



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

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

15 September 2010

SHIRE OF ASHBURTON
ORDINARY COUNCIL MEETING

Dear Councillor,

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on Wednesday 15 September 2010 at the RM Forrest Memorial Hall, Second Avenue, Onslow, commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson
CHIEF EXECUTIVE OFFICER

8 September 2010

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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1.09.0 DECLARATION OF OPENING

2.09.0 ANNOUNCEMENT OF VISITORS

3.09.0 ATTENDANCE

3.09.01 PRESENT

Cr G Musgrave	Shire President, Tom Price Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr K White	Onslow Ward
Cr L Shields	Tom Price Ward
Cr T Bloem	Tom Price Ward
Mr K Pearson	Chief Executive Officer
Mr F Ludovico	Executive Manager Corporate Services
Mr J Breen	Executive Manager Engineering Services
Mr L Softley	Executive Manager Community & Economic Services
Ms A O'Halloran	Executive Manager Western Operations
Ms J Smith	Executive Assistant CEO

3.09.02 APOLOGIES

3.09.03 APPROVED LEAVE OF ABSENCE

Cr S Dann	Pannawonica Ward
Cr L Corker	Ashburton Ward

4.09.0 PUBLIC QUESTION TIME

4.09.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.09.02 PUBLIC QUESTION TIME

5.09.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.09.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.09.01 PETITIONS

6.09.02 DEPUTATIONS

6.09.03 PRESENTATIONS

The applicants / owners of Lot 311 Second Avenue, Onslow will make a presentation in relation to their Planning Application for a mixed use development on the site.

7.09.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.09.01 SPECIAL MEETING OF COUNCIL HELD ON 4 August 2010

Officers Recommendation

That the Minutes of the Special Meeting of Council held on 4 August 2010, as previously circulated on 20 August 2010, be confirmed as a true and accurate record.

7.09.02 ORDINARY MEETING OF COUNCIL HELD ON 18 August 2010

Officers Recommendation

That the Minutes of the Ordinary Meeting of Council held on 18 August 2010, as previously circulated on 27 August 2010, be confirmed as a true and accurate record.

7.09.03 SPECIAL MEETING OF COUNCIL HELD ON 26 August 2010

Officers Recommendation

That the Minutes of the Special Meeting of Council held on 26 August 2010, as previously circulated on 1 September 2010, be confirmed as a true and accurate record.

8.09.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9.09.0 DECLARATION BY MEMBERS

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

9.09.01 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;

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

10.09.0 ENGINEERING SERVICES REPORTS

10.09.21 REQUEST FOR CONSENT FOR EASEMENTS OVER ROAD CROSSINGS

FILE REFERENCE:	RO.ROWI
AUTHOR'S NAME AND POSITION:	Jeff Breen Executive Manager – Engineering Services
NAME OF APPLICANT/RESPONDENT:	Declan Doherty Manager – Government Approvals Rio Tinto Iron Ore
DATE REPORT WRITTEN:	31 August 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest
PREVIOUS MEETING REFERENCE:	Not applicable.

Summary

This report seeks Council's approval for the granting of easements over road crossings intersected by the Hamersley Iron Rail corridor on roads within the Shire of Ashburton.

Background

In 1975, Hamersley Iron Pty Ltd was granted a lease by the Western Australian Government over the 290km rail corridor from Dampier to Tom Price.

At that time, the 80m wide corridor crossed a number of dedicated roads and in line with land tenure practices of that day, no tenure was granted for existing road crossings.

Since the grant of this lease, land tenure practices and legislative change are now able to provide for the grant of co-existing tenure to secure access for critical infrastructure needs.

Rio Tinto Iron Ore (RTIO) proposes to make application to the Department of Regional Development and Lands for easements in gross under the *Land Administration Act 1998* over dedicated roads where the Hamersley Iron Rail corridor intersects.

Comment

To enable the proposal to proceed RTIO is requesting advice as to whether the Shire of Ashburton has any objections to the grant of easements over the following roads contained within the Shire's boundaries:

1. Roebourne Wittenoom Road: Crossing at 106km rail mark, (approx co-ordinates Lat -21.420068 Long 117.160637);

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2. Roebourne Wittenoom Road: Crossing at 152km rail mark, (approx co-ordinates Lat -21.672679 Long 117.449446);
3. Road No. 1644: Crossing at 199km rail mark, (approx co-ordinates Lat -22.021317 Long 117.643157);
4. Unnamed Road: Crossing at 222.5km rail mark, (approx co-ordinates Lat -22.179849 Long 117.700234).

Plans, including aerial views, of the road crossings which will be subject to the proposed easements have been provided by RTIO and are attached.

ATTACHMENT 10.09.21

The proposed easements would be granted on such terms and conditions deemed necessary by the Minister of Lands, including preservation of the right to use the road.

It would seem prudent for RTIO to request the grant of these easements in order to protect their access in the event of any change in ownership or control over the land occupied by their rail infrastructure.

Such access is vital for ongoing maintenance and upgrading purposes, and the provision of easements is a logical legal mechanism adopted by most government utilities to ensure continued access to critical infrastructure sites.

Statutory Environment

Application for the easements will be made by the applicant under the *Land Administration Act 1998*.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority required

Recommendation

That Council:

1. Approves the establishment of easements under the *Land Administration Act 1998* over the following dedicated roads within the Shire of Ashburton where the Hamersley Iron Rail corridor intersects:
 - a. Roebourne Wittenoom Road: Crossing at 106km rail mark, (approx co-ordinates Lat -21.420068 Long 117.160637);

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- b. Roebourne Wittenoom Road: Crossing at 152km rail mark,
(approx co-ordinates Lat -21.672679 Long 117.449446);
 - c. Road No. 1644: Crossing at 199km rail mark,
(approx co-ordinates Lat -22.021317 Long 117.643157);
 - d. Unnamed Road: Crossing at 222.5km rail mark,
(approx co-ordinates Lat -22.179849 Long 117.700234).
2. Directs the CEO to advise Rio Tinto Iron Ore of Council's decision and that any associated costs of establishing the easements are to be borne by the applicant.

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

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10.09.22 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	07/10	10.07.15	Proposed Upgrade Munjina Airstrip	That Council instruct the Chief Executive Officer prepare a Business Plan, pursuant to Section 3.59 of the Local Government Act 1995, in relation to possible long term lease and management of the Munjina Airstrip on a commercial basis.	Ongoing Meeting with Brockman Resources and Department of Transport (Aug 2010)
2	07/10	10.07.16	Proposal To Change Purpose Of Reserve 39500 Willow Road Tom Price To 'Staff Accommodation'	That Council agrees to proceed with changing the purpose of Shire Reserve 39500 from "Recreation" to "Staff Accommodation".	Ongoing Council resolution forwarded to State Land Services with request to alter reserve purpose. (August 2010)
3	07/10	10.07.17	Proposed Dedication Of Parsley Street, Onslow	That Council; 1. Resolve to request the Minister for Lands to dedicate land as a road, this being the land currently used to access freehold lots 555 & 556 and conditional freehold lots 557 & 563, formerly Parsley Street Onslow in accordance with the attached plan ATTACHMENT 10.07.17 2. That on the Minister granting the request, Council indemnifies the Minister against any claim for compensation.	Ongoing Council resolution forwarded to Minister with request for dedication. (August 2010)
4	05/10	10.05.10	Shire Logo and Policy	That Council; 1. Approves the Logo Policy (Attachment 10.05.10c) 2. Approves the Tom Price logo and tag line "Experience It"	Ongoing Policy implementation being

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				3. Approves in principle of the logo for the Shire of Ashburton, Paraburdoo, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each.	implemented internally. Tag lines for towns to be established (July 2010)
5	05/10	10.05.12	Tom Price Town Centre Revitalisation	That Council endorses the Tom Price Town Centre Revitalisation Plan	Ongoing, detailed design in progress Agreements in principle reached with adjoining landowners regarding works. Negotiating with RTIO re services. (August 2010)
6	05/10	16.05.04	Shire of Ashburton Structure Review	That; 1. Council appoints an assessment panel to select the consultant to carry out the structure review comprising Cr Musgrave, Cr Rumble, CEO and EMES. 2. Council delegates the CEO to award the contract to the consultant selected by the assessment panel up to the value of \$350,000 (ex GST)	Ongoing, delayed by other work (budget, etc) Tender has been called (Sep 2010)
7	04/10	10.04.08	Funding of Proposed Pergolas, Bellary Springs, Wakathuni Aboriginal Communities	That Council Approves the contribution of \$30,000 as allocated in the 2009/10 budget to IBN Corporation for the construction of steel framed pergolas at the Wakathuni and Bellary communities.	Ongoing Advised IBN of Council decision. Quotes sighted. Acquittal process being formulated.

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
					May 2010
8	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land Development	That Council; <ol style="list-style-type: none"> 1. Endorses the Business Plan - Major Land Transaction – Warara Street Strata Title Land Development. 2. Directs the CEO to advertise tenders for the work and to report back to Council for acceptance of the tender. 	Ongoing WAPC approval for rezoning received. (Mar 2010) Meeting with RTIO May 2010 re services. Tender for development subject to RTIO meeting outcomes Tender prepared and will be advertised July 2010. Delayed by design and service provision discussions with RTIO (July 2010)
9	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. 	Ongoing Closure being

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ol style="list-style-type: none"> 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. 	implemented (Mar 2010)
10	08/09	10.08.16	Duck Creek Road- Road Closure	That Council, <ol style="list-style-type: none"> 1. Having noted that no submissions were received in response to public notice of the proposed closure, proceed with the closure to vehicular traffic of Duck Creek Road to vehicular traffic in accordance with Section 3.50 of the Local Government Act 1995. 2. Instruct the Chief Executive Officer, to place signage to this effect, and advise Main Roads Pilbara Region of Council's decision. 	Ongoing MRWA notified, signage being prepared. (Mar 2010)
11	08/08	10.08.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	That Council; <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 	Ongoing WAPC approval received. Design commenced, will be completed by end June. Meeting with RTIO to confirm services. (July 2010)
12	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 	Ongoing Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				\$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.	land from pastoral lease. Discussions with lease holder revealed objections to the site. Alternatives being investigated. (June 2010)

Officers Recommendation

That Council note the contents of this report

11.09.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.09.09 APPOINTMENT OF PARABURDOO RANGER

FILE REFERENCE:	RS.BC.1
AUTHOR'S NAME AND POSITION:	Morgwn Jones Supervisor of Emergency Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	September 6 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Sebastian Reeve has recently been appointed to the position of Ranger for the townsite of Paraburadoo, where he will the role as Shire Ranger for the town of Paraburadoo and the Shire of Ashburton, and therefore has to be Gazetted by Council to perform such duties.

Background

Following the resignation of Michael Forsythe, Sebastian Reeve has been appointed as Paraburadoo Ranger.

Currently the Senior Ranger/ Supervisor of Emergency Services, provides ranger services to the townsite of Paraburadoo, visiting Paraburadoo 2 times a week, from Tom Price. These times are variable and often the current arrangements do not allow for personalised service during the day and out of hours. It is proposed that with appointment of the Ranger in Paraburadoo a more consistent service will be provided to the town of Paraburadoo. The Senior Ranger/Supervisor of Emergency Services will continue to visit Paraburadoo on a regular basis, and liaise with the Paraburadoo Ranger on daily basis.

Comment

For Mr Sebastian Reeve to be able to fulfil these duties he needs to be Authorised by Council as an Authorised Officer of the following Acts and their Regulations:

- Dog Act 1976
- Litter Act 1979
- Bush Fires Act 1954
- Control of Vehicles (Off Road Areas) Act 1979
- Local Government Miscellaneous Provisions Act 1960
- Local Government Act 1995

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Statutory Environment

- Dog Act 1976
- Litter Act 1979
- Bush Fires Act 1954
- Control of Vehicles (Off Road Areas) Act 1979
- Local Government Miscellaneous Provisions Act 1960
- Local Government Act 1995

Policy Implications

Council Policy

Financial Implications

Advertising of appointments

Strategic Implications

There are no strategic implications relative to this matter

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Approves the Authorisation of Sebastian Reeve as an Authorised Officer of the relevant Acts and Regulations.
2. Advertises the appointment in accordance with each Act.

