | OR.EL.3 |
| AUTHOR'S NAME AND POSITION: | Lisa Hannagan Administration Manager |
| NAME OF APPLICANT/RESPONDENT: | Not Applicable |
| DATE REPORT WRITTEN: | 20 April 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in the proposal. |
| PREVIOUS MEETING REFERENCE: | Not Applicable |

Summary

Correspondence has been received from the WA Electoral Commission requesting that Council give consideration to whether they will be conducting to 2011 Local Government Election as a postal or in person election.

It is recommended that the WA Electoral Commission appoint a Returning Officer to conduct the 2011 Election by postal vote. It is also recommended that the election be conducted by postal vote.

Background

In accordance with the Local Government Act 1995, Local Government ordinary elections will be held on 15 October 2011. Five Councillor terms are due to expire in October 2011 being Tom Price (1), Paraburdoo (1), Ashburton Ward (1), Tablelands (1), Onlsow (1).

The election held in 2009 was conducted by postal vote, with the Electoral Commission appointing a Returning Officer.

Section 4.20(4) of the *Local Government Act 1995* states:

“(4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

**Absolute majority required.*”

Comment

The Administration has received notification from the WA Electoral Commissioner (correspondence attached) that the Local Government Ordinary Elections are to be held on 15 October 2011, with an estimated cost of \$14,500 and the Commissioner also confirmed that if the Shire of Ashburton agrees, he would be responsible for the conduct of the Election.

ATTACHMENT 12.04.21

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

The Shire of Ashburton has traditionally used the Western Australian Electoral Commission (WAEC) to conduct its elections by postal vote and it is recommended that this continue as it keeps the political process independent of the Shire Administration.

The last day for the appointment of the Electoral Commissioner to conduct a postal election is 27 July 2011.

Consultation

Chief Executive Officer
Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995 4.20(4) & 4.61(2)

Policy Implications

There are no specific policy implications relative to this issue.

Financial Implications

The WAEC is required to operate on a full cost recovery basis, and has estimated a cost of \$14,500 plus GST. This has been included in the 2010/2011 Draft Budget.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Absolute Majority Required.

Officers Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, 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 *Local Government Act 1995* 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.

| | | |
|-----------------|----------------------|-------------------|
| Author: | Lisa Hannagan | Signature: |
| Manager: | Jeff Breen | Signature: |

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

12.04.21 CORPORATE SERVICES STATUS REPORT

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-----------------|-------------|---|--|--|
| 1 | 03/11 | 12.03.11 | Debtors for Write Off | That Council Write Off the following debts: 1. Wade Lyndon - Invoice No. 1650 - \$112.15 2. Wade Lyndon – Invoice No. 1700 – \$982.48 3. Wade Lyndon – Invoice No. 2739 - \$535.62 4. Wade Lyndon – Invoice No. 2742 - \$154.42 5. Wade Lyndon – Invoice No. 3261 - \$543.05 Total Value = \$2327.72 | Completed. Write Offs processed. (Mar 2011) |
| 2 | 03/11 | 12.03.12 | Website Management Policy | That Council Adopts the Website Management Policy as per Attachment 12.02.12. | Completed. Policy Manual Updated. (Mar 2011) |
| 3 | 03/11 | 12.03.13 | Local Government Compliance Audit Return from 2010 | That Council adopts the Compliance Return, as attached, as the official Return of the Council for the period 1 January 2010 to 31 December 2010 and submit the certified copy to the Executive Director of the Department of Local Government and Regional Development. | Completed. Sent to Dept. Of Local Govt. (Mar 2011) |
| 4 | 12/10 | 12.12.80 | Shire of Ashburton Five (5) Year Forward Capital Works Program 2010 | The Council adopted the Shire of Ashburton Five (5) Year Forward Capital Works Program 2010. | Completed. (Mar 2011) Plan sent to the Dept for Regional Development and Lands Additional information being requested. (Feb 2011) Additional info provided and plan now |

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---------------|----------------------------------|-------------|--|--|---|-------------|-------|--------|-----------------|-------|---------------------------|---------|----------|---|-------|----------------------------------|-------|--------|---|-------|---------------------|-------|-------|---|------|------------|-----|------|---|------|------------------|-----|------|---|-------|--------------------|--------|---------|---|--------|-----------------------------|--------|---------|---|--|--|--|----------|---|---------------|--|--|--|--|------|----------------------|---|----------|---------|------|---------------------------|--|---------|--------|--|-------|--|---------|---------|--|
| | | | | | approved. (Mar 2011) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 12/10 | 12.12.79 | Reallocation of Funds Country Local Government Fund Year 1 | <p>That Council request the Department of Regional Development to reallocate the Shire of Ashburton's Country Local Government Fund Year 1 funding as follows:</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Description</th> <th>CLGF1</th> <th>Change</th> <th>New Allocations</th> </tr> </thead> <tbody> <tr> <td>BC362</td> <td>Tom Price Sports Pavilion</td> <td>175,000</td> <td>-175,000</td> <td>0</td> </tr> <tr> <td>GE010</td> <td>Peter Sutherland Oval - Softfall</td> <td>5,000</td> <td>-5,000</td> <td>0</td> </tr> <tr> <td>BC319</td> <td>Para Toilet Upgrade</td> <td>1,208</td> <td>-1208</td> <td>0</td> </tr> <tr> <td>C037</td> <td>Meeka Park</td> <td>900</td> <td>-900</td> <td>0</td> </tr> <tr> <td>C038</td> <td>Doug Talbot Park</td> <td>100</td> <td>-100</td> <td>0</td> </tr> <tr> <td>GE012</td> <td>TP Entry Statement</td> <td>50,000</td> <td>-50,000</td> <td>0</td> </tr> <tr> <td>CE 013</td> <td>Install Tourist Info Boards</td> <td>40,000</td> <td>-40,000</td> <td>0</td> </tr> <tr> <td></td> <td></td> <td></td> <td>-272,208</td> <td>0</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="5">Reallocations</th> </tr> </thead> <tbody> <tr> <td>C100</td> <td>Dual Pathways Onslow</td> <td>0</td> <td>+206,920</td> <td>206,920</td> </tr> <tr> <td>C102</td> <td>Dual Pathways – Tom Price</td> <td></td> <td>+65,288</td> <td>65,288</td> </tr> <tr> <td></td> <td>TOTAL</td> <td></td> <td>272,208</td> <td>272,208</td> </tr> </tbody> </table> | Code | Description | CLGF1 | Change | New Allocations | BC362 | Tom Price Sports Pavilion | 175,000 | -175,000 | 0 | GE010 | Peter Sutherland Oval - Softfall | 5,000 | -5,000 | 0 | BC319 | Para Toilet Upgrade | 1,208 | -1208 | 0 | C037 | Meeka Park | 900 | -900 | 0 | C038 | Doug Talbot Park | 100 | -100 | 0 | GE012 | TP Entry Statement | 50,000 | -50,000 | 0 | CE 013 | Install Tourist Info Boards | 40,000 | -40,000 | 0 | | | | -272,208 | 0 | Reallocations | | | | | C100 | Dual Pathways Onslow | 0 | +206,920 | 206,920 | C102 | Dual Pathways – Tom Price | | +65,288 | 65,288 | | TOTAL | | 272,208 | 272,208 | <p>Completed. Variations approved. (Mar 2011)</p> <p>Letter sent to the Dept for Regional Development and Lands (Feb 2011)</p> |
| Code | Description | CLGF1 | Change | New Allocations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BC362 | Tom Price Sports Pavilion | 175,000 | -175,000 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| GE010 | Peter Sutherland Oval - Softfall | 5,000 | -5,000 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| BC319 | Para Toilet Upgrade | 1,208 | -1208 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C037 | Meeka Park | 900 | -900 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C038 | Doug Talbot Park | 100 | -100 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| GE012 | TP Entry Statement | 50,000 | -50,000 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CE 013 | Install Tourist Info Boards | 40,000 | -40,000 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | -272,208 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reallocations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C100 | Dual Pathways Onslow | 0 | +206,920 | 206,920 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| C102 | Dual Pathways – Tom Price | | +65,288 | 65,288 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | TOTAL | | 272,208 | 272,208 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 05/10 | 12.05.37 | Repeal of Defunct and Obsolete Local Laws | <p>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).</p> | <p>Ongoing</p> <p>Advertisement will appear in paper April 2011. (Mar 2011)</p> <p>Advertisement being drafted by Local Laws Consultant (June 2010)</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-----------------|-------------|--|--|---|
| 7 | 12/09 | 12.12.76 | Realignment of Hillside Pastoral Station Boundary Border | That Council defer consideration of the agenda item until the February 2010 meeting of Council, the reason being subsequent to the preparation of the agenda item the Shire received two more proposals from the Local Government Advisory Board to amend the Shire's boundary with the Shire of East Pilbara. It was considered appropriate to consider the proposals collectively. | <p>Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals.</p> <p>Documentation has been collected now being reviewed by EMCS (March 2011)</p> |

Officers Recommendation

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

13.04.0 DEVELOPMENT SERVICES REPORTS

13.04.18 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: 11 April 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.

Details of approvals issued by the Manager Building Services since the last Council Meeting are set out in this report.

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.

Details of approvals issued by the Manager Building Services since the last Council Meeting are set out below.

Comment

Six (6) approvals have been issued under delegation up until the date of this report. These were for:

| | | |
|--------------------------------|---------------------------------|---|
| Davis Langdon | Solomon Dally Construction Camp | Planning Application – 800 pax construction mining camp & amenity buildings |
| Castle & Fortress Trust's | 17 Poinsettia Street TOM PRICE | Planning Application - Shed |
| Davis Langdon | Solomon Dally Construction Camp | Planning Application – Rail Camp |
| Janette Bevan | 17 First Avenue ONSLOW | Planning Application – Grouped Dwelling |
| Caltex Australia Petroleum P/L | Lot 36 Mine Road TOM PRICE | Planning Application – Fuel Facility |
| Forrest & Forrest Pty Ltd | Minderoo Station | Planning Application – Temporary Workforce Accommodation (two blocks) |

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

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

Statutory Environment

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

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

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

Critical Success Factors:

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

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

Voting Requirement

Simple Majority Required.

Recommendation

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

| | |
|------------------------------|-------------------|
| Author: Kristy Ranger | Signature: |
| Manager: Bernie Smith | Signature: |

13.04.19 NATIVE TITLE DETERMINATION APPLICATION – LY & Ors v STATE OF WESTERN AUSTRALIA

FILE REFERENCE: LE.CA.03.00

AUTHOR'S NAME AND POSITION: Keith Pearson
Special Project Advisor

NAME OF APPLICANT/RESPONDENT: Registrar of National Native Title Tribunal

DATE REPORT WRITTEN: 4 April 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire has received correspondence from the Registrar of the National Native Title Tribunal, advising that the Registrar has received a native title determination application in relation to 4711 square kilometers of land located generally to the west of the Karijini National Park, including the town of Paraburdoo, but excluding Tom Price.

The Registrar further noted that the Shire may wish to become a party to the application and have an interest in the claim taken into account.

The Shire does, have an interest in a number of crown reserves within the area covered by the claim, particularly within the town of Paraburdoo. For this reason it is recommended that the Shire become a party to the application.

Background

The Shire has received correspondence from the Registrar of the National Native Title Tribunal, advising that the Registrar has received a native title determination application in relation to 4711 square kilometers of land located generally to the west of the Karijini National Park, including the town of Paraburdoo, but excluding Tom Price

The land, which is the subject of the claim, is largely within the Shire of Ashburton but is also partly within the Shire of East Pilbara. The claim area is shown on the attached plan.

ATTACHMENT 13.04.19

The Registrar noted in his correspondence that the Shire may wish to become a party to the application and have an interest in the claim taken into account.

Comment

A successful application for a native title determination by an indigenous group can have significant implications for the ongoing and future use of the land affected.

While many of the rights granted to successful applicants relate to the informal use of land for such activities as hunting, fishing and cultural purposes, the granting of a native title determination can, more significantly, also result in significant commercial commitments being incurred when future changes in land uses and/or land tenure are proposed.

It should be noted that native title determination applications relate to crown land only. The applications have no effect, whatsoever, over land for which freehold title has been granted.

Crown Land fits into three broad categories, these being:

- Unallocated crown land,
- Leasehold land, and
- Crown reserves.

Unallocated Crown Land (known as UCL) is state owned and controlled land which remains unencumbered by any form of tenure agreement. Typically, the land has not been identified for, nor is being used for any particular purpose. In contrast, leasehold land is state owned land which the State has leased to another party, for example, to a pastoralist, for the purposes of operating a pastoral lease.

The Shire has no vested interest in UCL and only occasionally in leasehold land (eg. the proposed industrial area at the south end of Boonderoo Rd, Tom Price).

The third category of crown land is “crown reserves”, which includes crown land which has been made available for particular purposes (mainly for community purposes), usually to State Government agencies, and local government. The land is the subject of a simplified “agreement”, called a management order, which restricts the use of the land to a very specific purpose. Most importantly, however, the land remains crown land and therefore it can be impacted upon by an application for a native title determination.

The Shire does, in fact, have an interest in numerous crown reserves within the area covered by the current application, particularly within the town of Paraburdoo. In addition to the more obvious road reserves, the Shire has management orders over numerous other reserves, including recreation and community purpose reserves.(eg the sports fields, swimming pool, and the hall).

It is also noted that the Shire may have future, but as yet unidentified interests in crown land within the claim area. Council may, for example, wish to obtain freehold title over existing crown land within the town of Paraburdoo.

Because of the Shire’s interests outlined above, it is recommended that the Shire become a party to the application in order to protect its interests in assets it has within the area covered by the claim. This is consistent with the Shire’s past actions when it has become a party to other native title determination applications where it has had interests to protect.

Consultation

Chief Executive Officer

Statutory Environment

Native Title Act 1993 (Commonwealth)

Financial Implications

The Shire will incur legal and administrative costs in the event of it becoming a party to the claim. These are not able to be quantified but in the case of other claims to which the Shire is a party, these costs have been met from provisions within the Shire’s operational budget.

Should the Shire not become a party to the claim, it may have limitations placed on crown land in which it has either an existing or future interest (eg. Shire reserves). This, in turn, could result in the Shire incurring future, undefined costs.

Policy Implications

There are no policy implications relative to this matter.

Strategic Implications

Strategic Plan 2007-2011 - Strategic Objective No 6
“A well managed and contemporary corporation”

Voting Requirement

Simple Majority Required.

Officers Recommendation

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).

| | |
|------------------------------|-------------------|
| Author: Keith Pearson | Signature: |
| Manager: Jeff Breen | Signature: |

13.04.20 DRAFT TOWN PLANNING SCHEME AMENDMENT NO. 13 AND ASSOCIATED DRAFT LOCAL PLANNING POLICY FOR ADVERTISING

FILE REFERENCE: PS.TP.7.13

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 7 April 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.12.76 Ordinary Meeting of Council 15 December 2010

Summary

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

- two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling, subject to advertising; and
- grouped dwellings at a maximum density of R30 on vacant lots greater than 1500m² subject to advertising.

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

As part of the initial Amendment process, it was referred to the EPA for environmental assessment and to the Department of State Development (DSD), Land Corp, Department of Planning (DoP) and Water Corp for advice. The EPA advised that the Amendment would not be assessed. No objection has been received from Water Corp and DoP whilst no response has been received from DSD or Land Corp.

It is recommended that Council adopt Amendment No. 13 modified to change the 'R Code' of land currently coded as R12.5 to R20 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 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7* has been prepared.

It is recommended that it be adopted for advertising in association with Amendment No. 13.

Background

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

- two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling, subject to advertising; and
- grouped dwellings at a maximum density of R30 on vacant lots greater than 1500m² subject to advertising.

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

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

Comment

The Amendment documents were prepared by the Shire and referred to the EPA as required by the planning legislation. The EPA advised that the Amendment would not be assessed. Comments received from Department of Planning ('no comment') and Water Corp as follows:

Water Corp

"With respect to the proposed Town Planning Scheme Amendment above, the Water Corporation has no Objection to the above amendment in principle; however a review of the current capacity of the wastewater and water services in the Onslow Townsite estimates that the number of additional water and wastewater connections are extremely limited and water and wastewater services may not be available at the time of any proposed development. (See attached notification)."

No response was received from Department of State Development or Land Corp.

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

The Scheme Map clearly identifies all residential lots with an R-Code, the number of which identifies the maximum density on a per hectare basis. For example, a lot with an R-Code of R20 has a general density of 20 dwellings per hectare. On a square metre basis this equates to an average 500m² site / lot area per dwelling. The R-Codes are a State Planning Policy and apply state-wide to the majority of the local government town planning schemes.

In the preparation of the Scheme residential lots / areas were designated R-Codes according to the most appropriate density for the site based on existing character and values to be retained in the future.

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Within Onslow, the majority of residential land in Onslow is zoned R12.5/30 (300m² average when sewer is available). Land generally within Third Avenue and residential land in Second Avenue is zoned R12.5 (800m² average). The draft Amendment is in keeping with the draft Onslow Townsite Strategy which included the following statement:

“Potential to modify the Scheme to allow for lots currently zoned R12.5 to have an opportunity to seek a higher density on the basis of two dwellings per lot and higher density where amalgamation of lots is sought. This will be subject to an overall assessment to be undertaken on the implications on the floodway and development within it.”

ATTACHMENT 13.04.20a

Since the decision of Council, two local residents of Onslow and Cr White have discussed the draft Amendment with Shire’s Planning Consultant in order for them to gain a greater understanding of the intent and outcomes of the draft Amendment. From these discussions, it is suggested that an improvement to the Amendment would be achieved by rezoning land currently zoned Residential R12.5 to residential R20, whilst retaining the specific provisions suggested in new clause 6.6.3. This would establish continuity with the outcomes of draft Amendment No. 12 (similar provision for Tom price and Paraburdoo) whilst still allowing for the potential of an R30 density for lots greater than 1500m². Although the actual intent of the draft Amendment would not change, the modification to the draft Amendment would still need to be referred back to the EPA. This is very unlikely to be a lengthy or onerous process.

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

A draft local planning policy has been prepared in accordance with the Council resolution of 15 December 2010.

ATTACHMENT 13.04.20b

Conclusions

Onslow is under considerable development pressure for additional residential accommodation. The recommendation before Council may ultimately provide a better planning solution which may somewhat address the current pressure for residential accommodation.

However the Water Corporation’s comments on a limited service are noted. Ultimately, the issue of water supply will be a matter for landowners and the Corporation. However, should AM13 be approved it is possible that additional development allowable under Am13 may be delayed due to water supply issues.

Consultation

Chief Executive Officer
Executive Manager Western Operations

Statutory Environment

Planning and Development Act 2005

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

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

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

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

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

None anticipated

Financial Implications

None anticipated

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Strategic Implications

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

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

Voting Requirement

Simple Majority Required.

Officers Recommendation

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 Notwithstanding any other provision of the Scheme, on land in Onslow zoned Residential R20 and where reticulated sewerage and reticulated water is available to a lot and where the Applicant has addressed to the requirements of the local government, matters associated with the floodway and development within it:

- (a) the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling subject to formal advertising pursuant to Clause 5.7;*
- (b) 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*
- (c) in determining any application lodged pursuant to Sub-Clauses (a) & (b) above the local government shall consider, in addition to those matters listed in Clause 5.9 the likely impacts of the proposed development on the identifiable area provision under Part 7, any relevant Local Planning Policy and amenity of the immediate locality in which the proposed development is to be situated.”*

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

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not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.

4. That Council adopts *draft Local Planning Policy – Assessment of Applications under Clause 6.6.3 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. 13 to the scheme.
5. Following advertising of the draft Amendment No. 13 and draft *Local Planning Policy - Assessment of Applications under Clause 6.6.3 of the Shire of Ashburton Local Planning Scheme No. 7*, the matters be referred back to Council for consideration.

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|-----------------------------------|-------------------|
| Author: Rob Paull | Signature: |
| Manager: Jeff Breen | Signature: |

13.04.21 FORTESCUE METALS GROUP'S SOLOMON HUB PROJECT RESPONSE TO COUNCIL

FILE REFERENCE: SOLM

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

NAME OF APPLICANT/RESPONDENT: Fortescue Metals Group (FMG)

DATE REPORT WRITTEN: 9 April 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.12.78 Ordinary Council Meeting 15 December 2010

Summary

The meeting of 15 December 2010, Council considered Fortescue Metals Group (FMG) Social Impact Assessment for Council of FMG's proposed Solomon Hub project. Although the Social Impact Statement (SIS) isn't tied to any particular statutory application or Shire process, the SIS was prepared by FMG in accordance with the Council's Local Planning Policy - Social Impact Assessment.

Council resolved to congratulate FMG for preparing the draft SIS and resolved that it was vital for Council to establish an ongoing dialogue with FMG in relation to the project and the impacts on Tom Price. In this regard, a working group of Councillors (comprising Cr Musgrave and Cr Thomas) senior Shire staff, community members and senior representatives from FMG with the aim of addressing key matters including locating operation staff in Tom Price and the proposed aerodrome.