Author: Morgwn Jones	Signature:
Manager: Keith Pearson	Signature:

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11.09.10 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	08/09	11.08.12	Location of Entry Statement – Tom Price	Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.	Ongoing Met with Cr Shield Cr Bloem and SOA President Cr Musgrave on 6/01/10. Site Identified. 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 24 th August. Due to Mark Eaglesham's leave arrangements will now be meeting 23 rd September 2010.
2	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 REC08 & REC08 and report back to Council.	Ongoing Administration Manager has reviewed a number of policies that have been adopted by Council and remaining policy reviews are awaiting legal advice. (Mar 2010)
3	10/08 02/08	11.10.26 11.02.01	Reconstruction of Vic Hayden Memorial Swimming Pool	<ol style="list-style-type: none"> 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. 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>Council decision as at February 2008 That Council;</p> <ol style="list-style-type: none"> Directs the CEO to secure the necessary funding to 	Ongoing The Building Surveyor will support the pool opening providing the site is cleaned up of all building debris and orange barriers are up to unfinished areas of the building. Organising the pool opening to take place on 24 th September for the school holidays with the official pool

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>refurbish the Vic Hayton Memorial Pool;</p> <p>2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;</p> <ul style="list-style-type: none"> ○ Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware ○ Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room ○ Demolition of existing toddler's pool and construction of new toddler's of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children's pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm. ○ Demolition and construction of concrete concourse including new drainage ○ Upgrade lighting to required standard ○ Refurbishment of existing office, kiosk, change rooms and toilets; <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>	opening late October 2010.

Officers Recommendation

That Council note the contents of this report

12.09.0 CORPORATE SERVICES REPORTS

12.09.59 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: 1 September 2010

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 337 Lease Agreement for Community CPS Australia..
- Seal 338 Agreement between Country Arts WA and SOA for 2010 – WA intrastate tour of Krakouer by Deckchair Theatre.
- Seal 339 Licence Agreement between SOA and Hit Radio P/L.
- Seal 340 Contract Agreement between SOA and Design P/L, request for tender for design and construction of water spray park in Onslow according to direction given by the Principal SOA.
- Seal 341 Contract Agreement between SOA and Lightbase P/L, request for tender for construction of lighting and power upgrade for Onslow sporting precinct according to direction given by the Principal SOA.

Consultation

Chief Executive Officer

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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 report

Author: Janyce Smith	Signature:
Manager: Keith Pearson	Signature:

12.09.60 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JULY AND AUGUST 2010

FILE REFERENCE:	FI.RE
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 September 2010
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:

July 2010

- Statements of Financial Activity and associated statements for the Month of July 2010. There are no variance reports nor graphs for this period as at this time the Budget for 2010/2011 had not been finalised.
- Payroll reconciliation.

ATTACHMENT 12.09.60a

August 2010

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

ATTACHMENT 12.09.60b

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

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, Payroll for July 2010 and Schedule of Accounts Visa Credit Card Statements for August 2010.

Author: Frank Ludovico	Signature:
Manager: Keith Pearson	Signature:

12.09.61 DEBTORS FOR WRITE OFF

FILE REFERENCE: FI.RE

AUTHOR'S NAME AND POSITION: Natalie Briney
Accounts Receivable/Payable Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 16 August 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request for writing off Bad Debts to a total value of \$1939.43.

Background

Accounts Receivable area has undergone substantial debt recovery in the past few months in order to ensure Council's financial matters are up to date and accurate. The following Bad Debts are requested to be written off.

Comment

Debtor No. 206 – Roos & Passow

The debt of \$1939.43 was carried over from Quickbooks to Synergy Accounting System in 2007 and was made up of Lease Fees for 318B Second Avenue Onslow.

As Accounts Receivable were not able to locate Debtor, the Bad Debt was passed on to Austral Mercantile in January 2010. A full skip trace has been performed, but due to limited information on the Debtor, they have not been located.

Austral Mercantile recommend that the file be closed and the Debt Written Off.

Total request to write off for Roos & Passow - \$1939.43

ATTACHMENT 12.09.61

Consultation

Executive Manager Corporate Services
Finance Manager
Accounts Receivable/Payable Officer

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

- (1) Subject to subsection (2) and any other written law, a local government may –
 - a) When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
 - b) Waive or grant concessions in relation to any amount of money or
 - c) Write off any amount of money,
Which is owed to the local government

* Absolute majority required

Policy Implications

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Financial Implications

The total amount of Debt under consideration is \$1939.43

Strategic Implications

Strategic Objective 6 – A well managed and contemporary Corporation, Action 6 - Implement a transparent, equitable and financially sustainable finance and rates strategy.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That Council Write Off:

1. Roos & Passow - Invoice No. 893 - \$1939.43 – Total Value = \$1939.43

Author : Natalie Briney	Signature :
Manager : Frank Ludovico	Signature :

12.09.62 REVIEW OF COUNCIL POLICIES – ADMINISTRATION

FILE REFERENCE:	OR.CM1
AUTHOR'S NAME AND POSITION:	Donna Reid Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 August 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 12.06.29, Ordinary Meeting of Council 16 June 2009

Summary

In accordance with Council Policy ADM01 – Policy Manual Review and the Local Government Act, it is a requirement to review Council policies annually.

The Administration Manager, in consultation with Executive Management, has conducted a review of the Administration Policies and these are now presented to Council for adoption or amendment.

Background

At least once every financial year in accordance with Council Policy ADM01 a review of all Council Policies should be conducted. The four Administration policies were last reviewed by Council at the 16 June 2009 Council meeting.

Comment

A review of the four Administration policies has been undertaken following consultation with Executive Management, the Administration Manager and the Records Administrator. These policies are now being presented to Council for adoption.

The four Council Administration Policies, ADM01 - Policy Manual Review, ADM03 - Flying of Flags – Council Buildings, ADM04 - Records Management and ADM05 - Video Conferencing have been reviewed and no amendments are proposed.

ATTACHMENT 12.09.62

Statutory Environment

Local Government Act 1995

Flags Act 1953

State Records Act 2000

Public Sector Management Act 1994

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

Policy Implications

Council Policy ADM01 – Policy Manual Review
Council Policy ADM 03 – Flying of Flags
Council Policy ADM04 – Records Management
Council Policy ADM05 – Video Conferencing

Financial Implications

There are no financial implications relative to this issue

Strategic Implications

Strategic Objective 6 – A Well Managed and Contemporary Corporation
Statutory Compliance, Compliance with Shire of Ashburton procedures and policies

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council notes the review of Council Policies, ADM01 - Policy Manual Review, ADM03 - Flying of Flags – Council Buildings, ADM04 - Records Management and ADM05 - Video Conferencing and endorses these with no amendments.

Author: Donna Reid	Signature:
Manager: Frank Ludovico	Signature:

**12.09.63 PROPOSED OFFICE & FACILITY CLOSURES & ARRANGEMENTS
OVER 2010/11 CHRISTMAS/NEW YEAR PERIOD**

FILE REFERENCE:	OR.CI.1
AUTHOR'S NAME AND POSITION:	Donna Reid Administration Manager
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 September 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Council is asked to endorse the closure of Shire offices for the period Thursday 23 December 2010 to Monday 3 January 2011 inclusive and note the closure of facilities and changes to waste services.

Background

In the past Council has been in the practice of closing its offices and facilities to the public for the Christmas and New Year period. This report is to inform Council of the proposed closure times and dates, and to facilitate the advertising of closing times and arrangements over the Christmas period to the public.

Comment

Office Arrangements

Council's approval is sought for the closure of the offices in the various towns of the Shire for the period from Thursday 23 December 2010, until the re-opening of business on Tuesday 4 January 2011.

Experience over the past years has indicated that there is little requirement for administrative staff assistance over the Christmas/New Year period from the general public. In any event, suitable after hour contact numbers will be made available to the general public.

In previous years staff have been given the option of working the normal work days between Christmas and New Year. It is suggested that staff be given the option again this year. Approval to do this would need to be sought from their Manager. Customer service officers could perform other office related duties on those days. Staff that elect to take this time off will be required to take it as Annual Leave or Leave without Pay.

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Rubbish Collections Eastern Sector and Western Sectors

Bin collections will vary from the normal collection dates; the disruption to the service will be minimal. The timetable is as follows:

Tom Price & Paraburdoo Xmas and New Years Waste Services Program 2010/11

Monday 20th December 2010

Tom Price Commercial, Tips Shut

Tuesday 21st December 2010

Tom Price & Paraburdoo Commercial, Paraburdoo Domestic, Tips Open

Wednesday 22nd December 2010

Tom Price Domestic & Commercial, Tips Open

Thursday 23rd December 2010

Tom Price Domestic & Commercial, Paraburdoo Commercial, Tips Open

Friday 24th December 2010

Tom Price & Paraburdoo Commercial, Tips Open

Saturday 25th December 2010

Public Holiday, Tips Closed

Sunday 26th December 2010

Tips Open

Monday 27th December 2010

Tom Price Commercial, Public Holiday, Tips Closed

Tuesday 28th December 2010

Paraburdoo Domestic, Tom Price & Paraburdoo Commercial, Tips Open

Wednesday 29th December 2010

Tom Price Domestic & Commercial, Tips Open

Thursday 30th December 2010

Tom Price Domestic, Tom Price & Paraburdoo Commercial, Tips Open

Friday 31st December 2010

Tom Price & Paraburdoo Commercial, Tips Open

Saturday 1st January 2011

Public Holiday, Tips Closed

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Sunday 2nd January 2011

Tips Open

Monday 3rd January 2011 – Normal Services Resume, Tips Closed

Onslow Xmas and New Years Waste Services Program 2010/11

Monday 20th December 2010

Commercial Run, Tip Open

Tuesday 21st December 2010

Domestic Run, Tip Open

Friday 24th December 2010

Commercial Run including public bins, Tip Open

Monday 27th December 2010

Tips Closed

Tuesday 28th December 2010

Domestic & Commercial Run, Tip Open

Friday 31st December 2010

Commercial Run including public bins, Tip Open

Monday 3rd January 2011 – Normal Services Resume

Tom Price and Paraburdoo Pool Closures

Saturday 25th December 2010

Public Holiday, Closed

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no financial implications relevant to this issue.

Strategic Implications

There are no strategic implications relevant to this issue.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council:

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

1. Note the closure of the offices in Tom Price, Paraburdoo, Pannawonica and Onslow for the period 2pm on Thursday 23 December 2010 to Monday 3 January 2011, reopening Tuesday 4 January 2011.
2. Note the changes to the rubbish collection.
3. Note closure of the pools on Christmas Day only.

Author: Donna Reid	Signature:
Manager: Frank Ludovico	Signature:

12.09.64 PILBARA REGIONAL COUNCIL UPDATE

FILE REFERENCE:	OR.IG.3.8
AUTHOR'S NAME AND POSITION:	Keith Pearson Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Pilbara Regional Council
DATE REPORT WRITTEN:	5 September 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter which is the subject of this report
PREVIOUS MEETING REFERENCE:	Agenda Item 12.12.77 Ordinary Meeting of Council, 15 December 2009

Summary

Council has previously resolved that the Administration submit a report to Council detailing the outcomes from each meeting of the Pilbara Regional Council (PRC).

This agenda item details the outcomes of the PRC meeting held on 4 August 2010.

Background

Council has previously resolved that the Administration submit a report to Council detailing outcomes from each meeting of the Pilbara Regional Council (PRC)

This agenda item details the outcomes of the PRC meeting held in Perth during Local Government Week on 4 August 2010.

The Shire was represented at the meeting by the Shire President Cr Musgrave and the Deputy Shire President, Cr Rumble. Cr Thomas was an observer. The meeting was also attended by the President and CEO of WALGA, Mayor Troy Pickard and Ms Ricky Burges, respectively.

Minutes from the meeting have been previously distributed to Councillors.

Comments

The ordinary meeting held 4 August 2010 commenced with three presentations, these being by:

- **Landfill Gas and Power P/L**

Landfill Gas and Power P/L (LGP), which specialises in generating electricity from gases extracted for landfill sites, is investigating the potential for setting up a local energy generation facility in the Pilbara. Unfortunately the energy conversion process described appears to have very little potential benefit for the Pilbara as it requires a population base significantly greater than presently exists in the region.

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- **Small Business Centre Corporation**

The Acting Manager Director (AMD) of the Pilbara Small Business Centre made a presentation in relation to the activities of the Centre within the region. The AMD proposed that the PRC develop and adopt a small business policy which supports the activities of the Centre.