FMG has accepted the invitation to participate in the working group and responded to the establishment of an aerodrome.

In order that the 'working group' not to be considered a committee of Council, it would be appropriate that FMG run and sponsor the meetings. This is consistent with similar consultative groups undertaken by Chevron and BHPB in Onslow.

It is recommended that Council request the CEO to advise FMG that:

- Cr Musgrave and Cr Thomas have been nominated as the Council representatives;
- FMG be requested to run and sponsor the 'working group' meetings;
- Council recommends that FMG advertise for community members before the first meeting is held.

Background

Fortescue Metals Group (FMG) is currently developing a series of iron ore mines, along with port and rail infrastructure as part of the Pilbara Iron Ore and Infrastructure Project.

Current operations are focused on the Chichester Hub, which includes the Christmas Creek and Cloudbreak mines. The Solomon Project includes two new iron ore mines at deposits known as Firetail and Kings, on greenfield sites approximately 80 km north of Tom Price.

FMG proposes to expand mining operations in the Pilbara region through the development of the Firetail and Kings mines, as part of the Solomon Project. Ore from the two proposed mines will be transported via a new 127 km rail line to FMG's existing north-south railway for export from Port Hedland.

The meeting of 15 December 2010, Council considered FMG's Social Impact Assessment for the proposed Solomon Hub project. Although the Social Impact Statement (SIS) wasn't tied to any particular statutory application or Shire process, the SIS was prepared by FMG in accordance with the Council's Local Planning Policy - Social Impact Assessment. Council resolved:

- “1. Request the Acting Chief Executive Officer to write to the Chief Executive Officer of Fortescue Metals Group (FMG):*
 - a. Congratulating FMG for preparing the draft SIS as a basis for determining the social and economic impacts of the Solomon Hub on the town of Tom Price along with FMG's commitment in promoting opportunities for Aboriginal businesses on the project.*
 - b. Advising FMG that its operations in the Shire of Ashburton associated with the Solomon Hub are of significant interest and importance to the Shire and in particular, the community of Tom Price. In this regard, the draft SIS has highlighted the need to address a number of socially important matters including the location of FMG operational staff and families in Tom Price. Also important is the appropriate siting of the aerodrome in a location and of a sufficient standard that would be of benefit to the community of Tom Price. In this regard, Council would be prepared to establish a working group of Councillors, senior Shire staff, community members and senior representatives from FMG with the aim of addressing key matters associated with the Solomon Hub including locating operation staff in Tom Price and the proposed aerodrome.*
- 2. Provide Council with a further Report on the matters addressed in 1b). above and depending upon the response from FMG, recommend draft parameters for a working group including seeking representation from the Tom Price and Paraburdoo Business Association on the working group.*

Councillors on the Working Group will be Cr Musgrave and Cr Thomas.”

FMG has responded to Council's invitation as follows:

“Thank you for your letter dated 12 January 2011 advising Fortescue of Council's consideration

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of Fortescue's Social Impact Statement at its meeting on 15 December 2010. We very much appreciated the opportunity for Sean David and Vicki James to attend the Council meeting and to present to the Council on the Solomon project.

We thank Council for congratulating Fortescue on the preparation of the Social Impact Statement. We are particularly pleased to receive Council's recognition of Fortescue's commitment to promote opportunities for Aboriginal businesses.

We note Council's interest in sighting an "aerodrome in a location and of a sufficient standard that would be of benefit to the community of Tom Price". As you are aware, our proposal includes an airstrip at the Solomon Hub in a location that will meet operational requirements for our multiple mining operations. While we appreciate that Council would like to realise benefits from locating an aerodrome closer to Tom Price, it is imperative that Fortescue locate its air transport close to the workplace. This is in accordance with its focus on safety which dictates that we minimise the amount of time that employees and contractors spend travelling on the roads and the distances that they travel. Of course, should others be interested in accessing Fortescue's airstrip, we would be pleased to discuss that with them.

We also welcome a regular dialogue with the Shire where we can, together, engage regarding the benefits and side effects of Fortescue's presence within the Shire of Ashburton.

Our thoughts are to have regular Shire/Fortescue meetings with others invited to participate, from time to time, as we both consider appropriate.

Finally, following your next Board meeting, I would like to invite the Councillors and senior staff, along with spouses, to attend a cocktail party at Minderoo Station now that the renovations are nearing completion. In attendance will be senior Fortescue executives and this will give us the further opportunity to deepen our relationship and inform the Shire of our project and gather an understanding of the culture of Fortescue."

Comment

FMG's comment on the establishment of the aerodrome is noted however the opportunity for the community of Tom Price to establish a fully equipped airport in close proximity to the town is a very important consideration. Accordingly, this should still be a point of discussion with the 'working group'.

In order that the 'working group' not to be considered a committee of Council, it would be appropriate that FMG run and sponsor the meetings. This is consistent with similar consultative groups undertaken by Chevron and BHPB in Onslow. Accordingly it is recommended that Council request the CEO to advise FMG that:

- Cr Musgrave and Cr Thomas have been nominated as the Council representatives;
- FMG be requested to run and sponsor the 'working group' meetings;
- Council recommends that FMG advertise for community members before the first meeting is held.

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In relation to the 'cocktail party', the CEO will discuss this further with Councillors to determine interest in attending.

Consultation

Chief Executive Officer

Statutory Environment

None applicable

Policy Implications

There are no policy implications relevant to this matter.

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

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

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

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

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

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council:

1. Request the CEO to advise FMG that:
 - Cr Musgrave and Cr Thomas have been nominated as the Council representatives;
 - FMG be requested to run an sponsor the 'working group' meetings;
 - FMG advertise for community members for the 'working group' before the first meeting is held.

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|-----------------|-------------------|-------------------|
| Author: | Rob Paull | Signature: |
| Manager: | Jeff Breen | Signature: |

13.04.22 DRAFT PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK

| | |
|--|---|
| FILE REFERENCE: | OR.IG.03.05 |
| AUTHOR'S NAME AND POSITION: | Rob Paull Consultant Town Planner |
| NAME OF APPLICANT/RESPONDENT: | Western Australian Planning Commission |
| DATE REPORT WRITTEN: | 9 April 2011 |
| DISCLOSURE OF FINANCIAL INTEREST: | The author has no financial interest in the proposal. |
| PREVIOUS MEETING REFERENCE: | N/A |

Summary

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

The Report addresses the main issues associated with the *Framework* as it affects the Shire and recommends the CEO to prepare a submission to the draft *Framework* based on the matters identified in this Report to be lodged with the WAPC on or before 9 May 2010.

Background

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

"...by 2035, the region will have a resident population of more than 140 000, based on a more diverse economy that has capitalised on its competitive advantages. As part of the Pilbara Cities vision, the Pilbara will have two cities: Karratha and Port Hedland, each with a population of 50 000. These would be supported by the Newman sub-regional centre with a population of 15 000 and the major towns of Tom Price, Onslow and Wickham."

A copy of the *Framework* has been provided to Councillors under separate cover.

The WAPC notes that in summary, the *Framework*:

- *"Addresses the scale and distribution of future population growth and housing development, as well as identifying strategies for economic growth, environmental issues, transport, infrastructure, water resources, tourism and the emerging impacts of climate change."*
- *Sets out regional planning principles, together with goals, objectives and actions to achieve these.*

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It represents an agreed 'whole of government' position on the broad future planning direction for the Pilbara, and will guide the preparation of local planning strategies and local planning schemes.

- *Informs government on infrastructure priorities across the Pilbara and gives the private sector more confidence to invest in the region. The infrastructure priorities identified in the Framework have been determined, following extensive liaison with State Government agencies, local government and other key stakeholders.*

Department of Planning Staff have presented to communities in the Pilbara including Tom Price and Onslow. Shire Staff have attended both public meetings. Although dated February 2011, the *Framework* was released on 9 March and submissions are due by 9 May 2010.

In relation to the Shire, the *Framework* provides the following directions.

Onslow:

Under the *Framework*, Onslow is defined as a 'major town'. The *Framework* observes that:

".....Onslow, will also expand and have new roles. This will involve an investment partnership between government and the private sector."

Programs and development referred in the *Framework* directly identified with Onslow are as follows:

- Identify new water source – Cane River borefields, Birdrong aquifer or an alternative – to service Onslow.
- Expansion of Onslow Primary School to a District High School.
- Provision of a swimming pool in Onslow.
- Investigate upgrading Onslow Airport to service Ashburton North Strategic Industrial Area.
- Onslow may triple in size if the Ashburton North Strategic Industrial Area is developed to its full potential. It may, however, only experience more moderate growth if commencement is more subdued.
- In terms of housing, the latent demand is considered to be 105 houses. Total future demand for housing calculated between 2009-2015 is between 107 (low growth) and 913 (high growth).

"Future role and character

Onslow's future is largely dependent on the construction of processing facilities for off-shore hydrocarbons at the proposed Ashburton North Strategic Industrial Area. While a permanent workforce in Onslow is encouraged, growth will be largely dependent on the proportion of fly-in fly-out workers during the construction and operations phases. Onslow will continue to depend on Karratha for higher order community and commercial facilities.

The Onslow townsite was established at its current location in 1925. The Shire of Ashburton had its main administrative centre in the town, until it relocated to Tom Price in 1990. Currently, the town's principal economic drivers are solar salt, fishing, off-shore marine servicing and tourism.

Onslow's current resident population is estimated to be in the order of 700 but this can vary due to the high mobility of the indigenous population. The town is on the threshold of a significant expansion as the locality is considered a favourable area to establish gas processing industries

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to monetise gas resources from the North West Shelf by production of LNG for exportation to overseas markets and domestic gas for the local market. However, the upfront capital required to establish these industries and constant fluctuations in overseas demand create uncertainty in regard to the scale and timing of potential venture(s).

There is currently no dedicated fly-in fly-out accommodation in Onslow. However, a significant number of transient workers occupy rooms and units in the town's commercial visitor accommodation and private dwellings.

Residential development in Onslow will tend to follow similar forms to the existing pattern. There is, however, likely to be a larger proportion of townhouses and other forms of medium-density living. Average densities are likely to increase from R25 to R40 and maximum building heights will increase from two storeys to three storeys. To meet demand, permanent dwelling stock is anticipated to increase from around 270 to 770."

Areas identified for urban expansion are shown on the attached.

ATTACHMENT 13.04.22a

"Wheatstone Project

The Wheatstone LNG and gas project is being developed by Chevron Australia. An LNG processing plant is planned to be located at Ashburton North 12 kilometres to the west of Onslow. The plant will initially comprise two LNG trains, each with a capacity of 4.3 Mtpa, together with a domestic gas plant. Supplied from the Wheatstone and large off-shore gas fields, it will eventually have a 15 Mtpa processing capacity."

The reference to a 15Mtpa processing capacity would represent a significant commitment to the project and the retention of a construction camp at the ANSIA (perhaps around 3000 persons) for a significant number of years.

"Onslow Town Water Supply Scheme

Current supply

The Water Corporation is currently licensed to abstract 0.35 GLpa to service Onslow. Water is sourced from the Cane River alluvial aquifer. The current scheme is at capacity and Water Corporation is expanding the scheme to support further development within the town site. Future water demand in the Onslow area will be shaped by development of the Ashburton North Strategic Industrial Area (ANSIA) and associated growth in light industry and residential population.

Future demand

The town's future water demand depends on where workers from the proposed Ashburton North Strategic Industrial Area are located. The Department of Water has undertaken analysis of population projections and identified future resource projects to calculate potential (low/high) water demand scenarios for Onslow. The assumptions for these growth scenarios include:

Low growth:

- *population increases by 30 permanent residents in Onslow by 2013 associated with operation of the BHPB's Macedon Domestic Gas Plant;*
- *current water service commitments fully utilised;*
- *no other industry at Ashburton North strategic industrial area; and*
- *no other industrial growth in Onslow."*

The *Framework* concludes that the:

"...water demand would be met by Water Corporation's expansion of the current scheme allowing for up to a 50 per cent increase in current population by 2012."

"High growth:

- *commencement of BHP Billiton's Macedon project and Chevron's Wheatstone Project will require significant amount of process water at the ANSIA;*
- *resident population growth attributable to BHP Billiton Macedon and Chevron Wheatstone located within the Onslow townsite (approx. 25 per cent of operational work force locally based);*
- *BHP Billiton Macedon and Chevron Wheatstone establish operational workers accommodation for 75 per cent of their workforces;*
- *additional consequential/indirect workers and families; and*
- *growth of industry in the town at five per cent."*

The *Framework* concludes that under this scenario:

"...it is likely that by 2015, demand for town water supply would be in excess of what can be met by expansion of the current scheme and would need to be supplemented via an alternative source (i.e. desalination at an appropriate location)."

"Industrial growth at Ashburton North Strategic Industrial Area:

The commencement of LNG processing activity at the Ashburton North Strategic Industrial Area will have significant implications for water demand:

- *BHP Billiton Macedon Domestic Gas Plant commences with a construction workforce of 300 living on site in the ANSIA by 2011;*
- *Chevron's Wheatstone gas plant commences with a construction workforce of 3000-5000 living on site from 2012/13; and*
- *Construction commences on other industries (yet to be confirmed) after 2015.*

Water to service workers and industry locating in the Ashburton North Strategic Industrial Area cannot be met from the Onslow Town site Scheme so the identification of alternative sources is required.

Future Supply

The water supply scheme and wastewater infrastructure will be maintained under the current Water Corporation operating budget to meet all service obligations. The Water Corporation is

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continuing its efficiency campaign in Onslow, and is implementing a program that targets behavioural change, retrofitting, industrial efficiency and reducing leaks.

For example, a short-term solution to Onslow's immediate water needs is being explored through use of grey water for the Shire's open spaces which will return around 0.1 GLpa in potable water savings.

The Department of Water has assessed that there is potential for the existing Cane River borefield to supply additional water. However, the physical characteristics of the aquifer means that it will be low yielding, so only limited additional supply may be accessible.

The Water Corporation is currently finalising its aquifer assessment, application for additional water and planning for additional infrastructure. Since the timeframe for expanding water supply is approximately 18 months, there is sufficient time for the Water Corporation to commit to additional services to meet demand by early 2012. Along with efficiency upgrades, the scheme expansion is expected to service the water supply and wastewater needs of a population increase of 50 per cent.

In addition, the State is continuing to liaise with proponents of prospective resource projects to address the issue of water supply, to meet expected industry and the town site demand. Access to water to service industrial activity and residential growth in the townsite is a key issue, that will require significant coordination between the State and local government and the proponents, if an appropriate outcome is to be achieved.

Waste disposal

Onslow has one waste water treatment plant located south of the town centre. It is expected to reach capacity with existing demand by 2011. Expanding the plant is possible but this could then constrain westward development from the town because of odour issues. In the longer term the treatment plant may require relocation."

Pannawonica:

Under the *Framework*, Pannawonica is defined as a 'Town'. The *Framework* observes that:

"...The town of Pannawonica, which predominately services Rio Tinto's workforce, is planned to be 'returned to nature' once the mine is exhausted, but may exist for considerably longer if other mines are established nearby."

"Pannawonica was established in 1970 by Cliffs Robe River Iron Ore to exploit the mesa-based iron ore at Robe River. It is a closed RTIO-Robe River company town with limited community services provided by the State Government and the Shire of Ashburton.

Pannawonica's short-medium term role is that of a service centre for the existing Mesa J Mine and the development of the Mesa A iron ore deposit. At the end of mine life, the most likely scenario would be the closure of the town and the reinstatement of its urban footprint to natural bushland."

Paraburdoo:

Under the *Framework*, Paraburdoo is defined as a ‘Town’. The *Framework* observes that Paraburdoo was established as a company mining town by Hamersley Iron in 1971. Townsite normalisation commenced in the 1980s. Paraburdoo is wholly dependent on RTIO’s iron ore extraction and processing at the Paraburdoo and Channar mines.

“RTIO is committed to the on-going operation of Paraburdoo as a support centre for existing mining activity at Paraburdoo Channar and Eastern Ranges. Post mining the town would be expected to contract significantly to a core activity area. Post mining there are some opportunities for the town to act as an Aboriginal service and tourism centre.”

Tom Price:

Under the *Framework*, Tom Price is defined as a ‘Town’. Programs and development referred in the *Framework* directly identified with Tom Price are as follows:

- Key future road transport priorities include construction of a new road between Millstream and Tom Price;
- Investigate new Tom Price airport to regular public transport standard to act as air gateway to Karijini National Park and Hamersley Ranges.

“Future role and character

Tom Price will continue to function as Rio Tinto’s mining ‘hub’ for the central Pilbara in the medium-term. In parallel with this ongoing role, there are opportunities for the further development of the town as a visitor and service hub for the Pilbara ‘high country’ in general and Karijini National Park in particular.

Tom Price was established as a company mining town by Hamersley Iron in 1966 and currently functions as RTIO’s ‘mining hub’ for the central Pilbara. The town is in the process of normalisation and it is now the administrative centre for the Shire of Ashburton.

Tom Price has a recorded resident population of 2720 (2006 Census). The size of the town’s future population is difficult to estimate with any degree of confidence. At best, it will experience a modest increase (at least in the short-term) and, at worst, it will experience a decline.

In addition to the resident population, Tom Price has an estimated transient workforce population of 760 living in single person’s quarters in the town. Current and proposed transient workforce accommodation totals 1550 units, which equates to a peak fly-in fly-out population of 1390. This does not take into account the use of commercial visitor accommodation and private dwellings occupied by fly-in fly-out workers.

Residential development in Tom Price will tend to follow the existing pattern and will generally be confined to urban consolidation. To meet both current latent demand and additional demand from the development of the Solomon hub, there will be a need to expand the town’s permanent housing stock.”

Potential residential infill areas within the existing urban footprint and identified in the *Framework* are shown in the attached.

ATTACHMENT 13.04.22b

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Water use

The estimated available water for Tom Price is 9.82 GLpa. Water supply is linked to the Marandoo mining operation (Population 3500d). The *Framework* notes that Rio Tinto projects no growth to 2015 other sources suggest growth to 5100d.

Effluent disposal

“Tom Price’s waste water treatment system is owned and operated by Rio Tinto Iron Ore. The waste water treatment plant is now nearing capacity. A 2008 study (Vorán Consultants 2008) found that by fully utilising the capacity of the waste water treatment plant there is the potential to increase the number of equivalent residential services from 1302 to 1464 – an increase of 162. The consultants identified the main waste water constraint on future development in Tom Price to be the capacity of the 225 mm pipe from the town to the wastewater treatment plant.”

Population.

Of interest, the *Framework* uses the 2006 ABS Census date when determining the population for Tom Price (2720 persons). However, when addressing the population for Newman, it refers to an estimated figure of 6000 persons. The ABS however refers to a 2006 Census population for Newman of 4,245. It should be noted that both the Shire of Ashburton and the Shire of East Pilbara disputed the 2006 data (the Shire of Ashburton conclude that the Tom Price population figure essentially failed to include a ‘fly-in-fly-out’ and indigenous populations of around 1500 people), however irrespective of the figure, it is appropriate that the base information be the same for both towns.

Comment

The *Framework* is an excellent attempt by the WAPC to highlight and address the strategic issues that the Pilbara faces for the next 20 or so years. There are however some areas of concern that Council should be aware. These relate to the designation of Onslow and Tom Price in the Settlement Strategy, the apparent differences in the use of ABS statistics and data collection for some towns compared to others and the use within the *Framework* of very defined planning directions instead of “... regional planning principles, together with goals, objectives and actions..”.

Onslow:

The *Framework* establishes an inconsistency and appears to down play the important issue of water supply for Onslow. Page iv of the *Framework* states that new water sources include:

- *“Expanding the Cane River borefields, developing the Birdrong aquifer or identifying another source to service future town and industrial demand for Onslow.”*

However, *Table 1: Utility infrastructure priorities – 2015* simply states

“... identifies new water source – Cane River borefields, Birdrong aquifer or an alternative – to service Onslow.”

Water Corp’s advice to Council (21 June 2010) stated that:

“..... until the upgrade has been completed, the Corporation is unable to approve any additional connections to the drinking water supply scheme.”

Given the Corporations advice, the *Framework* should identify that as a matter of urgency the water supply for Onslow must be upgraded, as it will significantly inhibit the growth of the town.

In relation to health, no upgrade of the Onslow hospital has been identified which is a matter that must be addressed in the *Framework*.

The *Framework* acknowledges the social and development impacts the Wheatstone and the Ashburton Strategic Industrial Area (ANSIA) will have on Onslow. Importantly however, the basis for much of the assumptions and comment within the *Framework* can be summed up in the opening sentence on page 27:

“Onslow’s future is largely dependent on the construction of processing facilities for off-shore hydrocarbons at the proposed Ashburton North Strategic Industrial Area.”