- **WA Police**

WA Police spoke to the Council in relation to the new Impounding Offence (Hoon) Legislation. They explained that in many parts of the state, including the Pilbara, there are no suitable private operators willing to store impounded vehicles and for this reason WA Police wished to investigate the possibility of local government operating impounding facilities on a commercial basis. This matter is to be progressed by the Police calling new tenders where operators are required, thus providing interested local government the opportunity to participate.

The agenda for the remainder of the meeting was included:

- Business Plans for the Provision of Municipal Services to Indigenous Communities

The Council agreed to take a regional approach to assessing business plans for the provision of municipal services to indigenous communities as it was considered that this would be more efficient use of state government funding. (The four individual local governments were originally assigned a total of \$135,000 including \$30,000 to the Shire of Ashburton. Collectively \$180,000 has been made by the state).

It is emphasised that a commitment by the PRC to investigate business plans for the provision of services does not mean a commitment to physically provide services, by either the regional council or the individual local governments.

Cr Hipworth from the Shire of Roebourne was nominated to represent the Pilbara Region on the Local Government Service Delivery in Indigenous Communities Planning Committee, which represents the 22 local governments impacted by the state government's indigenous services proposals.

- Regional Collaborative Group

This agenda item related to the formal formation of the Pilbara Regional Collaborative Group (RCG) which is the four local governments' preferred method of local government reform. The RCG, which is to operate within the auspices of the PRC, will have its first meeting in late September.

- Local Government Structural Reform

This agenda item documented details of the proposed Financial Assistance Agreement (FAA) between the PRC and the Department of Local Government in order to fund the preparation of a Regional Business Plan to investigate shared service delivery in the region in accordance with the RCG agreement (see above item). The State has made \$170,000 for the preparation of the plan.

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- 2010/11 Country Local Government Fund Allocations

The State Government's Country Local Government Fund allocation to the four Pilbara local government for the 2010/11 year included \$2.3M directed to the PRC for expenditure on larger scale infrastructure projects which clearly demonstrate wider community benefits across the whole region. The Pilbara Development Commission (PDC) has been allocated \$100,000 to employ a consultant to identify priority projects. Following discussions between PDC and PRC it was agreed that a working group consisting of the PDC and four representatives from the PRC be formed. The PRC endorsed the approach and nominated the four local government presidents as representatives on the working group.

- PRC Plan for the Future

While the Council adopted the PRC's Plan for the Future it was also resolved to consider the matter again in more detail at the next meeting of the Council.

- PRC Contribution to the Pilbara to Parliament Event

It has been difficult to identify a precise date for the proposed "Pilbara to Parliament" promotional event in Canberra which was originally planned to take place earlier in the year. The Council resolved to reschedule the event to 27 October 2010, however the event has subsequently been postponed again (since the PRC meeting) because of the delay in finalising the outcome of the federal election.

- Pilbara Regional Council Budget

The Council adopted its budget for the current financial year. The budget has been prepared on the basis that the contributions from the four local governments remain unchanged.

Consultation

Pilbara Regional Council

Statutory Environment

Local Government Act 1995, Part 3, Division 4 "Regional Local Government"

Policy Implications

There are no policy implications relative to this matter

Financial Implications

There are no financial implications relative to this matter

Strategic Implications

There are no strategic implications relative to this matter

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council note the contents of the report

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Author: Keith Pearson	Signature:
Manager: Keith Pearson	Signature:

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

12.09.65 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	08/10	9.08.02	Adoption of Draft Budget 2010/11	<p>That Council:</p> <ol style="list-style-type: none"> 1. <u>Differential Rate in the Dollar</u> In accordance with the provisions of section 6.32 of the <i>Local Government Act 1995</i> impose on all rateable property in the Shire the following differential rates: (Rates listed) 2. <u>Due Date for Payment of Rates</u> In accordance with the provisions of section 6.45(1) of the <i>Local Government Act 1995</i> offer to ratepayers the opportunity to pay rates and rubbish charges in instalments as follows: (Due dates listed) 3. <u>Administration Charge & Interest Rate on Instalments</u> In accordance with the provisions of section 6.45(3) and (4) of the <i>Local Government Act 1995</i> and 67 and 68 of the Local Government (Financial Management) regulations 1996, impose the following charges for ratepayers electing to pay by instalments: (Charges listed) 4. <u>Interest on Overdue Rates</u> In accordance with the provisions of section 6.51 of the <i>Local Government Act 1995</i> and 70 and 71 of the Local Government (Financial Management) regulations 1996, impose interest on outstanding rates and charges as follows: (Interest listed) 5. <u>Fees & Charges</u> In accordance with Section 6.16(3) of the Local Government Act 1995 adopted the Schedule of Fees and Charges as per the 2010/2011 Budget document. 6. <u>Adoption of Material Variance Level for Reporting</u> In Accordance with Section 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds: (Condition attached) 	Finalised. Department of Local Government notified. Rate demands have been posted.

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#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p><u>Organisational Structure</u> In accordance with Section 5.2 of the Local Government Act 1995 amend the Organisational Structure of the Shire of Ashburton to reflect the positions funded in the 2010/2011 Budget</p> <p>7. <u>Budget Adoption</u> Adopt, in accordance with Section 6.2 of the <i>Local Government Act 1995</i>, the budget for the year ended 30 June 2010 as presented.</p>	
2	06/10	12.06.49	Offer – Financial Assistance To Undertake Business Planning For Delivery Of Local Government Services Into Indigenous Communities	That Council agrees in principle, to the pooling of funds by the four Pilbara local governments, in order to prepare one regional Business Plan for the Delivery of Local Government Services into Indigenous Communities, subject to final endorsement by Council.	Ongoing Agreement signed with DLG.
3	05/10	12.05.37	Repeal of Defunct and Obsolete Local Laws	That Council pursuant to section 3.12 of the Local Government Act 1995, give state wide public notice that it intends to make the Shire of Ashburton Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect being more efficient and effective local government by removing outdated local laws from the public record. (Attachment 12.05.37).	Ongoing Advertisement being drafted by Local Laws Consultant
4	05/10	12.05.39	Tender RFT 09/10 Development and Operation Paraburdoo Tourist Park, Lot 1, Camp Road, Paraburdoo	That Council; <ol style="list-style-type: none"> 1. appoint Condor Enterprises WA Pty Ltd as the preferred Tender for the Development and Operation of the Paraburdoo Caravan Park. 2. instruct the CEO to negotiate all aspects of the Tender with Condor Enterprises WA Pty Ltd; and 3. providing negotiations with Condor Enterprises WA Pty Ltd are satisfactory, approve the CEO to award the contract. 	Ongoing. Tenders notified of Council decision. Preferred tenderer has reused questions in relation to lease and these are

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#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
					being addressed by the Shire Solicitor.
5	02/10	12.02.08	Review of Local Laws	That Council:- <ol style="list-style-type: none"> 1. Resolves to undertake a review of its existing local laws; and 2. In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws. 	Finalised See report to May meeting
6	12/09	12.12.75	Quarterly Reporting on the Strategic Plan 2008 - 2011	That Council defer consideration of the agenda item until the February 2010 meeting of Council, the reason being subsequent to the preparation of the agenda item the Shire received two more proposals from the Local Government Advisory Board to amend the Shire's boundary with the Shire of East Pilbara. It was considered appropriate to consider the proposals collectively.	Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals.

Officers Recommendation

That Council note the contents of this report

13.09.0 DEVELOPMENT SERVICES REPORTS

**13.09.47 EXTENSION OF TIME – ACCOMMODATION APPROVALS –
BARROW ISLAND**

FILE REFERENCE: IS.BARW

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

**NAME OF APPLICANT/
RESPONDENT:** Chevron Australia Pty Ltd.

DATE REPORT WRITTEN: 3 September 2010

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

PREVIOUS MEETING REFERENCE: Agenda item 13.09.55 Ordinary Meeting of Council 15 September 2009
Agenda item 13.08.41 Ordinary Meeting of Council 18 August 2009

Summary

At the meeting of 15 September 2009, Council approved two Planning Applications from Chevron Australia for transient workforce accommodation on Barrow Island, these being:

- Item 13.09.55 - Additional 161 Person Operations Workforce Accommodation Facility; and
- Item 13.09.57 - Staged 3,300 Person Construction Village/Accommodation Facility.

Both Approvals included a condition requiring the “owner of the land” entering into a signed agreement with the Shire to remove the structures by 2034 for Item 13.09.55 and 2018 for Item 13.09.57 or other period as agreed by the Chief Executive Officer.

Chevron Australia has advised that the time frame sought is up to 60 years which would be consistent with the Lease and (the development proposals approved under) the Barrow Island Act. In particular, the development of the 3,300 person camp would ultimately accommodate up to 500 persons and maintained for the life of the Project to support scheduled LNG plant maintenance.

It is recommended that the request by Chevron be supported for the period sought as it represents the Lease and (the development proposals approved under) the Barrow Island Act.

Background

Note: This Report was previously considered by Council at its meeting of 18 August 2010 as Agenda item 13.08.41. Due to the lack of a quorum of eligible Councilors to vote on Item 13.08.41, the Item remains ‘on the table’.

No change to on Item 13.08.41 has been made except for this updated reference to the 18 August 2010 Council meeting.

The Shire is advised that land tenure over Barrow Island is an 'A' Class Reserve with WA Oil Pty Ltd holding petroleum leases (L 10, EP/61 and EP/62) as per the *Petroleum Act 1936*, administered by the Department of Mines and Petroleum.

Barrow Island is situated approximately 85km offshore from Onslow. Hydrocarbons have been extracted from the Island since the 1960's.

The Gorgon Project is located on a 'greenfield' site and includes offshore infrastructure, pipelines, an onshore gas processing facility consisting of domestic gas and LNG facilities, an LNG load-out jetty, materials off-loading facility (MOF), domestic gas export pipeline and associated accommodation and support infrastructure.

At the meeting of 15 September 2009, Council approved two Planning Applications from Chevron Australia for transient workforce accommodation on Barrow Island as follows:

- Item 13.09.55 - Additional 161 Person Operations Workforce Accommodation Facility; and
- Item 13.09.57 - Staged 3,300 Person Construction Village/Accommodation Facility.

Comment - Item 13.09.55 of Council decision of 15 September 2009 Additional 161 Person Operations Workforce Accommodation Facility, Barrow Island

The Planning Approval issued by Council on 15 September 2009 was subject to 13 conditions and included condition 6. as follows:

- “6. *Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall require the use of the structures to cease by 15 September 2034 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days”.*

Chevron has advised that the design life of the Operational Workforce Accommodation (OWA) buildings is only 10 years, although the lease specifies that the land can only be used for accommodation and support infrastructure. If additional operational workforce accommodation is required beyond the 10 years and the buildings are not in a satisfactory condition, Chevron advise that they will either be replaced by similar accommodation infrastructure, or refurbished to extend the design life. A copy of Chevron's advice is attached.

ATTACHMENT 13.09.47

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Similar to the Construction Village above, a lease for the OWA site under the Land Administration Act has been granted for a period of 60 years. Chevron Australia has requested an amendment to condition 6 to allow accommodation infrastructure at the Construction Village to remain on site until 2069.

The request by Chevron is supported for the period sought as it represents the Lease and (the development proposals approved under) the Barrow Island Act. In this regard, it is recommended that condition 6. be amended to read:

“6. Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall require the use of the structures to cease by 15 September 2069 and the structures be removed within 28 days”.

Comment - Item 13.09.57 of Council decision of 15 September 2009 - Staged 3,300 Person Construction Village/Accommodation, Barrow Island.

The Planning Approval issued by Council on 15 September 2009 was subject to 13 conditions and included condition 6. as follows:

“6. Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall require the use of the structures to cease by 15 September 2018 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days”.

Chevron Australia has requested an amendment to Condition 6 to allow accommodation infrastructure at the Construction Village to remain on site until 2069 on the basis that it would ensure consistency with the Lease and (the development proposals approved under) the Barrow Island Act.

The predominant use of land will not change and it is intended that some of the accommodation infrastructure is maintained on the site to allow for major maintenance programs to be undertaken on the LNG Plant in the future. Chevron has advised that accommodation for up to 500 persons (northern corner of the Village), will be maintained for the life of the Project to support scheduled LNG plant maintenance.