This is simply not the case and should be reviewed by the WAPC. The reality is that even should Wheatstone and the ANSIA not progress, the development potential associated with Onslow is still significant. However, what is correct in the above statement is that development of the ANSIA will impact Onslow and the community. The efforts and commitments of the government and the major LNG operators will determine whether the impact is a positive or negative one. It is suggested that the WAPC in consultation with the Shire carefully review the sections associated with Onslow to ensure that the strategic direction for Onslow cannot be taken out of context. It is also suggested that should the growth be as extensive as addressed in the *Framework* and other government documentation, it is possible that the settlement strategy associated with the *Framework* could result in a sub-regional status for Onslow rather than a ‘town’ status. It is appropriate that any submission strongly reflect this view as well as reinforcing the fact that all operational staff associated with the ANSIA will reside in Onslow – a matter that has not clearly been addressed in the *Framework*.

Tom Price:

As noted, there appears to be a discrepancy in the use of ABS statistics and populations estimates in relation to Tom Price. Page iv of the *Framework* observes:

“In addition, it is envisaged that Newman will expand as a sub-regional centre, and other centres, such as Onslow, will also expand and have new roles.”

Whilst not commenting on the establishment of Newman as a ‘sub-regional centre’, it is suggested that settlement hierarchy associated with Tom Price should also be reviewed by the WAPC. The rationale for Tom Price being a ‘sub-regional centre’ is based on the omission in the *Framework* to acknowledge the establishment of operational workforce camps in close proximity to Tom Price. Such camps significantly affect the role and function of ‘towns’. The growth potential of Tom Price beyond that directed in the *Framework*, but within less than 100 kilometres of Tom Price, both RTIO and FMG are seeking to establish operational camps that could house in excess of 5000 persons. In addition, the role and function of Tom Price is very similar to that of Newman.

Transient Workforce Accommodation camps:

As noted above, the *Framework* has omitted to address and provide any comment or direction in relation to the establishment of Transient Workforce camps approved under the Mining Act. This omission could seriously impact the overall development and function of towns and cities within the

Pilbara (and beyond). In this regard, the WAPC within the *Framework*, should commit to establishing a lead role in addressing the planning function and statutory deficiencies associated with the Mining Act.

Monitoring and Review:

It is noted that the *Framework* states:

“It is intended that the Framework will be a living document regularly reviewed, updated and improved.” (page 127).

The commitment of the WAPC to undertake such a review is not questioned, however other statewide priorities may ensue unless formal review obligations are defined in the document.

Status of the Framework:

The WAPC advise that the Framework will be endorsed by the WAPC as a regional strategy under the State Planning Framework. Its role will be as follows:

“The Framework will guide the decision-making of relevant government agencies in the areas of:

- *Planning – by providing the over-arching policy framework within which local governments will prepare their local planning strategies and schemes.*
- *Infrastructure – by informing the Infrastructure Coordinating Committee of the WA Planning Commission when assigning priorities to infrastructure funding and development.*
- *Economic development – by informing the Pilbara Cities Office and other agencies in attracting investment to the region.”*

However, it won't be endorsed by State Cabinet and will not have any direct influence over state agencies. For example, although the Framework has included a new road between Millstream and Tom Price as key road transport priority, it isn't on the Main Roads priority list. Inclusion of this in the Framework will not raise it as a Main Roads priority.

Accordingly, it is suggested that the WAPC consider establishing the *Framework* or an abridged version of the Framework as a State Planning Policy to provide clear direction on future land use for the policy area – similar to the Leeuwin-Naturaliste Ridge State Planning Policy on the coast between Busselton and Augusta. This would be adopted by Cabinet and provided the highest level of direction to government agencies available.

Consultation

Chief Executive Officer

Statutory Environment

None applicable

Policy Implications

The WAPC will utilise the directions provided in the *Framework* when considering planning scheme amendments, the review of the planning scheme and when considering any policy for the Shire. On a wider basis, it is anticipated that government agencies will use the *Framework* as a tool to direct

resources within the Pilbara. In this regard, it is important that the Council reviews the *Framework* and ensures that any considered inconsistencies and concerns are addressed during the consultation stage.

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

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

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

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council:

- 1. Note the draft *Pilbara Planning and Infrastructure Framework* (*‘Framework’*) as prepared by the Western Australian Planning Commission;
- 2. Request the CEO to prepare a submission to the draft *Framework* based on the matters identified in this Report to be lodged with the WPAC on or before 9 May 2010; and
- 3. Request the CEO to provide Councillors with a copy of the submission.

| | |
|----------------------------|-------------------|
| Author: Rob Paull | Signature: |
| Manager: Jeff Breen | Signature: |

13.04.23 PLANNING APPLICATION – OVER SIZED SHED AT 652 No. 9 SIMPSON STREET, ONSLOW.

FILE REFERENCE: ON.SI.0652.00

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

NAME OF APPLICANT/RESPONDENT: J Britton

DATE REPORT WRITTEN: April 12, 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Application for Planning Approval has been lodged for an over sized outbuilding (99m²) with a wall height of 3.5m on land zoned Residential R12.5 at Lot 652 No. 9 Simpson Street, Onslow. The shed would be the largest outbuilding on residential land the Council has approved. Access is sought for the shed directly to Simpson Street. Whilst the application was advertised and no objections received, it is difficult for Staff to give support for the proposal due to:

- the precedent it would create for recommending approval for an outbuilding significantly larger than the acceptable criteria of the R Codes (60m²); and
- the proposed outbuilding being 10% larger than the maximum adopted by Council under the Local Planning Policy.

However, the wall height of 3.5m is considered acceptable. In this regard, it is recommended that the application be approved with a condition requiring the building area to be reduced to 90m². Should the applicant not accept the resolution, he would have the opportunity to apply to the SAT for review.

Background

Application for Planning Approval has been lodged for an over sized outbuilding (99m²) on land zoned Residential R12.5 at Lot 652 No. 9 Simpson Street, Onslow. A dwelling is located on the land. The proposed 'colourbond' outbuilding is essentially in two parts – a 'boat' port and an enclosed shed totaling 18m x 5.5 m (99m²) and is 3.985m in height. The proposed shed sited at the rear of the lot with setbacks of 1.5m respectively to the north and eastern boundaries. The sliding door of the proposed shed faces the applicant's house.

The Applicant has verbally advised that the over sized shed is required to house his boat. Photographs and plans are provided.

ATTACHMENT 13.04.23

Comment

The size of the shed is larger than what is normally considered necessary for residential purposes. The issue as to an appropriate maximum size of a residential shed has been determined by Council pursuant to the adopted Local Planning Policy.

An important aspect in favour of the Application is that the the application was advertised and no objections received. In addition, land to the rear is vacant unvested Crown Land, although it is possible that in the future, the State may seek to develop this land. Without this support, the recommendation would clearly be to refuse the application. The impacts of the shed are essentially its floor area and the wall height however these impacts are generally confined to the local area.

The *Residential Design Codes (R Codes)* define the assessment of outbuildings as follows:

| Performance criteria | Acceptable development |
|---|---|
| <i>New development should meet these criteria.</i> | <i>The acceptable development provisions illustrate one way of meeting the associated performance criteria.</i> |
| 6.10.1 Outbuildings | |
| P1 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties. | A1 Outbuildings that: <ul style="list-style-type: none"> i are not attached to a dwelling; ii are non-habitable; iii collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv do not exceed a wall height of 2.4 m; v do not exceed ridge height of 4.2 m; vi are not within the primary street setback area; vii do not reduce the amount of open space required in table 1; and viii comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1. |

The proposed outbuilding complies with all of A1 except A (iii). In relation to A1 (iii), the relevant area a maximum of 60m². The Planning Scheme is silent on the maximum height of a building in the residential zone and provides no reference to building bulk. Clause 6.7.2 of the Scheme simply states:

6.7.2 “.....every dwelling shall be provided with a store room of not less than four square metres in floor area for the purposes of storing domestic outdoor items during cyclones. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding.”

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From Shire records, the largest outbuilding in a Residential zone approved by Council has been 96m² at Lot 398 Third Avenue, Onslow. Four or five other approvals have issued which were in the vicinity of 90m². Council may recall the proposed oversized shed at Lot 221 Cogelup Way, Tom Price which originally sought to be 116m². Council refused this application and it was appealed by the Applicant to the SAT.

The shed was then approved at 90m² (with a reduced height) and formed the basis of the Shire's Local Planning Policy – Outbuilding Assessment.

The Local Planning Policy was adopted by Council in June 2009. Since then, no oversized building has been approved with an area greater than 90m². Under the Local Planning Policy, the total combined area of outbuildings permitted on a lot without formal Planning Approval being required is dependent on the scale of the proposal and zoning of the lot as indicated in the following Table 1. An outbuilding that would result in a total combined outbuilding area greater than permitted in the table is defined as an 'oversized' outbuilding for the purposes of this Policy.

Additionally an outbuilding with a wall height (measured to the top wall plate) of greater than 2.4 metres or a ridge height in excess of 4.2 metres is defined as an 'overheight outbuilding' for the purposes of this Policy. Applications which satisfy the Table 1 requirements will normally only require a Building Licence from the Shire of Ashburton.

| Table 1 Outbuilding Assessment and Approval Requirements Zoning of lot | Permitted total outbuilding Area | Special Considerations and R Codes requirements |
|--|--|--|
| Residential, Special Use, Community, Urban Development and/or lots the subject of the R Codes | <i>A maximum of 60 sqm. A maximum of 90 sqm, subject to satisfying assessment requirements of provision 4.5 and with the consent of the adjoining land owner(s).</i> | <ol style="list-style-type: none"><i>1. Structure Plans and the like may apply and may impose further restriction.</i><i>2. Refer to Clause 6.10 of the R Codes for specific development standards.</i><i>3. Notwithstanding the acceptable Development provisions of the R Codes Clause 6.10.1 outbuildings</i> |

Clause 4.5 of the Policy states:

“4.5 Consideration of oversized and / or overheight outbuildings

An 'oversized' or 'overheight' outbuilding may require prior Planning Approval and in most cases assessment of the application will require consultation with adjoining and affected landowners. An application will be refused unless it is determined that the outbuilding will not have an undesirable impact when assessed in accordance with the following:

- Size of the lot*
- Zoning of the lot*
- Materials of construction*
- Height of the proposed building*

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- *Visibility from nearby vantage points*
- *Intended use of the building*
- *Effect on adjoining properties and written comments from affected landowners*
- *Effect on streetscape*
- *Any other circumstances and factors affecting the application*
- *Other Scheme matters including, Structure Plan, Policies or State Planning Policies*

Applicants are required to supply supporting documentation on the above issues to assist in determining the application.”

The main basis for the size of the shed sought is due to providing cover for the land owner’s boat. This is not disputed and would account for the size of the ‘boat port’. However, it is difficult for Staff to give support for the proposal due to:

- the precedent it would create for recommending approval for an outbuilding significantly larger than the acceptable criteria of the R Codes (60m²); and
- the proposed outbuilding being 10% larger than the maximum adopted by Council under the Local Planning Policy.

It is still open to Council to support the application on a one off’ basis, due to there being no objection and no existing development to the rear of the proposed building. Staff would be comfortable supporting an outbuilding closer to the 90m² as provided in the Local Planning Policy and the recommendation reflects this position.

Consultation

Chief Executive Officer
Manager Building Services

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7
Residential Design Codes.

Policy Implications

Local Planning Policy – Outbuildings Assessment Policy seeks to establish a local planning policy for the outbuildings in the residential areas of Shire. Under the *Policy*, the recommended maximum area of a shed is 90m².

Financial Implications

There are no strategic implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required.

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Officers Recommendation

That Council:

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:
 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.

| | |
|----------------------------|-------------------|
| Author: Rob Paull | Signature: |
| Manager: Jeff Breen | Signature: |

13.04.24 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: 12 April 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

Summary

The introduction of Development Assessment Panels (DAP's) by way of the *Approvals and Related Reforms (No.4)(Planning) Act 2010* will occur on 2 May 2011. Fifteen new DAP's are scheduled to commence operation from 1 July 2011. DAP's will be responsible for the determination of all development applications greater than \$7 million in value and may optionally determine applications between \$3 million and \$7 million in value and any other category of application delegated to the DAP by a local government.

Membership will include two local government representatives with two alternative representatives to attend in lieu as required. 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 Council nominate Councillors as the Shire's representatives to the relevant Development Assessment Panel.

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.

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DAP's will comprise a mix of technical experts (3 specialist members) and two local government representatives and are charged with determining all development applications in excess of \$7 million in value and optionally (at the election of the applicant) those applications between \$3 million and \$7 million in value.

Once the DAP Regulations have been gazetted the Minister for Planning will establish 15 different DAPs across the state, the majority of which will comprise groupings of multiple local government authorities. Ashburton will be grouped into the Pilbara Development Assessment Panel with East Pilbara, Port Headland and Roebourne. The frequency of DAP meetings will vary as to the volume of trigger applications received and the DAP's will commence operation on 1 July 2011.

The Department of Planning has advised:

“The new DAP regulations prescribe local governments with a 40-day period, from the establishment of the 15 DAPs, to submit to the Minister nominations for 2 DAP members and 2 alternate DAP members (i.e. 4 names in total). As DAPs will be formally created on 2 May 2011, local governments will have until 13 June 2011 to submit their nominations.

However, the Department of Planning would greatly appreciate if local government could start the process of selecting their DAP nominations from their pool of councillors. We would also appreciate names being submitted to the Department from this point onwards, if possible.

Please keep in mind that if a local government fails to provide the requisite nominations within the 40-day deadline of 13 June 2011, the Minister is empowered to nominate replacements from eligible voters in the district to which the DAP is established. In turn, the Minister and Cabinet is expected to formally approve the local government nominations on or around 15 June 2011.”

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. DAP meetings, as with SAT attendances, are conducted during normal weekday business hours. Travel expenses associated with DAP functions will be reimbursed.

The Department of Planning 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.

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Comment

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 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.

Officers Recommendation

That the Council:

1. Nominate Councillors _____ and _____ as the Shire's local government representatives to the relevant Development Assessment Panel, with Councillors _____ and _____ as the alternative representatives.

| | |
|----------------------------|-------------------|
| Author: Rob Paul | Signature: |
| Manager: Jeff Breen | Signature: |

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13.04.25 DEVELOPMENT SERVICES DECISION STATUS REPORT

| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|--|--|--|
| 1 | 03/11 | 13.03.13 | Draft Local Planning Scheme Amendment No. 7 and Draft Local Planning Polity for Advertising | <p>That Council:</p> <ol style="list-style-type: none"> In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 12 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by: <ol style="list-style-type: none"> <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> <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> <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> Adopts draft 'Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo' as a draft Local Planning Policy under the provisions of clause 2.3 of the Shire of Ashburton Local Planning Scheme No. 7 and it be advertised in accordance with clause 2.3.1 of the Scheme concurrently with the advertising of draft Amendment No. 7. That following advertising of the draft Amendment No. 7 and draft 'Local Planning Policy – Development of Lots 603 and 604, 606 and Part Lot 61 Rocklea Road, Paraburdoo', the matters be referred back to Council for consideration. | Amendment to be advertised from 20 April 2011 for 42 days as resolved by Council (April 2011). |
| 2 | 03/11 | 13.03.14 | Draft Local Planning Scheme Amendment No. 12 (consideration for adoption for final approval) | <p>That Council:</p> <ol style="list-style-type: none"> Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period: – <ol style="list-style-type: none"> Adopt for final approval, draft Amendment No. 12 ("Amendment") to the | Scheme Amendment forwarded to the WAPC and |

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| # | Council Meeting (mm/yy) | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-------------------------|-------------|--|---|--|
| | | | and adoption of draft Local Planning Policy. | <p>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> <p>iii) Refer Amendment No. 12 to the Shire of Ashburton Local Planning Scheme No. 7, so adopted for final approval to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</p> | Minister for Planning for final approval. (April 2011) |

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

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| | | | <p>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>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 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>will be forwarded to the EPA as per Council decision.</p> <p>(April 2011).</p> |

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| | | | | <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> | |
| 4 | 03/11 | 13.03.16 | <p>Planning application for three transportable buildings comprising six (6) staff accommodation units, three (3) motel units, one (1) staff lounge and one (1) laundry at Lot 851, Central Road, Tom Price</p> | <p>That Council:</p> <ol style="list-style-type: none"> 1. Approve the application for Planning Approval made by Raminea Pty Ltd for four (4) transportable buildings comprising six (6) staff accommodation units (for staff associated with the hotel/motel), three (3) motel units, one (1) staff lounge, and one (1) laundry at Lot 851 Central Road, Tom Price (Tom Price Hotel) in accordance with the endorsed plans and subject to the following conditions: <ol style="list-style-type: none"> 1. The accommodation units shall be designed to reflect the following: <ol style="list-style-type: none"> i) roof pitch of not less than 10°; ii) the void area between floor and ground levels to be enclosed by brickwork or other materials; iii) verandahs are to be included on all buildings; and iv) landscaping shall be undertaken around the buildings; all to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application. 2. In relation to Condition 1 (iv) above, the landscaping plan should indicate the location and species of all trees to be removed and / or retained; the location and type of fencing to be installed; the location and type of reticulation to be installed; and the location and type of paving to be installed. The Plan should also include a plant schedule nominating each species, the 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. The landscaping shall be installed to the requirements of Council prior to occupation of the buildings. 3. The buildings hereby approved and shown on the endorsed plan as 'staff | <p>Planning Approval issued but amended plans are yet to be provided to the Shire. (April 2011)</p> |

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| | | | | <p>room' shall only be occupied by staff/workers in the direct control and employ of Raminea Pty Ltd having the care, control, or supervision of the business premises.</p> <p>4. The accommodation units hereby approved and shown on the endorsed plan as 'staff room' shall only be occupied by staff/workers in the direct control and employ of Raminea Pty Ltd having the care, control, or supervision of the business premises.</p> <p>5. A minimum number of three (3) carparking bays shall be provided to the satisfaction of the Shire of Ashburton. The parking area(s) shall be designed, constructed, sealed, drained, marked and thereafter maintained to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.</p> <p>6. Should the site be incapable to provide the three (3) additional car spaces as required in Condition 5 above, the Applicant shall provide to the Shire, payment of cash-in-lieu and associated costs of construction and the valuation fees for three (3) parking bays not provided on-site in accordance with the provisions of Shire of Ashburton Local Planning Scheme No. 7.</p> <p>7. All storm water produced on the site shall be disposed of either in the Council's drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Shire. Plans must be submitted prior to issue of a building licence showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.</p> <p>Advice:</p> <p>i. 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) and the Health Act, 1911 (as amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building licence.</p> <p>ii. In respect to Condition 6, you should first submit a letter of undertaking to meet the valuation costs, on receipt of which the Shire of Ashburton will obtain the necessary valuations and advise you of the required cash-in-lieu contribution. Once the letter of undertaking is received, the Council will be willing to allow the building licence to issue.</p> <p>iii. The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they</p> | |

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| | | | | <p>comply with the requirements of the Building Code of Australia.</p> <p>iv. Approval to be obtained from the Fire and Rescue Services of WA.</p> <p>v. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).</p> | |
| 5 | 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> <p>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</p> <p>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.</p> <p>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.</p> <p>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 <>m² portion of un-named road reserve for transferral to Lot 2 Stadium Road Tom Price in accordance with ATTACHMENT 15.03.01.</p> <p>2. That Council:</p> <p>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.</p> <p>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.</p> <p>c) Pursuant to Section 59(2) of the Land Administration Act 1997, request</p> | Advertising of closure to be undertaken from 20 April 2011. |

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| | | | | <p>the Chief Executive Officer to send copies of the advertisement referred to in 2a) above to the holders of the freehold in, and occupiers of, land adjoining the land in question, to suppliers of public utility services on the land in question and to the Planning Commission, and specify in that advertisement a period of not less than 35 days from the day of that advertisement during which submissions relating to the request may be lodged with the Shire.</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> | |
| 6 | 03/11 | 16.03.04 | Confidential Item – Draft Amendment No. 10 to Planning Scheme No. 7 and Draft Ashburton North Strategic Industrial Plan | <p>That Council reaffirms to Chevron Australia P/L and the Department of State Development (DSD) that while Council is supportive of the development at the Ashburton North Strategic Industrial Area (ANSIA), it is unable to progress the relevant amendment (draft Amendment 10) to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and the associated draft ANSIA Structure Plan for the reasons clearly explained in the Chief Executive Officer's correspondence to DSD dated 4 March 2011. Accordingly, for the Council to be in a position to in order to facilitate any development at the ANSIA:</p> <ol style="list-style-type: none"> 1. The proposed Multi User Access and Infrastructure Corridor through the "Wheatstone Site" to the Common User Coastal area must be planned and developed to the satisfaction of all stakeholders, including Onslow Salt; and 2. Chevron Australia P/L as the Structure Plan and scheme amendment proponent is ultimately responsible to address the statutory requirements of Amendment No. 9 to the Scheme and in particular, as it relates to the provision of infrastructure within the surrounding area and within the town of Onslow, to the satisfaction of Council. | Chevron and DSD advised in writing of Council resolution. (April 2011) |
| 7 | 02/11 | 13.02.02 | Draft Amendment No. 10 to Planning Scheme No. 7 and Draft Ashburton North Strategic Industrial Area Structure Plan | That Council note the contents of this ' <i>Draft Amendment No. 10 to Planning Scheme No. 7 and Draft Ashburton North Strategic Industrial Area Structure</i> ' report. | Further Report to Council in relation the ANSIA to be provided when matters |