The request by Chevron is supported for the period sought as it represents the Lease and (the development proposals approved under) the Barrow Island Act. However, the condition should stipulate that the Agreement clarify which buildings are to be retained so that both parties have certainty of what will be retained for the 60 year period. In this regard, it is recommended that condition 6. be amended to read:

“6. Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall clarify which buildings structures are to be removed by 15 September

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

2069 with such structures be removed within 28 days. All buildings structures are to be removed by 15 September 2069”.

Conclusion

The above conditions are written in such a way that the period of operations can be extended. It is unusual for Council to be asked to support a transient workforce accommodation development for up to 60 years. However, the development on Barrow Island has been through an extensive environmental and planning process where the government has issued a lease for 60 years.

Consultation

Chief Executive Officer

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 ('Scheme'). The land is reserved "*Conservation, Recreation and Natural Landscapes*" under the Scheme. The Scheme requires that all land uses not associated with the maintenance and protection of the Island require the consent of Council.

Under the Scheme, the proposed use is defined as "*...dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas.*"

Policy Implications

Local Planning Policy – 'Transient Workforce Accommodation'.

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council:

1. Item 13.09.55 of Council decision of 15 September 2009 - Additional 161 Person Operations Workforce Accommodation Facility, Barrow Island

That Council agrees to the request from Chevron Australia to extend the period when buildings are to be removed from the site and for Condition 6. to be amended to read:

- "6. *Prior to the development being occupied the "owner of the land" shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall require the use of the structures to cease by 15 September 2069 and the structures be removed within 28 days*".

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2. Item 13.09.57 of Council decision of 15 September 2009 - Staged 3,300 Person Construction Village/Accommodation, Barrow Island.

That Council agrees to the request from Chevron Australia to extend the period when buildings are to be removed from the site and for Condition 6. to be amended to read:

“6. Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall clarify which buildings structures are to be removed by 15 September 2069 with such structures be removed within 28 days. All buildings structures are to be removed by 15 September 2069”.

3. In relation to Items 1 and 2 above, the Chief Executive write to Chevron Australia advising that all costs (including Shire costs) associated with the preparation of the Agreements will be borne by Chevron Australia

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

13.09.48 PROPOSED CLOSURE AND TRANSFER OF UNCONSTRUCTED PART OF BOONDEROO ROAD, TOM PRICE

FILE REFERENCE: TP.BN.208

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 18 August 2010

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

PREVIOUS MEETING REFERENCE: Council Item 10.05.13 Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price, 22 May 2007.
Council Item 15.02.02 Proposed Subdivision – Lot 308 Boonderoo Road, Tom Price (WAPC Ref: 141308) 17 February 2010.

Summary

The Shire owns freehold a 2.2624Ha parcel of land in Boonderoo Drive (Lot 308) and the land is surplus to Shire requirements. At the Council meeting of 22 May 2007, Council resolved to subdivide the land and to investigate the sale of the land.

At the Council meeting of 17 February 2010, Council supported subdivision of the land into 7 lots (plus the balance of the title). The WAPC approved the subdivision and a small portion of the unconstructed road reserve (502m²) needs to be closed and consolidated with Lot 308.

It is recommended that Council close the 502m² portion of Boonderoo Road reserve for transferral to Lot 308 in compliance with Section 58 of the Land Administration Act 1997, and for this to be advertised in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment on the proposal.

If any objection received in response to the statutory advertising of the proposed closure will be referred back to the Council for consideration. Should no objections be received, the Minister for Land Information be requested to close the 502m² portion of Boonderoo Road reserve for transferral to Lot 308.

Background

The Shire owns freehold, Lot 308 Boonderoo Drive which has an area of 2.2624Ha and the land is surplus to Shire requirements. At the Council meeting of 22 May 2007, Council resolved:

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- “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”.*

At the Council meeting of 17 February 2010, Council supported the Administration’s application to subdivide the land into 7 lots (plus the balance of the title) and the WAPC subsequently approved the subdivision.

Comment

It is appropriate that Council close the 502m2 portion of Boonderoo Road reserve and transfer it to Lot 308 in compliance with Section 58 of the Land Administration Act 1997, and for this to be advertised in a locally circulating newspaper for a minimum period of 35 days inviting the public to comment on the proposal.

If any objection received in response to the statutory advertising of the proposed closure will be referred back to the Council for consideration. Should no objections be received the Minister for Land Information should be requested to close the 502m2 portion of Boonderoo Road reserve for transferral to Lot 308 in accordance with the attached plan.

ATTACHMENT 13.09.48

Statutory Environment

Land Administration Act 1997 - Sect 58 is relevant to the proposed closure of a road reserve. Section 58 requires:

“(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.”...

and

“(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.”

Financial Implications

There are no financial implications in relation to this matter as it relates to the future subdivision of the land and not ownership. Any proposal to development or sell the land would be subject to a further Report to Council.

Strategic Implications

The subdivision 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*’. The provision of industrial land in the Shire is an important operational and strategic need for the Shire.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council:

1. Close the 502m2 portion of Boonderoo Road reserve for transferral to Lot 308 in compliance with Section 58 of the Land Administration Act 1997, in accordance with **ATTACHMENT 13.09.48**.
2. Advertise the closure and transfer of 1. 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.
3. Require that should any objection be received in response to the statutory advertising of the proposed closure or the property transferral shall be referred back to the Council for consideration.
4. Note that providing no objections are received from the public to the road closure and transferral, the Chief Executive Officer be requested to submit to the Minister for Land Information a request to close the 502m2 portion of Boondoороо Road reserve for transferral to Lot 308 in accordance with **ATTACHMENT 13.09.48**.

Author:	Rob Paull	Signature:
Manager:	Keith Pearson	Signature:

13.09.49 PLANNING APPLICATION - PROPOSED HOLIDAY ACCOMMODATION (11 UNITS) AND MANAGER'S UNIT, VACANT LAND LOT 322 (No. 17) SECOND AVENUE ONSLOW

FILE REFERENCE: ON.SE.322

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

NAME OF APPLICANT/RESPONDENT: Terrence and Kerry Croker (Owner)
Bold City Investments (Applicant)

DATE REPORT WRITTEN: 9 August 2010

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

An application for Planning Approval has been lodged for holiday accommodation comprising 11 single bedroom tourist units (6 ground floor and 5 first floor) and manager's unit at Lot 322 (No. 17) Second Avenue, Onslow.

The proposed development will result in a further key commercial/tourist asset for Onslow. There are, however, matters associated with setback to the adjoining residence, parking and access will still need to be addressed (and resolved). However, the key issue is the supply of reticulated water to the land and for Onslow. Essentially, Water Corporation has advised that it would not be able to provide a reticulated water service to more than one connection (unit).

For the development as designed, connection for one 'unit' or any staging would not be possible. The Applicant has investigated an alternative to reticulated water supply (until the water supply system is upgraded) is to establish an underground tank and to have potable water trucked from Karratha. This proposal has been discussed with Water Corporation staff who query the viability of such an arrangement. Concern was raised as to possible use of the limited water supply in Onslow when trucking of water is economically not viable to the operator or access to the town is blocked (during cyclones etc.)

It is open to Council to refuse the Application due to the limitations on the provision of reticulated water. The Applicant has advised that they would be prepared to have a conditional approval that would have a commencement period when a reticulated service is available to the land. If this is acceptable to Council, then the normal period of time associated with development approvals (2 years) should be expanded to 5 years.

Background

The 1012m² site at Lot 322, Second Avenue, Onslow is zoned “Commercial and Civic” under the Shire of Ashburton Town Planning Scheme No. 7 (“Scheme”). The land is occupied by a dwelling and sheds. The dwelling although old and reminiscent of many of the previous forms of housing in Onslow, has not been listed on the Municipal Inventory, the data base of the Heritage Council of WA or the National Trust of WA. It is understood that during the advertising for the revised Municipal Inventory, no submissions were received in relation to the land.

The Application before Council is for ‘residential short stay’, however the applicant’s planning consultant has clarified that the proposed use is “holiday accommodation”. Under the Scheme, “holiday accommodation” is defined as:

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

The proposal comprises 11 single bedroom tourist units (5 ground floor and 6 first floor) and ground floor managers as follows:

Details:

- i) Zoning of site: Commercial and Civic
- ii) Site Area: 1012M²
- iii) Setbacks: Second Ave -7.8m
Rear Lane - 6.5m
Side boundaries – 1.5m
- iv) Gross floor area: 413m² (40.1%)
- v) Plot Ratio: 0.41:1
- vi) Elevations:
Two storey buildings to be constructed externally of corrugated colourbond steel. The wall sheeting will be laid horizontally with the roof having an 18o pitch. Sufficient openings of various sizes would appear to preclude any blandness.
- vii) Design:
The buildings essentially comprise five “two story pods” with a swimming pool/pergola/bbq area located towards the northern boundary. A 2.4m high masonry wall will encompass this area. A “meeting room is provided” is to be located towards the frontage. Manager’s accommodation has been provided on the ground floor to the rear of the development.

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- viii) Car Parking: Spaces required - one per accommodation unit, plus one per every three units for visitors
- ix) Building Ground
All built upon areas will have a minimum ground level of 4.4AHD. The Scheme requires a minimum of 4.0AHD.
- x) Landscaping:
Indicative only.

A location plan, aerial photograph along with copies of plans and elevations of the proposed development are attached.

ATTACHMENT 13.09.49

Comment

Availability of reticulated water

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

“the capacity of the site and surrounding locality to support the development including:

(iv) public and utility infrastructure and community services;”

The Shire has only recently been advised that the provision of water supply services to Onslow is at capacity. Water Corporation has advised that no additional connections are available using the existing infrastructure and supply. In this regard the Shire referred the application to Water Corporation who responded by advising that:

“The Corporation will support a decision by the Shire of Ashburton to refuse development applications on the basis of water or wastewater scheme capacity. If the refusal is appealed, the Corporation will support the Shire's decision by providing technical and planning advice to the State Administrative Tribunal (SAT). This information has also been communicated to the Western Australian Planning Commission, and other key stakeholders in the land planning process.”

It would be possible to refuse the application in accordance with the Water Corporation advice and require the applicant to take the matter further to the State Administrative Tribunal where the application would be reconsidered by the Tribunal.

It should be noted that the issue of a reticulated water supply in Onslow was discussed with the Applicant's representative many months before the application was lodged. It was made clear that the issue of a connection to reticulated water had to be resolved and that they should discuss the matter with Water Corporation.

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The applicant has shown water tanks for the units on the plans and originally suggested that the water could be captured from rain and supplemented by the reticulated supply. In a further information letter sent to the Shire in July, the applicant advised:

“The existing house has a 20mm water service connected and discussions with Water Corporation have confirmed that this service will stay when the property is redeveloped. To enable the proposed apartments to be serviced with a potable water supply the proposed plan incorporates 12 x 2000 litre pressurized water tanks to service the 11 short stay apartments and the manager's residence. These tanks will be fed continuously by the 20 mm water service and supplemented by rainwater.

Preliminary design calculations indicate that a 2000 litre tank is sufficient to service an apartment with a standby capacity of x days. If at the detailed working drawing and documentation stage required for a building license it is found that a 2000 litre tank capacity is insufficient then the tank size will be increased accordingly.

Once the tanks are initially filled they will be continuously supplied with water from the 20 mm main. The peak water draw will be in the morning and evening for ablution purposes. These peak load times would be say approximately 2 hours duration twice a day for a total of 4 hours per day. This would leave 20 hours over a 24 hour period within which the water used could be replenished from the mains supply. Within the design of the hydraulics of the water supply system there will be the capacity to connect to a water tanker to supply the apartments in the case of a major water supply failure. The use of captured rain water is only as a supplementary source of supply.

Each tank will be filled with its own pressure pump that will supply each unit with water at the required pressure. The fittings used for showering and sanitary purposes will be of the eco friendly and water saver type Whilst we are aware of the water supply issues associated with Onslow we feel that as we are only applying for a Development Approval at this stage and the issue of a Building License is a further application it is not appropriate to go to the extent of detailed design work on the water supply at this time. Any DA granted will be subject to a number of conditions and it is assumed that the provision of an adequate water supply system to service the proposed development would be one of them.