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| | | | | | addressed in the Scheme have been satisfactorily addressed by the proponent. (April 2011). |
| 8 | 02/11 | 13.02.03 | Draft Local Planning Policy – Interim Car Parking Provisions (Onslow) | <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt draft '<i>Local Planning Policy - Interim Car Parking Provisions (Onslow)</i>' as a Local Planning Policy under the provisions of Cl. 2.3 of Shire of Ashburton Local Planning Scheme No.7 (the scheme) and be advertised in accordance with clause 2.31 of the scheme. 2. Adopt modifications to '<i>Local Planning Policy Cash-in-Lieu Car Parking Arrangements (LPP11)</i>' to recognise draft '<i>Local Planning Policy - Interim Car Parking Provisions (Onslow)</i>' and advertised in accordance with clause 2.31 of the scheme. 3. Subject to no adverse comments being received during the advertising period during 1 and 2 above, Council adopt '<i>Local Planning Policy - Interim Car Parking Provisions (Onslow)</i>' and '<i>Local Planning Policy Cash-in-Lieu Car Parking Arrangements (LPP11)</i>' in accordance with provisions of the scheme. 4. Request the Chief Executive Officer to prepare a further report on the matter if any adverse comments are received. | <p>Advertising was undertaken as resolved by Council. No submissions were received.</p> <p>In accordance with the Council resolution, the LPP is adopted. (April 2011)</p> |
| 9 | 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. | <p>Advertising undertaken as resolved by Council. A further report to Council is anticipated for the April meeting. (April 2011)</p> |

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| 10 | 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. | Advertising is being undertaken as resolved by Council. Should objections be received, a further report is anticipated to April meeting of Council. (April 2011) |
| 11 | 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: <ul style="list-style-type: none"> “6.10.4 <i>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> a) <i>the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;</i> b) <i>the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;</i> c) <i>a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;</i> d) <i>connection to reticulated sewer, water, and power is available; and</i> e) <i>where the development is of a permanent nature and where dongers and transportable buildings or structures of any description are not proposed.</i> 6.10.5 <i>Where in the opinion of the Local Government any of the provisions</i> | <p>Scheme Amendment documents prepared and forwarded to the EPA for assessment.</p> <p>EPA response has now received and the matter will be referred back to Council for consideration</p> <p>(April 2011)</p> |

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| | | | | <p align="center"><i>of Clause 6.10.4 are not met, transient workforce accommodation is prohibited.”</i></p> <ol style="list-style-type: none"> 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 matter, the Chief Executive Officer be requested to address the responses from the EPA and agencies. | |
| 12 | 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> <ol style="list-style-type: none"> a) Advise Chevron Australia Pty Ltd that: <ol style="list-style-type: none"> i) subject to modifications generally in accordance with Schedule 1 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 ii) receipt of a revised hydrology assessment prepared to the satisfaction of the Chief Executive Officer; <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> 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. | 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 |

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| | | | | <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 Use – Transient Workforce Accommodation' zone.</p> <p>c. Inserting into Schedule 2 the following:</p> <table border="1" data-bbox="848 885 1822 1463"> <thead> <tr> <th data-bbox="848 885 947 938">No.</th> <th data-bbox="947 885 1178 938">Description of Land</th> <th data-bbox="1178 885 1436 938">Special Use</th> <th data-bbox="1436 885 1822 938">Conditions</th> </tr> </thead> <tbody> <tr> <td data-bbox="848 938 947 1463">2.</td> <td data-bbox="947 938 1178 1463">Portion of Ashburton Location 153, Onslow Road</td> <td data-bbox="1178 938 1436 1463">Transient Workforce Accommodation</td> <td data-bbox="1436 938 1822 1463">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,</td> </tr> </tbody> </table> | 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, | <p>and appendices and asked for comment.</p> <p>EPA advise that formal environmental assessment is not required.</p> <p>Matters associated with corridor access, infrastructure contributions and Hooleys Creek are still outstanding.</p> <p>(April 2011).</p> |
| 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, | | | | | | | | | | |

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| | | | | | | <p>landscaping, management and environmental issues associated with the development and the use of the land.</p> <p>2. All transient workforce accommodation shall be considered a 'D' use under the Scheme.</p> <p>3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or maintenance of those uses and developments approved in writing by the local government.</p> <p>4. Transient workforce accommodation for operational purposes of any use or development is prohibited.</p> <p>5. The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.</p> | |
| | | | | <p>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</p> | | | |

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| | | | | <p>referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred back to Council for further consideration.</p> <p>3. The initiation of draft Amendment No. 10 as referred to in 1. above is subject to the following being undertaken prior to the referral of draft Amendment No. 10 to the EPA (as referred in 2. above):</p> <p style="padding-left: 40px;">a. Gazetted of Amendment No. 9 to the Shire of Ashburton Local Planning Scheme No.7; and</p> <p style="padding-left: 40px;">b. the proponent undertaking the modifications to draft Local Planning Scheme Amendment No. 10 generally in accordance with those included as</p> <p style="padding-left: 40px;">Schedule 2 (Attachment 13.12.74g), the modifications the draft <i>Ashburton North Strategic Industrial Area Structure Plan</i> (Attachment 13.12.74f) and</p> <p style="padding-left: 40px;">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> <p style="padding-left: 40px;">a) responses from the EPA and agencies;</p> | |

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| | | | | <ul style="list-style-type: none"> 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> | |
| 13 | 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: <ul style="list-style-type: none"> "7.1 Operation of Special Control Areas 7.1.1 The following special control areas are shown on the Scheme map: <ul style="list-style-type: none"> (a) Tidal Inundation Areas (b) Onslow Coastal Hazard Area (c) Onslow Airport Height Restrictions Area (d) Cane River Water Reserve Area (e) Turee Creek, Mt Lionel and Mt Stevenson Borefields (f) Wittenoom (g) Ashburton North Strategic Industrial Area" 4. Modify the Scheme Legend to delete "Onslow Strategic Industrial Buffer – Special Control Area" as set out in the Amendment Legend. | <p>Scheme Amendment documents prepared and forwarded to the EPA for assessment.</p> <p>EPA response has now been received and the matter will be referred back to Council for consideration in association with Amendment 10.</p> |

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| | | | | <p>5. Modify the Scheme Maps to delete “Onslow Strategic Industrial Buffer – Special Control Area”.</p> <p>6. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act and on receipt of a response from the EPA, be referred back to Council for further consideration.</p> <p>7. That following response from the EPA in accordance with part 4 above, the matter be referred back to Council for further consideration. In preparing a further Report on the matter, the A/Chief Executive Officer be requested to:</p> <ul 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 overall structure plan for the site along with the preferred uses and request input from the Onslow Recreational Clubs Association in its preparation. | (April 2011) |
| 14 | 12/10 | 13.12.76 | Draft Local Planning Scheme Amendment No. 13 – New Scheme Provision Providing for Further Development Potential of Land in Onslow Zoned Residential R12.5 | <p>That Council, in pursuance of Part V of the Planning and Development Act 2005 (“Act”), initiate draft Amendment No. 13 (“draft Amendment”) to Shire of Ashburton Town Planning Scheme No. 7 (“Scheme”) that proposes:</p> <p>1. Modifying Clause 6.6 of the Scheme by inserting the following clause:</p> <p><i>“6.6.3 Notwithstanding any other provision of the Scheme, on land in Onslow zoned Residential R 12.5 and where reticulated sewerage and reticulated water is available to a lot and where the Applicant has addressed to the requirements of the local government, matters associated with the floodway and development within it:</i></p> <ul style="list-style-type: none"> <i>(a) the local government may consent to the development for the purposes of the erection of not more than two grouped dwellings on a vacant lot comprising not less than 875m², with a minimum site area of 435m² per grouped dwelling subject to formal advertising pursuant to Clause 5.7;</i> <i>(b) 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> <i>(c) in determining any application lodged pursuant to Sub-Clauses (a) & (b) above the local government shall</i> | <p>Scheme Amendment documents prepared and forwarded to the EPA for assessment. Department of Planning, Department of State Development, Water Corp and Land Corp advised.</p> <p>EPA, DSD and WC response has now been received and the matter will</p> |

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| | | | | <p style="text-align: center;"><i>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>2. 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.</p> <p>3. That the views of Department of Planning, Department of State Development, Water Corp and Land Corp be sought concerning the draft Amendment.</p> <p>4. That following response from the EPA in accordance with Part 2 above and the Department of Planning, Department of State Development, Water Corp 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 matter, the Chief Executive Officer be requested to:</p> <p style="margin-left: 20px;">i) Address the responses from the EPA and agencies; and</p> <p style="margin-left: 20px;">ii) Provide a draft Local Planning Policy that addresses the necessary residential design criteria and any special town related matters.</p> | <p>before referring back to Council</p> <p>A further report is included in the April 2011 agenda.</p> <p>(April 2011)</p> |
| 15 | 12/10 | 13.12.78 | Draft Social Impact Assessment for FMG's Solomon Hub Project | <p>That Council:</p> <p>1. Request the Acting Chief Executive Officer to write to the Chief Executive Officer of Fortescue Metals Group (FMG):</p> <p style="margin-left: 20px;">c. Congratulating FMG for preparing the draft SIS as a basis for determining the social and economic impacts of the Solomon Hub on the town of Tom Price along with FMG's commitment in promoting opportunities for Aboriginal businesses on the project.</p> <p style="margin-left: 20px;">d. Advising FMG that its operations in the Shire of Ashburton associated with the Solomon Hub are of significant interest and importance to the Shire and in particular, the community of Tom Price. In this regard, the draft SIS has highlighted the need to</p> | <p>FMG advised of Council decision and has responded.</p> <p>Further report to Council is anticipated for the April 2011 meeting.</p> |

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| | | | | <p>address a number of socially important matters including the location of FMG operational staff and families in Tom Price. Also important is the appropriate siting of the aerodrome in a location and of a sufficient standard that would be of benefit the community of Tom Price. In this regard, Council would be prepared to establish a working group of Councillors, senior Shire staff, community members and senior representatives from FMG with the aim of addressing key matters associated with the Solomon Hub including locating operation staff in Tom Price and the proposed aerodrome.</p> <p>2. Provide Council with a further Report on the matters addressed in 1b). above and depending upon the response from FMG, recommend draft parameters for a working group including seeking representation from the Tom Price and Paraburdoo Business Association on the working group.</p> | (April 2011) |
| 16 | 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) |
| 17 | 05/10 | 13.05.28 | Adoption of Draft Townsite Strategy - Onslow | <p>That Council:</p> <p>1. Note this Report and Schedules 1-3. (Attachments 13.05.28(a)(b)(c))</p> <p>2. Accept the late submissions (Schedule 3).</p> <p>3. Modify and adopt the draft Onslow Townsite Strategy in accordance with</p> | Modified Strategy has been adopted by the Western |

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| | | | | <p>the recommendations reflected in Schedules 1-3 and the Report to Council.</p> <p>4. Request the Western Australian Planning Commission to endorse the Onslow Townsite Strategy as adopted by Council.</p> | <p>Australian Planning Commission. No further action required. (April 2011)</p> |
| 18 | 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 | <p>Ongoing – Close to finalising AEH-Strategy. To be submitted to Council ASAP.</p> |
| 19 | 03/08 | 13.03.11 | Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation | <p>That Council, in pursuance of Part V of the <i>Planning and Development Act 2008</i> ("Act"), adopt for community consultation purposes draft Amendment No. 2 ("Amendment") to <i>Shire of Ashburton Town Planning Scheme No. 1</i> ("Scheme") that proposes:</p> <ol style="list-style-type: none"> 1. That the zoning table be modified as follows: <ol style="list-style-type: none"> (a) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Mixed Business' zone; (b) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Industrial & Mixed Business Development' zone; and (c) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Rural Living' zone; 2. 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 indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the <i>Town Planning Regulations 1967</i>. 3. That following advertising of the draft Amendment, the matter be referred | <p>The matters addressed in draft Amendment No. 2 have largely been dealt with in association with draft Amendment No.8. No further action required. Draft Amendment No. 2 will not be proceeded with (April 2011)</p> |

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| | | | | back to Council for further consideration. | |

Officers Recommendation

That Council note the contents of the Development Services Decision Status Report and attached Scheme Amendments Report. ATTACHMENT 13.04.25

14.04.0 WESTERN OPERATIONS REPORTS

14.04.07 RFT 06/11 DESIGN AND CONSTRUCT OF THREE RESIDENTIAL DWELLINGS IN ONSLOW

FILE REFERENCE: AS.TE.RFT 06/11

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager, Western Operations

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 April 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.12.21 , Ordinary Meeting of Council December 2009
Agenda item 12.08.1239 , Ordinary Meeting of Council August 2008
Agenda item 14.12.018, Ordinary Meeting of Council, December 2006

Summary

At the Ordinary Meeting of Council in December 2009 the design and construct of 3 residential dwellings was awarded to 20* 20* Pty Ltd. 20*20 Pty Ltd was forced into administration in December 2010. The Shire was formally notified in January 2011.

On 5 February 2011 the Shire called for the design and construct of three residential dwellings (RFT 04/11) to be constructed on lot 318 Second Ave for the provision of staff housing. On review by the assessment panel, the tenders were considered unimpressive and lacked any innovation. Tenders were therefore rejected due to best value for money principals.

Re-tendering (RFT 06/11) occurred on 23 March 2011. As above this agenda item is related to the assessment of these tenders and recommends awarding tender as assessed.

Background

This has been a complex tender process that has resulted in tendering on three occasions. Events that contributed to this are

1. Ordinary Council meeting held on 15 December 2009 resolved to award 20*20 Pty Ltd tender RFT12/09 (separable portion 1) design & construction of 3 residential dwellings in Onslow. During design phase of the units 20*20 Pty was forced into administration on 1 December 2010.

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BRI Ferrier (20*20 Pty Ltd administrator) informed the Shire on 14 January 2011 that 20*20 Pty Ltd would not be able to complete the contract that was in place with the Shire. Council had made a 6.5% deposit (\$62,335.00) as per contract.

2. Due to the above, tenders were called again (RFT 04/11) on the 5 February 2011. Seven tender submissions were received for this round. The assessment panel decided, based on best value for money principals (clause 1.9 selection criteria of the tender document) to reject all tender submissions.
3. Tenders were called again (RFT 06/11) on 23 March 2011.

Staff housing is now at a critical shortage in Onslow and this is impacting on the day to day service delivery ability by the Shire. The housing shortage is making it difficult for the Shire to attract and retain key staff, and proceed with projects that are needed to sustain and develop the community.

Comments

Tender RFT 06/11, called on 23 March 2011 closed on 6 April 2011. Eleven submissions were received. Three tenders were non compliant, two due to late submissions and one due to insufficient specification requirements.

The tender was for the design and construction of three residential dwellings that included the contractor to be responsible for the completion of all site and construction works, fencing landscaping, installation of all floor coverings, window treatments and the arrangement of all necessary utility installations and connections. The dwellings need to be a sustainable design and built to suit cyclonic D conditions.

The RFT called for socially, environmentally and economically smart (sustainable) home designs that incorporated good practice in design, planning, building and maintaining. A minimum of two bedrooms per unit was required to meet the specification. The Shire was seeking creative space solutions and invited tenders to provide designs that offer above the minimum room requirements and maximized innovative indoor/outdoor living spaces to suit the climatic Pilbara lifestyle. Designs needed to ensure neighbour's amenities are not impacted. The Shire was looking for designs that had the ability to suit both family and single living.

A tender panel consisting of the Land Development & Marketing Coordinator and Project Coordinator, Western Operations assessed the Tenders based on the following criteria:

| | |
|---------------------------|-----|
| Price | 40% |
| Design innovation | 30% |
| Time Frame | 20% |
| Previous Similar projects | 5% |
| Financial Capacity | 5% |

The tenders were received and assessed in accordance with the attachments. The panel's assessment has rated DA Burke the preferred tenderer.

ATTACHMENT 14.04.07

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The following needs to be considered:

- DA Burke came in at 36% more than the allocated budget.
- DA Burkes design offered an engineered walling system which consists of precast concrete panels.
- Maximized space by offering a 3 bedroom, two bathroom units.
- Floor area of 108sqm, only one tender offered a larger area.
- Aesthetic exterior including driveway and paving.

There may be the opportunity to negotiate a lower price as DA Burkes tender includes, survey and site pegging that has previously been undertaken by the Shire, therefore it is intended to request that Council delegate the awarding of the tender to the CEO so that this issue can be addressed.

In order to proceed to resolution the Shire Officer requests Council to approve the increase in construction budget which is directly attributable to the following -

- Construction of the building incurs additional costs due to being cyclone rated.
- Considerable fill and earth works are required to achieve the appropriate AHD levels as per the Shires Planning Scheme.
- Many of the trades people and materials required aren't available locally and mobilization has added considerably to the cost.

It has become evident that a dwelling built in Onslow is at least \$63,000 more than Tom Price based on recent tenders received in 2011.

However, Council by supporting housing construction in Onslow is contributing to increased opportunities for other potential developers to have access to quality builders.

It is envisaged that with the preferred development being signed off:

- Council will provide a high standard of accommodation and living to its staff.
- provide for the ongoing sustainability of its service delivery.

Consultation

Chief Executive Officer

Tender assessment panel

Consultant Planner – Rob Paull

Peter Kyle Counsel, Haynes Robinson

Statutory Environment

Local Government Act 1995 s. 3.57

Local Government Act 1995 s. 5.42 and 5.43

Local Government (Functions and General) Regulations 1996 Pt. 2 Div.2

The buildings are required to be constructed in accordance with:

- Building Code of Australia.
- Department of Health Standards.

Planning and Development Act 2005

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Shire of Ashburton local Planning Scheme NO.7

- Planning approval is required under the scheme as the land is zoned commercial and civic and included in the Onslow coastal hazard special control area. This relates to an R Code of potential of R30. Planning consent had being issued by Council middle of 2010 for the three units. On this basis it is recommended the CEO be delegated authority to approve any application lodged by the successful tenderer.

The successful tenderer will be obliged to submit an application and ensure it complies with the Scheme are R codes.

Policy Implications

Purchasing and Tender Policy FIN 12

Financial Implications

A budget of approximately one million dollars has been allocated to this project (\$64,900 paid in 2009/2010 and \$930,000 allocated in the 2010/2011 Budget).

The \$930,000 budget was funded by Land sales (\$553,000 received in 2009/2010) Transfer from Reserves (\$140,000) and Loans (\$237,000).

The cost for the recommended tender is \$1,271,994.00 a short fall of \$341,994.

As the project will be completed in the 2011/2012 Financial Year the additional funds required can be provided in next year’s budget.

Strategic Implications

Shire of Ashburton Strategic Plan 2007-2011

Objective #6 – A well managed and contemporary organisation

Voting Requirement

Absolute Majority Required.

Officers Recommendation

That Council:

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.

| | |
|----------------------------------|-------------------|
| Author: Amanda O’Halloran | Signature: |
| Manager: Jeff Breen | Signature: |

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14.04.08 WESTERN OPERATIONS DECISION STATUS REPORT

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|---|------------------------------|-------------|------------------------------------|--|--|-------------|---------|-----------|--------|-------|---------|----------|----------|----------|--|---------|----------|----------|----------|--------|---|---|----------|----------|---|------------------------------|--|--|--|--|
| 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"> Endorse the opening and Shire operation of the Multipurpose Complex Gym. 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 | | | | 5/4/2011 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| 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. | 5/4/2011 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. | 5/04/2011 – This is underway and should be completed by June 2011. Planning opening for June Panna Council meeting. |
| 4 | 05/10 | 16.05.06 | Draft Ashburton North Community Investment Strategy | That Council support in principle the draft Ashburton North Community Infrastructure Strategy. | 5/04/2011 Ongoing Discussion with State Government agencies & resource companies. |
| 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. | 5/04/2011 To be priority in the first 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 | To be priority in the first quarter of 2011 |

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| | | | | 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. | |
| CORPORATE | | | | | |
| 1 | 03/05 | 12.03.120 | Robe River Memorandum of Understanding | That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments: <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 first quarter of 2011 |
| DEVELOPMENT | | | | | |
| 1 | 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 |
| 2 | 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 aerodrome upgrade and associated planning and consultant services. | 05/04/2011 EOI advertised. Planning to tender for design by May 2011. |

AGENDA – ORDINARY MEETING OF COUNCIL 20 APRIL 2011

| # | Council Meeting | Agenda Ref. | Report Title | Council Decision | Current Status |
|---|-----------------|-------------|--|--|---|
| 3 | 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 first quarter of 2011</p> |

Officers Recommendation

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

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

16.04.0 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.

**16.04.07 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: 11 April 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.

17.04.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 May 2011, at the Council Chambers, Community Recreation Centre, Tom Price commencing at 3.00 pm.

18.04.0 CLOSURE OF MEETING