The proposed development will provide much needed short stay accommodation to Onslow. The proposed development is centrally and conveniently located in the town. It will provide First Class 5 Star accommodation for visitors to Onslow with a pool, cabana, meeting/conference room, luxurious self contained apartments with plasma TV, cooking facilities, lounge /dining area and a large bedroom with spacious ensuite. The external facade and building materials are in keeping with the North West coastal theme with covered walkways and balconies overlooking the central communal pool and entertainment area. The extensive use of colorbond with rendered feature brickwork together with large areas of glass windows over looking the central court will lighten the bulk and scale of the development. The design is aesthetically pleasing and will add to the amenity of Onslow.”

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This approach to water supply by the applicant does not take into account the heavy cyclonic rainfall that Onslow experiences as well as the long dry periods of no rainfall. In addition, it is unlikely that any water supply would be available in Onslow for it to be supplied by a water tanker. Accordingly, the nearest potable water source would be Karratha.

In correspondence received on 3 September 2010, the planning consultant for the Application has now advised:

“The Applicant engaged Construction Hydraulic Design Pty Ltd (CHD) to undertake investigations into the provision of water to the site. A number of design options have been investigated that would augment the existing provision of reticulated water that is allocated to the site.

CHD undertook to demonstrate how adequate potable water could be provided to the subject site to meet the 250 litre per day per unit or a 3kl total potable water per day requirement. The options explored ranged from rainwater tanks to tankering water to fill an under ground tank. CHD have liaised with Water Corporation in regard to this matter.

The viability and sustainability of the above options that would augment the existing reticulated service has been a concern for the local authority. The Applicant understands the need to provide suitable reticulated water to the subject site. The intention is, on conditional approval of the development, to work collaboratively with the local authority and Water Corporation to achieve an acceptable reticulated water system to service the site”.

The Shire notes the assessment provided by CHD Pty Ltd with respect to transporting potable water to the site by road tanker and storing on site in a potable water tank. In an attempt to assess the realistic viability of trucking potable water from Karratha, the Shire requested the Applicant to provide a cost estimate. No advice has been provided. Discussion with officers from Water Corporation has revealed that the tank and trucking arrangements is unlikely to be viable and would be open to abuse through using the Onslow reticulation system to fill the tanks.

Any condition Council includes on a planning approval must be able to be reasonably carried out. Simply including a condition stating that connection to reticulated water be undertaken when it is known that the supply is not available is not appropriate.

The applicant has since advised that they would be prepared to have a conditional approval that would have a commencement period when a reticulated service is available to the land. If this is acceptable to Council, then the normal period of time associated with development approvals (2 years) should be expanded to 5 years.

Zoning of Site:

The subject land is rectangular in shape and zoned Commercial and Civic under the Scheme. It is also included in the ‘Onslow Coastal Hazard Areas Special Control Area’ and in this regard, the minimum floor height in the ‘Onslow Coastal Hazard Areas Special Control Area’ is required to be 4AHD. This has been depicted on the submitted plans showing 4.4 AHD. With Council approval ‘holiday accommodation’ is a permissible use in the current zoning of the site.

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Site Area:

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

Setbacks: Considering the proposal is for a commercial development in a commercial zone predominantly containing residential development, the setbacks appear reasonable and satisfy Building Codes of Australia (BCA) requirements in relation to heights of buildings. Although the Residential Planning Codes do not apply to 'holiday accommodation', it is reasonable that the setbacks for the development to the adjoining property (used for residential purposes) reflect the setback requirements from the Codes, as it ensures adequate residential amenity for the adjoining land.

A setback of 1.5m is shown to both side boundaries which is generally acceptable, however modification to the openings of the wall to comply with the setback would be required. This may require some modification of the layout but not enough to warrant refusal. It is recommended that should planning approval be issued, a condition be placed requiring the setback to reflect the requirements of the RCodes.

Gross Floor Area/Plot Ratio/Site Coverage:

The Scheme does not contain maximum limitations in these areas. Clause 6.10 of the Scheme indicates that development in the subject zone should be in keeping with a specific strategic or policy statement, however, in the absence of such documents Council shall take into account matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures. It is considered however, that a plot ratio of less than 0.5:1 with a relatively low site coverage within a commercial zone is very liberal with what is offered not constituting an overdevelopment of the site.

Elevations:

The elevations appear reasonable. The corrugated colourbond sheeting to be used is becoming increasingly popular for use in developments throughout the Pilbara and with the complementary use of colours satisfactory results can be achieved (eg. Onslow Primary School, Rio Tinto's residential development, North Road, Tom Price).

Management

A manager's unit is shown fronting the rear car park. It is recommended that it be sited the manager's unit to be relocated to front Second Avenue (ground floor) where it abuts the meeting room. This will provide the opportunity to link the two uses and users to easily gain access to the manager.

Density:

As related to the plot ratio and site coverage, the density of the development is very reasonable considering the commercial zoning of the site.

Car Parking:

Fifteen (15) spaces are shown on the plan while the Scheme requirement can be calculated as 15.3 spaces. Rounded off to 15 spaces is acceptable. The opportunity would be available for cash-in-lieu of parking to be paid, however in this instance, it is not recommended as the onus to provide 0.3 spaces in the vicinity of the site would be placed on Council.

Access to eight (8) of the spaces is from Second Avenue, however there are significant and important trees established in the road reserve that add to the character of Onslow. The plan submitted does not show these trees and it is not clear whether the access arrangements will require the removal of some or all of these trees. It is appropriate that should planning approval be issued, a condition be included that requires the access to be designed in order to minimize tree removal along with plans that show the existing trees and those to be removed. It should also be recommended that the parking areas be suitably paved/sealed. Access is proposed from the ROW which as a condition would need to be sealed (at the developer's expense) for the length of the property frontage to the ROW.

No explanation of the use of the meeting room has been provided. However, it is anticipated that it could be used by occupants of the facility and their guests – either others staying in the facility or from the local area. No parking has been attributed to the meeting room. It is difficult to address a calculation, as the user is not defined. However, it is recommended that the meeting room be retained and it is anticipated that the parking generated would be low and intermittent. If approved by Council, a condition should be included to manage the use.

Building Ground Levels:

The site is located in the rear of the frontal dune system of the Onslow Coastal Hazard Area. This requires construction areas to be built up to 4m AHD in accordance with clause 7.3 of the Scheme. The proposed development provides for all new structures on the land to be built at this level. The car parking will be provided at the existing ground level. This is permitted under clause 7.3.8 of the Scheme, as these areas will be non-habitable.

Landscaping:

Should Council issue planning approval, it is appropriate that landscaping be a condition of any Approval. There would be opportunities within the parking areas and adjacent to the units for landscaping to be undertaken.

Overall:

With the present commercial boom being experienced by Onslow any planned addition to the accommodate stock should be encouraged. The private sector and tourist needs require satisfying and it is important that these demands continue to be met.

However, the significant issue for the application is the provision of reticulated water. The applicant has acknowledged the inability for Water Corporation to supply sufficient water to the development. As noted, Council essentially has two choices in relation to determining the Application in light of the inability of Water Corp to provide a reticulated water service to the site – either:

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

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The Administration has discussed the matter of dealing with applications in Onslow with the Shire's solicitor. The advice provided is that Council would be well within its rights to refuse any development application because an important element of infrastructure (i.e. reticulated water) is not available. However, it is acknowledged that the Water Corporation has indicated that the time frame to upgrade the system is 2015. It is questioned as to whether the Applicant should be penalized for the limitations of the water system that is not within their control.

In this regard, it is suggested that if Council seeks to approve the Application, a condition be included that links the issue of the Building Licence with an agreement between the developer and Water Corporation in relation to the provision of water. Any time limit for an approval should be extended from the normal 2 year period to 5 years - to account for the Water Corporation's time requirements for the upgrade of the system. Should the upgrade not be available after the 2015 approval time limit, the Applicant could seek an extension of time or the approval would lapse.

It is important to advise the Applicant that any Planning Approval should not be construed as support for the method of water supply as recommended by CHD Pty Ltd, whereby it is proposed to transport potable water to the site by road tanker and store on site in a potable water tank.

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Manager Building Services
Water Corporation
Shire's Solicitor

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

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 Onslow Coastal Hazard Areas Special Control Area' where the minimum floor height is 4AHD.

Planning and Development Act, 2005
Building Code of Australia

Policy Implications

There are no policy implications that relate to this matter

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council:-

- 1) Approve the development application made by Bold City Investments for land at Lot 322 (No 17) Second Avenue Onslow, to construct and use for the purposes of a 'holiday accommodation' generally in accordance with the submitted plans, subject to the following conditions and foot notes:
 - a) The use shall not commence until the developer has entered into a written agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the holiday accommodation, to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton. A building licence shall not be issued until written confirmation from Water Corporation is provided to the Shire that a full reticulated water service to the site is available.
 - b) A building licence for the development shall be obtained prior to 22 September 2015. This Planning Approval lapses if a building licence for the development has not been obtained by 22 September 2015. Further to this, if the development is not substantially commenced in accordance with the building licence by 22 September 2015 and a reticulated water supply is not available to service the development by this date, then this Planning Approval lapses at that date.
 - c) With the permission of the Shire of Ashburton, this Planning Approval may be extended.
 - d) Unless with the written consent of the Council, the car parking and landscaping shall be completed to the satisfaction of the Shire prior to the occupation of the 'holiday accommodation'.
 - e) Prior to the issue of a building licence, plans shall be submitted showing the following:
 - i) location of street trees in Second Avenue and the access to the site being modified if necessary, to minimise the removal of the existing street trees; and
 - ii) deletion to reference to water tanks for potable water source; and
 - iii) the manager's unit to be relocated to front Second Avenue (ground floor) and modified to include office area.
 - f) Prior to the issue of a building licence, the Applicant shall enter into a written agreement with the Shire of Ashburton for sealing the length of the ROW from the nearest adjoining road to the crossover at the rear of Lot 322. All costs associated with the sealing of the ROW along with Shire legal costs for the agreement shall be at the expense of the Applicant.

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- g) Plans submitted with the building licence are to be generally in accordance with plans submitted show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.
- h) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details are to be submitted with the building licence application.
- i) The use of transportable buildings in the development in any form is not permitted.
- j) The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing to adjoining land shall consist of appropriate acoustic materials, a minimum 1.8 metres in height (above 4AHD) and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application.
- k) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building licence application.
- l) The uses when established shall at all times comply with the definition of 'holiday accommodation' as contained within the Scheme as follows:

“any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for two or more movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding Bed/Breakfast facilities (which are within the definition of home business), hotel and motel”.
- m) A geotechnical report covering the development area being prepared by the Applicant at the Applicant's cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
- n) Compaction and stabilisation must be carried out to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
- o) The meeting room shall only be used by occupiers of the facility and their guests. Should the use of the meeting room generate off site impacts due to parking concerns, Council reserves the right to direct that the meeting room only be used by occupiers of the facility.
- p) All loading/unloading of vehicles is to be conducted within the site at all times.
- q) No outside storage of goods.

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- r) The finished lower floor levels of the proposed buildings must be a minimum of 4.0 metres above AHD. Evidence to this requirement from a practising registered surveyor must be submitted with the building application.
- s) Prior to the occupation of the use, the provision on-site of not less than the required parking bays as defined under the Scheme shall be undertaken by the Applicant. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] to be designed, constructed, sealed, drained, marked and thereafter maintained to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
- t) Plans submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.
- u) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location and:
- species of all trees to be removed and / or retained;
 - type of fencing to be installed;
 - of reticulation to be installed; and
 - type of paving to be installed.
- v) 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.
- w) Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the use and thereafter maintained to the satisfaction of the Shire of Ashburton.
- x) The provision of a suitably screened bulk bin area/s for refuse to the specifications and satisfaction of the Shire of Ashburton prior to occupation of the development. Details to be submitted with the building licence application.
- y) The development being connected to a reticulated water supply or other alternative to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development.
- z) The development being connected to a reticulated deep sewer to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development. Full plumbing details must be submitted with the building licence application.
- aa) No room (other than manager's room) is to be occupied by any person for more than 3 months within any 12 month period. In that regard, the manager / operator are to

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maintain a register of guests which is to be made available for perusal by Shire of Ashburton officers on demand.

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

Advise the Applicant as follows:

- i) This Planning Approval is issued with the knowledge that a reticulated water supply for the use is currently not available. It is issued with the Applicant's full awareness that such a supply may not be available for many years. The Applicant has advised the Shire that it will not seek a building licence until confirmation from Water Corporation that a full reticulated water service to the site will be available.
- ii) The Shire notes the further information provided by CHD Pty Ltd on behalf of the applicant with respect to transport potable water to the site by road tanker and store on site in a potable water tank. The Planning Approval should not be construed as support for this method of water supply. Discussion with officers from Water Corporation reveal that such an arrangement is unlikely to be viable and would be open to abuse through using the Onslow reticulation system to fill the tanks.
- iii) The Applicant is advised that the Planning Approval is for the purposes of 'holiday accommodation'. Transient workforce accommodation cannot be given consent by Council on the land as it is prohibited under the Planning Scheme. Transient workforce accommodation is defined as: *"dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"*.
- iv) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) that are to be approved by the Shire's Principal Building Surveyor prior to the issue of the Building licence.
- v) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
- vi) The Water Corporation recommends that with respect to the provision of any landscaping in Onslow, the following should be undertaken to ensure the most efficient use of water. The Shire anticipates that this advice will be provided on any approved landscaping plan:
 1. Appropriate soil amendment / conditioning for the region, which forms the best basis for plants to survive and thrive (depth of 300mm for garden beds)
[://www.watercorporation.com.au/W/waterwise_karratha.cfm](http://www.watercorporation.com.au/W/waterwise_karratha.cfm)

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2. Waterwise irrigation with improvements in irrigation scheduling and application and use of rain sensors
[://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf](http://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf)
 3. Adequate mulching to retain moisture (5 to 7.5cm thickness recommended).
- vii) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- viii) 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).

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

13.09.50 PLANNING APPLICATION - PROPOSED MIXED USE DEVELOPMENT COMPRISING THREE TWO STOREY OFFICE/RESIDENTIAL (MANAGER'S UNITS), LOT 311 (No. 16) SECOND AVENUE ONSLOW

FILE REFERENCE: 20101407

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

NAME OF APPLICANT/RESPONDENT: Rowe Family Trust (Owner)
Modus Design P/L (Applicant)

DATE REPORT WRITTEN: 6 September 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.08.43 Ordinary Meeting of Council 18 August 2010.

Summary

An application for Planning Approval has been lodged for three (3) two storey units comprising a mixed use development of three (3) ground floor offices along with three (3) first floor manager's unit at Lot 311 (No. 16) Second Avenue, Onslow.

Council considered Item 13.08.43 of the 18 August 2010 Agenda for the application and resolved as follows:

"Council instruct the CEO to request further information from applicant in relation to the precise nature of the proposed use of the second floor of buildings. Reason for Change Council desired clarification with respect to the accommodation market which the applicant proposes to cater for".

The applicant has now provided a response to Council's request for further information.

The proposed development will result in a further key commercial/tourist asset for Onslow. A key issue is the supply of reticulated water to the land and for Onslow. Essentially, Water Corporation has advised that it would not be able to provide a reticulated water service to more than one connection (unit). For the development as designed, connection for one 'unit' has been confirmed by the Water Corporation.

It is open to Council to refuse the Application due to the limitations on the provision of reticulated water.

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However, the Applicant has advised that it would accept a conditional approval includes a staging provision where the commencement period for the 2nd and 3rd units is when a reticulated service is available to the units. If this is acceptable to Council, then the normal period of time associated with development approvals (2 years) should be expanded to 5 years.

Background

The 1012m² site is vacant and zoned “Commercial and Civic” under the Shire of Ashburton Town Planning Scheme No. 7 (“Scheme”).

The Application is for three (3) two storey units comprising a mixed use development of three (3) ground floor offices along with three (3) first floor manager’s unit at Lot 311 (No. 16) Second Avenue, Onslow.

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Access to the manager’s units is only through the office area. Under the Scheme, “office” is defined as:

“a building or part of a building used for the conduct of administration, the practice of a profession, research, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, but does not include administration facilities required in association with a predominant use on site.”

Manager’s residence is not defined under the Scheme, however ‘caretakers dwelling’ is defined as:

“dwelling on the same site as a building, operations or plant, and occupied by a supervisor of that building, operation or plant.”

Council considered the proposal at its August 2010 meeting (agenda item 13.08.43) and resolved as follows:

“Council instruct the CEO to request further information from applicant in relation to the precise nature of the proposed use of the second floor of buildings. Reason for Change Council desired clarification with respect to the accommodation market which the applicant proposes to cater for.”

In response, the applicant has advised (in part):

“As described in our original application letter, the proposal is for a mixed-use development with executive office suites on the ground floor and directly associated accommodation on the upper floor. We understand Council requires clarification on the precise nature of the proposed use of the second floor of the buildings. We confirm the upper floor will be specifically used as accommodation directly and exclusively associated with the ground floor offices below.

The term “Caretaker’s Dwelling” was not initially used as the floor area exceeded the maximum 80m² by 10m², however the definition is not unreasonable given that the upper

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floor is accessed exclusively via the offices as noted in the Shire Town Planner's Policy Implications comments.

Revised plans are attached with the "Caretaker Dwelling" use specifically noted for all upper floors. The accommodation component of the development will not in any way be used for transient workforce accommodation. The market for the development is business seeking office space in Onslow. Given there is a general shortage of accommodation in the town, new businesses are obliged to address the accommodation shortfall for staff and management. We have sought to locate the accommodation component within each office building as we believe this to be the most practical means of resolving the issue.

In demonstrating the market demand for office space we will be providing expressions of interest from potential tenants seeking to lease commercial office space and associated accommodation."

A full extract of the applicant's response is attached.

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The proposal:

Details:

- i) Zoning of site: Commercial and Civic
- ii) Site Area: 1012M2
- iii) Setbacks: Second Ave - 6.1m
Rear Lane – 4.05m
Side boundaries – 1.5m (average to north/west side boundary)
– 8 m (average to south/east side boundary)
- iv) Gross floor area: 656m2 (64.8%)
- v) Plot Ratio: 0.32.8:1
- vi) Elevations:
Two storey buildings to be constructed externally of a combination of dark grey blockwork and custom orb colourbond in the upper reaches and external walls comprising textured sheeting finish.
- vii) Design:
The buildings essentially comprise three "two story pods" with a 1.8m high colourbond fence encompassing this lot.
- ix) Car Parking: Spaces required:
Office - One per accommodation unit, plus one per three units for visitor spaces.
Manager - One space per unit.

- x) **Building Ground**
All built upon areas will have a minimum ground level of 5AHD. The Scheme requires a minimum of 5AHD.

- xi) **Landscaping:**
Indicative only – the Applicant advises that the three (3) existing trees to the front of the site (Second Avenue) will be retained

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

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Comment

Availability of reticulated water:

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

“the capacity of the site and surrounding locality to support the development including:

(iv) public and utility infrastructure and community services;”

The Shire has only recently been advised that the provision of water supply services to Onslow is at capacity. Water Corporation has advised that no additional connections are available using the existing infrastructure and supply. In this regard the Shire referred the application to Water Corporation who advised (verbally) that no objection to the staging of the development (i.e. the construction of one unit can be supported until the reticulated water supply in Onslow is upgraded. The applicant has advised that they would be prepared to have a conditional approval that would have a commencement period when a reticulated service is available to the land. If this is acceptable to Council, then the normal period of time associated with development approvals (2 years) should be expanded to 5 years.

Zoning of Site:

The subject land is rectangular in shape and zoned Commercial and Civic under the Scheme. It is also included in the 'Onslow Coastal Hazard Areas Special Control Area' and in this regard, the minimum floor height in the 'Onslow Coastal Hazard Areas Special Control Area' is required to be 5AHD. This has been depicted on the submitted plans showing 5AHD.

Site Area:

There is no minimum site area requirement for development under the Scheme.

Setbacks:

Considering the proposal is for a commercial/residential development in a commercial zone, the setbacks appear reasonable and satisfy Building Codes of Australia (BCA) requirements in relation to heights of buildings. Although the Residential Planning Codes do not apply to the zone, it is reasonable that the setbacks for the development to the adjoining property (used for residential purposes) reflect the setback requirements from the Codes, as it ensures adequate residential amenity for the adjoining land.

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The setback of 1.5m shown to north/west side boundary is acceptable as it does not provide any openings. The setback to the south/east is acceptable as it is some 8m from the boundary.

Gross Floor Area/Plot Ratio/Site Coverage:

The Scheme does not contain maximum limitations in these areas. Clause 6.10 of the Scheme indicates that development in the subject zone should be in keeping with a specific strategic or policy statement, however, in the absence of such documents Council shall take into account matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures.

The plot ratio of 0.33:1 is less than other developments in the same zone that have recently approved by Council. Accordingly, the development is not considered an overdevelopment of a commercially zoned site.

Elevations:

The elevations appear reasonable, providing a relief of finish and textures.

Management:

The manager's units can only be accessed through the downstairs commercial office area. It is unlikely that there would be an opportunity to easily modify the building to provide independent access to the manager's units. The Applicant has also addressed the concerns raised by Council with respect to management arrangements.

Density:

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

Car Parking:

Eleven (11) spaces are shown on the plan while the Scheme requirement can be calculated as 11 spaces, with two spaces (2) formed as tandem. On the layout provided, it would be possible to design to achieve non tandem parking however because the residential component is directly associated with the office use, the tandem arrangement is supported.

Second Avenue includes significant and important trees established in the road reserve that add to the character of Onslow. The plan submitted shows these trees and it is concluded that access arrangements will not require the removal these trees. It is appropriate that should planning approval be issued, a condition be included that prevents the existing trees from being removed. It should also be recommended that the parking areas be suitably paved/sealed. Access is proposed from the ROW which as a condition would need to be sealed (at the developer's expense) for the length of the property frontage to the ROW.

Building Ground Levels:

The site is located in the rear of the frontal dune system of the Onslow Coastal Hazard Area. This requires construction areas to be built up to 5m AHD in accordance with clause 7.3 of the Scheme. The proposed development provides for all new structures on the land to be built at this level.

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The car parking will be provided at the existing ground level. This is permitted under clause 7.3.8 of the Scheme, as these areas will be non-habitable.

Landscaping:

Should Council issue planning approval, it is appropriate that landscaping be a condition of any Approval. There would be opportunities within the parking areas and adjacent to the units for landscaping to be undertaken.

Overall:

It is noted with interest that the proposal is probably the first commercial office use proposed within Onslow for a very long time. With the likely demand for commercial office areas in Onslow, this should be encouraged.

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

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

The Shire has discussed the matter of dealing with applications in Onslow with the Shire's solicitor. The advice provided is that Council would be well within its rights to refuse any development Application because an important element of infrastructure (i.e. reticulated water) is not available. However, it is acknowledged that the Water Corporation has indicated that the time frame to upgrade the system is 2015.

It is questioned as to whether the Applicant should be penalized for the limitations of the water system that is not within their control. In this regard, it is suggested that if Council seeks to approve the Application, a condition be included that links the issue of the Building Licence with an agreement with the developer and Water Corporation with the provision of water. Any time limit for an approval should be extended from the normal 2 year period to 5 years - to account for the Water Corporation's upgrade of the system.

Should the upgrade not be available after the 2015 approval time limit, the Applicant could seek an extension of time or the approval would lapse.

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Manager Building Services
Water Corporation
Shire's Solicitor

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Under the Scheme, an office is a 'P' use and the caretakers dwelling incidental use to the office. These uses do not require advertising pursuant to the Scheme. Accordingly, the Application has not been advertised although it is open for Council to advertise any application it sees fit. Given that the proposal reflects the purpose of the zone and has been designed to reflect the set back provisions of the RCodes, advertising is not considered necessary.

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 Onslow Coastal Hazard Areas Special Control Area' where the minimum floor height is 5AHD.

Planning and Development Act, 2005
Building Code of Australia

Policy Implications

The application needs to be assessed against the Shire's Local Planning Policy – Caretaker's Dwelling. Traditionally, the types of caretaker's dwellings considered by the Shire have been transportable units sited within industrial or commercial areas. The Application before Council is significantly different to those proposals previously considered. The area of the Local Planning Policy the Application differs is as follows:

<i>Local Planning Policy</i>	<i>Application</i>	<i>Comment</i>
Only one caretaker's dwelling per lot.	One caretaker's dwelling is proposed for each office unit.	The proposal reflects a general shortage of accommodation in Onslow and allows the office user to live on the site and be directly associated with the office
Caretaker's dwelling is to contain 1 bedroom only within a total floor area that does not exceed 80 square metres measured from the external face of walls	The net floor area of the caretakers dwellings are 90m ² and comprise 3 bedrooms.	The extended area and additional bedrooms are not considered to be unreasonable given that access to the 'dwelling' is via the office.

On the basis of the above, it is recommended that on this occasion, that Local Planning Policy be varied as the design and commitment from the applicant will ensure the operation of the upper story will be used for caretaker's purposes.

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council:

- 1) Approve the development application made by Modus Design P/L for land at Lot 311 (No 16) Second Avenue Onslow, to construct and use for the purposes of three (3) ground floor offices along with three (3) first floor manager's unit ('caretakers dwelling') generally in accordance with the submitted plans, subject to the following conditions and foot notes:
 - a) The use shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the approved development to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton. A building licence shall not be issued until written confirmation from Water Corporation is provided to the Shire that a full reticulated water service to the site is available.
 - b) A building licence for the development should be obtained prior to 22 September 2015. This Planning Approval lapses if a building licence for the development has not been obtained by 22 September 2015. Further to this, if the development is not substantially commenced in accordance with the building licence by 22 September 2015 and a reticulated water supply is not available to service the development by this date, then this Planning Approval lapses at that date.
 - c) With the permission of the Shire of Ashburton, this Planning Approval may be extended.
 - d) Unless with the written consent of the Council, the car parking and landscaping shall be completed to the satisfaction of the Shire prior to the occupation of the development.
 - e) The use of transportable buildings in the development in any form is not permitted.
 - f) Prior to the issue of a building licence, the Applicant shall enter into a written agreement with the Shire of Ashburton for sealing the length of the ROW from the nearest adjoining road to the crossover at the rear of Lot 311. All costs associated with the sealing of the ROW along with Shire legal costs for the agreement shall be at the expense of the Applicant.
 - g) Plans submitted with the building licence are to be generally in accordance with plans submitted show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.
 - h) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
 - i) The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing to adjoining land shall consist of appropriate acoustic materials, a minimum 1.8 metres in height (above 5AHD) and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application.

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j) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building licence application.

k) The uses when established shall at all times comply with the following definitions of the Scheme as follows:

Office” is defined as: “a building or part of a building used for the conduct of administration, the practice of a profession, research, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, but does not include administration facilities required in association with a predominant use on site.”

Caretakers dwelling is defined as: “dwelling on the same site as a building, operations or plant, and occupied by a supervisor of that building, operation or plant.”

l) A geotechnical report covering the development area being prepared by the Applicant at the Applicant’s cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.

m) Compaction and stabilisation must be carried out to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.

n) All loading/unloading of vehicles is to be conducted within the site at all times.

o) No outside storage of goods.

p) The finished lower floor levels of the proposed buildings must be a minimum of 5.0 metres above AHD. Evidence to this requirement from a practising registered surveyor must be submitted with the building application.

q) Prior to the occupation of the use, the provision on-site of not less than the required parking bays as defined under the Scheme shall be undertaken by the Applicant. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] to be designed, constructed, sealed, drained, marked and thereafter maintained to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.

r) Street trees in Second Avenue shall not be removed as part of the access arrangements to the development.

s) Plans submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.

t) The provision of a suitably screened bulk bin area/s for refuse to the specifications and satisfaction of the Shire of Ashburton prior to occupation of the development. Details to be submitted with the building licence application.

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- u) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location and:
- species of all trees to be removed and / or retained;
 - type of fencing to be installed;
 - of reticulation to be installed; and
 - type of paving to be installed.

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

- v) Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the use and thereafter maintained to the satisfaction of the Shire of Ashburton.
- w) The development being connected to a reticulated water supply or other alternative to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development.
- x) The development being connected to a reticulated deep sewer to the satisfaction of the Shire of Ashburton and the Water Corporation prior to occupation of the development. Full plumbing details must be submitted with the building licence application.
- y) The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events.

Advise the Applicant as follows:

- i) This Planning Approval is issued with the knowledge that a reticulated water supply for the use is currently not available. It is issued with the Applicant's full awareness that such a supply may not be available for many years. The Applicant has advised the Shire that it will not seek a building licence until confirmation from Water Corporation that a full reticulated water service to the site will be available.
- ii) The office use shall not be converted to that of a shop unless the written consent of the Shire is given. A shop use will require car parking to be at a rate of one space per 30m².
- iii) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) that are to be approved by the Shire's Principal Building Surveyor prior to the issue of the Building licence.
- iv) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.

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- v) The Applicant is advised that the residential component of the Planning Approval is approved for the purposes of 'caretakers dwelling'. Transient workforce accommodation cannot be given consent by Council on the land as it is prohibited under the Planning Scheme.
- i. Transient workforce accommodation is defined as: *"dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"*.
- vi) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- vii) The Water Corporation recommends that with respect to the provision of any landscaping in Onslow, the following should be undertaken to ensure the most efficient use of water. The Shire anticipates that this advice will be provided on any approved landscaping plan:
1. Appropriate soil amendment / conditioning for the region, which forms the best basis for plants to survive and thrive (depth of 300mm for garden beds)
[://www.watercorporation.com.au/W/waterwise_karratha.cfm](http://www.watercorporation.com.au/W/waterwise_karratha.cfm)
 2. Waterwise irrigation with improvements in irrigation scheduling and application and use of rain sensors
[://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf](http://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf)
 3. Adequate mulching to retain moisture (5 to 7.5cm thickness recommended).
- viii) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- ix) Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

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

FILE REFERENCE: ON.SE.308

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

NAME OF APPLICANT/RESPONDENT: Bachkit

DATE REPORT WRITTEN: 5 September 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

An application for Planning Approval has been lodged for holiday accommodation comprising 9 single bed tourist units (5 two storey and 4 single storey) on Lot 308, the corner of First Avenue and Simpson Street Onslow. The Applicant has approval for a similar development at Lot 309, on the corner of Second Avenue and Simpson Street that includes manager's accommodation.

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

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

Background

The subject, 989m² site is zoned "Commercial and Civic" under the Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") and is presently occupied by a duplex. The Shire (under delegation) has previously issued planning approval for the duplex. The current development would not limit a further dwelling (potentially 2 storey) towards the First Avenue frontage. The only limitation would be a setback of 4 metres to First Avenue in accordance with the "Local Planning Policy – Parking and Setbacks - First Avenue, Onslow".

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Proposal

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

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

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

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

Details:

- i) Zoning of site: Commercial and Civic
- ii) Site Area: 990^{m²}
- iii) Setbacks: First Avenue – 7.8m
Simpson Street – 4.0m. Rear Lane - 1.0m
Side boundary – 2m
- iv) Gross floor area: 435m²
- v) Plot Ratio: 0.43:1
- vi) Elevations: Two storey buildings to be constructed externally of corrugated colourbond steel. The wall sheeting will be laid horizontally with the roof having an 180⁰ pitch. Sufficient openings of various sizes would appear to preclude any blandness.
- vii) Design: The buildings essentially comprise five “two storey pods” with a optional swimming pool/pergola/bbq area located towards the First Avenue/Simpson Street frontage. It is understood that the pool may not be constructed due to the limitation on reticulated water. A 1.8m high masonry wall will encompass this area. A “common area” is to be located mid-site between three unit buildings.

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ix) Car Parking: Spaces required:

One per accommodation unit, plus one per every three units for visitors	12
Spaces provided	13

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

xi) Landscaping: Indicative only.

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

ATTACHMENT 13.09.51

Comment

Zoning of Site:

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

Site Area:

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

Setbacks:

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

The setback to Second Avenue will ensure adequate sight distance is maintained across the intersection. However, although the Residential Planning Codes do not apply to “holiday accommodation”, it is reasonable that the setbacks for the development to the adjoining property (used for residential purposes) reflect the setback requirements from the Codes, as it ensures adequate residential amenity for the adjoining land. In this regard, the plans have been assessed under the codes and found to reflect the necessary setbacks. It is recommended however for privacy purposes, a screen be provided for units 10 and 11 as they front to the ROW.

Gross Floor Area/Plot Ratio/Site Coverage:

The Scheme does not contain maximum limitations in these areas. Clause 6.10 of the Scheme indicates that development in the subject zone should be in keeping with a specific strategic or policy statement, however, in the absence of such documents Council shall take into account matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures. It is considered however that a plot ratio of less than 0.5:1 with a relatively low site coverage within a commercial zone is very liberal with what is offered not constituting an overdevelopment of the site.

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Elevations:

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

Density:

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

Car Parking:

The number of parking spaces to be provided satisfies the provisions of the Scheme. Twelve (12) spaces are required and 13 have been shown on the submitted plans. All parking is designed on the basis of reversing from the site. Access is sought from the ROW which would need to be sealed (at the Applicant's expense) for the length of the property frontage to the ROW.

Building Ground Levels:

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

Landscaping:

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

Overall:

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

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

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

The Shire has discussed the matter of dealing with applications in Onslow with the Shire's solicitor. The advice provided is that Council would be well within its rights to refuse any development Application because an important element of infrastructure (i.e. reticulated water) is not available. However, it is acknowledged that the Water Corporation has indicated that the time frame to upgrade the system is 2015.

It is questioned as to whether the Applicant should be penalized for the limitations of the water system that is not within their control. In this regard, it is suggested that if Council seeks to approve the Application, a condition be included that links the issue of the Building Licence with an agreement with the developer and Water Corporation with the provision of water.

Any time limit for an approval should be extended from the normal 2 year period to 5 years - to account for the Water Corporation's upgrade of the system.

Should the upgrade not be available after the 2015 approval time limit, the Applicant could seek an extension of time or the approval would lapse.

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Manager Building Services
Water Corporation
Shire's Solicitor

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

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7 ('Scheme')
Statement of Planning Policy No. 2.6 - State Coastal Planning Policy - the Scheme was Gazetted after the introduction of the Policy and addressed in the '*Onslow Coastal Hazard Areas Special Control Area*' where the minimum floor height is 5AHD.

Policy Implications

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

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

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

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

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council:-

1. Approve the development application made by Bachkit for land at Lot 308 Corner of Second Avenue and Simpson Street Onslow to construct and use for the purposes of a 'holiday accommodation' generally in accordance with the submitted plans, subject to the following conditions and foot notes:
 - a) The use shall not commence until the developer has entered into an agreement with the Water Corporation for the supply of sufficient reticulated water to the land in order to serve the holiday accommodation, to the requirements of the Water Corporation and to the satisfaction of the Shire of Ashburton. A building licence shall not issue until written confirmation from Water Corporation is provided to the Shire that a full reticulated water service to the site is available.
 - b) A building licence for the development should be obtained prior to 22 September 2015. This Planning Approval lapses if a building licence for the development has not been obtained by 22 September 2015. Further to this, if the development is not substantially commenced in accordance with the building licence by 22 September 2015 and a reticulated water supply is not available to service the development by this date, then this Planning Approval lapses at that date.
 - c) With the permission of the Shire of Ashburton, this Planning Approval may be extended.
 - d) Unless with the written consent of the Council, the car parking and landscaping shall be completed to the satisfaction of the Shire prior to the occupation of the 'holiday accommodation'.
 - e) Prior to the issue of a building licence, plans shall be submitted showing the following:

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- i) privacy screens to face the right of way for units 10 and 11;
 - ii) manager's unit for a ground floor unit unless an agreement subject to Condition f is undertaken with the Shire of Ashburton.
- f) Prior to the issue of a building licence, the Applicant shall enter into a written agreement with the Shire of Ashburton for:
- i) sealing the length of the ROW from the nearest adjoining road to the crossover at the rear of Lot 308; and
 - ii) management arrangement with the owner of Lot 309 for the management operation for both Lot 308 and 309 that will be in perpetuity over both lots.

All costs associated with the sealing of the ROW along with Shire legal costs for the agreement shall be at the expense of the Applicant.

- g) Plans submitted with the building licence are to be generally in accordance with plans submitted show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.
- h) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
- i) The use of transportable buildings in the development in any form is not permitted.
- j) The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing to adjoining land shall consist of appropriate acoustic materials, a minimum 1.8 metres in height (above 5AHD) and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application.
- k) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building licence application.
- l) The uses when established shall at all times comply with the definition of 'holiday accommodation' as contained within the Scheme as follows:
"any land and/or buildings used predominantly by travellers and holiday-makers and designed to take advantage of a tourist attraction or other locational consideration for tourism reasons including camping areas, areas for two or more movable dwellings, chalet parks and serviced apartments or any combination thereof but excluding Bed/Breakfast facilities (which are within the definition of home business), hotel and motel".

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- m) A geotechnical report covering the development area being prepared by the Applicant at the Applicant's cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
- n) Compaction and stabilisation must be carried out to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
- o) The meeting room shall only be used by occupiers of the facility and their guests. Should the use of the meeting room generate off site impacts due to parking concerns, Council reserves the right to direct that the meeting room only be used by occupiers of the facility.
- p) All loading/unloading of vehicles is to be conducted within the site at all times.
- q) No outside storage of goods.
- r) The finished lower floor levels of the proposed buildings must be a minimum of 5.0 metres above AHD. Evidence to this requirement from a practising registered surveyor must be submitted with the building application.
- s) Prior to the occupation of the use, the provision on-site of not less than the required parking bays as defined under the Scheme shall be undertaken by the Applicant. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] to be designed, constructed, sealed, drained, marked and thereafter maintained to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
- t) Plans submitted with the building licence application are to show details of stormwater and roof run-off disposal to the satisfaction of the Shire of Ashburton.
- u) Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate the location and:
- species of all trees to be removed and / or retained;
 - type of fencing to be installed;
 - of reticulation to be installed; and
 - type of paving to be installed.

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

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

Advise the Applicant as follows:

- i) This Planning Approval is issued with the knowledge that a reticulated water supply for the use is currently not available. It is issued with the Applicant's full awareness that such a supply may not be available for many years. The Applicant has advised the Shire that it will not seek a building licence until confirmation from Water Corporation that a full reticulated water service to the site will be available.
- ii) The Applicant is advised that the Planning Approval is for the purposes of 'holiday accommodation'. Transient workforce accommodation cannot be given consent by Council on the land as it is prohibited under the Planning Scheme. Transient workforce accommodation is defined as: *"dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"*.
- iii) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) that are to be approved by the Shire's Principal Building Surveyor prior to the issue of the Building licence.
- iv) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.

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- v) The Water Corporation recommends that with respect to the provision of any landscaping in Onslow, the following should be undertaken to ensure the most efficient use of water. The Shire anticipates that this advice will be provided on any approved landscaping plan:
1. Appropriate soil amendment / conditioning for the region, which forms the best basis for plants to survive and thrive (depth of 300mm for garden beds)
[://www.watercorporation.com.au/W/waterwise_karratha.cfm](http://www.watercorporation.com.au/W/waterwise_karratha.cfm))
 2. Waterwise irrigation with improvements in irrigation scheduling and application and use of rain sensors
[://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf](http://www.watercorporation.com.au/files/waterwise/Waterwise_Display_Village_Criteria_2010.pdf)
 3. Adequate mulching to retain moisture (5 to 7.5cm thickness recommended).
- vi) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- vii) 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).

Author: Rob Paul	Signature:
Manager: Keith Pearson	Signature:

**13.09.52 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT LOT 331
(NO. 8) THIRD AVENUE, ONSLOW**

FILE REFERENCE: 20101457

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

**NAME OF APPLICANT/
RESPONDENT:** Ric and Kylie Gleadell
(Owner and Applicant)

DATE REPORT WRITTEN: 2 September 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A development application has been submitted by the owners of Lot 331 (No. 8) Third Avenue, Onslow to operate a "residential building" use within the existing dwelling, 'museum' and pensioner relative unit on the subject site.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a R Code of 12.5/30 and lists the proposed use "residential building" as a land use which Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions and no objections were received.

The Application reflects the provisions of the adopted '*Local Planning Policy - Conversion of Dwellings to Residential Buildings*'.

The dwelling and the modified pensioner relative unit could be used for the purpose a Residential Building for up to 6 persons (5 within the dwelling and 1 for the Granny Flat'.
The museum however could not be used as it would not have been constructed to a Class 1 standard under the Building Code of Australia.

It is recommended that the "residential building" use within the existing dwelling be approved subject to a number of conditions (including a requirement that operation of the use to be reviewed after a period of twelve months).

Background

Lot 331 (No. 8) Third Avenue, Onslow has an area of 1011m² and is occupied by a three (3) bedroom dwelling, 'museum' and pensioner relative unit ('granny flat'). A cleared parking area

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has been established within the front setback of the dwelling and 'museum'. It is estimated that this parking area would cater for between 3-4 vehicles.

It is clear that the 'shell' museum was established for many years on the site however there is no record of Council planning approval being issued for the operation of the museum. The 'granny flat' did not require planning approval but a Building Licence was issued.

Council resolved at the August 2009 meeting that draft '*Local Planning Policy - Conversion of Dwellings to Residential Buildings*' would be adopted. Final advertising of the adopted Policy in accordance with the Scheme took place on 11 September 2009. This is the primary planning document which Council should have regard to when assessing the subject application.

Proposal

A development application has been submitted by the owner of Lot 331 (No. 8) Third Avenue, Onslow to operate a "residential building" use within the occupied by a three (3) bedroom dwelling, 'museum' and pensioner relative unit on the subject site. It is proposed that 6 persons be accommodated within the 'residential building'- this being 3 persons in the dwelling, one in the 'granny flat' and two within the converted 'museum'.

A location plan and correspondence from the Applicant in support of the application is attached.

ATTACHMENT 13.09.52

Comment

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

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

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

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

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

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

The subject land is zoned Residential in the Local Planning Scheme No. 7 ('Scheme') with an R Coding of 12.5. Within such a zone a Residential Building is a 'D' use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and no objections were received.

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This would result in 6 persons being accommodated within the 'residential building'- being 3 persons in the dwelling, one in the 'granny flat' and two within the converted 'museum'.

Planning Policy

The proposal is also subject to the provisions of Council Policy *PLA10 – Non-Residential Land Users in Residential Areas*.

While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application.

The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

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

More specific to the Application is *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*'.

Clause 4.5 of the Policy states:

- a) *Applications will be examined with regard to the following:*
- i) *potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - ii) *to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - iii) *car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and*
 - iv) *residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
- i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
 - ii) *where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If,*

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after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;

- iii) smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;*
- iv) any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;*
- v) car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
- vii) in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

In considering the current proposal against both *PLA10 - Non-Residential Land Users in Residential Areas* and *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*, the following comments are made.

Location

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

Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue to a period of twelve months after which time the use could be reviewed.

Noise Generation

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

In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use. Vehicles with operating audible reversing warning systems should be prohibited.

Essential Services and Waste Disposal

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

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Traffic Implications

The plans submitted with the Application depict a general parking area. In accordance with Council Policy, only three (3) would be required. While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

The Applicant has provided a 'fire escape plan' information to residents on cyclone evacuation contingency.

The intent of the Shire requiring operators to provide occupants of the Residential Building information on cyclone evacuation contingency is that it is likely that the occupants are recent residents to the Onslow and have not had the same degree of cyclone experience of the Applicant. Cyclone alert information is provided by the Shire to residents on a continuous basis and it is this information along with emergency contact details the Shire wishes to ensure that as a manager, the Applicant ensures is made available to occupants. The intent is to have a manager responsible for the distribution of such information to the occupants.

Building Modifications

The policy requires that the appearance of the proposed non residential use should not impact on the residential character of the surrounding area. It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

Use of the Museum and the 'Granny Flat'

Under the Residential Planning Codes, the 'Granny Flat' is more correctly defined as an aged or dependant person dwelling, which is a permissible use in the zone and importantly, is not regarded as an 'additional dwelling' under the R codes.

Therefore, the density provisions do not apply to an aged or dependant person dwelling. There is no discretion to use the aged or dependant person dwelling or to convert the 'museum' to independent units.

It would be possible to treat the 'Granny Flat' as a building associated with a dwelling where the kitchenette is removed (ensuring that it is not a separate dwelling).

However, the museum has never been built or designed for residential purposes and it would be unlikely that it would have been constructed to a Class 1 standard under the Building Code of Australia.

However, the dwelling and the modified 'Granny Flat' could be used for the purpose a Residential Building in accordance with the Residential Building Policy for up to 6 persons (5 within the dwelling and 1 for the 'Granny Flat').

Statutory Environment

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

Policy Implications

Council Policy PLA10, *Non-Residential Land Uses in Residential Areas* and *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings* are relative to this issue.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority required.

Officers Recommendation

That Council:

1. Approve the development application made by Ric and Kylie Gleadell to use the existing dwelling and associated buildings at Lot 331 (No. 8) Third Avenue, Onslow for the purposes of a residential building subject to the following conditions:
 - a. The development shall comply with the Shire of Ashburton's Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.
 - b. Not more than six (5) guests shall be accommodated within the dwelling and one (1) in the 'Granny Flat' building at any one time.
 - c. The 'Granny Flat' shall be modified by the removal of the kitchen in order that all food preparation facilities will be from the dwelling, prior to the use of commencing. The owner shall notify the Shire in writing once the kitchen has been removed.
 - d. Not less than three (3) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be made available to the Residential at any one time.
 - e. All car parking generated by the use shall occur within the boundaries of the property.
 - f. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency and approved in writing by the Shire of Ashburton.
 - g. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.

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- h. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.
 - i. The use shall be managed to the satisfaction of Council at all times.
 - j. Without the further written consent of the Chief Executive Officer, Ric and Kylie Gleadell are entrusted with the management responsibility for the use hereby approved.
2. Note

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

Author: Rob Paull	Signature:
CEO: Keith Pearson	Signature:

13.09.53 PROPOSED NAME OF NEW ROAD OFF BOONDEROO ROAD, TOM PRICE

FILE REFERENCE:	TP.BN.208
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	8 September 2010
DISCLOSURE OF FINANCIAL INTEREST:	The Author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda 10.05.13 Ordinary Meeting of Council 22 May 2007.

Summary

The Shire owns freehold a 2.2624Ha parcel of land in Boonderoo Drive (Lot 308) and the land is surplus to Shire requirements. At the Council meeting of 17 February 2010, Council supported subdivision of the land into 7 lots (plus the balance of the title). The WAPC approved the subdivision subject to conditions.

As part of the clearance of the subdivision, Council needs to provide a name for the new road.

In April 2006 Council resolved to seek community input into the naming process by holding a competition to identify an appropriate name. The street names identified during the community competition are set out in this report. Only one road name (Stothers Road) has been used since Council considered the naming of roads in 2006.

It is recommended that Council chose a name of the new road.

Background

The Shire owns freehold a 2.2624Ha parcel of land in Boonderoo Drive (Lot 308) and the land is surplus to Shire requirements. At the Council meeting of 17 February 2010, Council supported subdivision of the land into 7 lots (plus the balance of the title). The WAPC approved the subdivision subject to conditions. As part of the clearance of the subdivision, Council needs to provide a name for the new road. Shown on the attached plan.

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The naming of all roads must satisfy the Principles, Guidelines and Procedures of the Geographic Names Committee (Landgate).

The new road climbs from Boonderoo Road in an westerly direction ending as a 'cul-de-sac'. The following suffixes are acceptable for culs-de-sac:

- Close – a short enclosed roadway.
- Court – a short enclosed roadway.
- Crest – a roadway running along the top or summit of a hill.
- Hill – a roadway going up a natural rise.
- Rise – a roadway going to a higher place or position.

The possible combinations are endless. Councillors may have their own views on the matter.

Comments

In mid 2006, the Shire sought public comment on road names. Despite media releases being issued, radio news items being aired and newspaper articles being published in locally circulating newspapers, the initial response to the invitation to submit a road name was very disappointing. For this reason the time for public submissions was extended. As a consequence a total of 28 names were submitted, these being:

Miners Outlook	To reflect the long term commitment many Hamersley Iron personnel and families have given to the company
Unutterable Heights	Reflects not only the landscape and panoramic scenery but also the community
Ochre Heights	Truly reflects the colour of our town and surrounds
Jarndunmanha Rise	Reflecting the traditional name of the mountain that was assumed to have no name. The name acknowledges that the Aboriginal people of this area have an extensive history with the land
Proudeview Crest	In honour of Rex Proude
Eucalyptus Court	To reflect one of the most important plant species in the area
Mountain Views St	Views of mountain
Nameless Hieghts	Views of Mt Nameless (town icon)
Stothers Road	In honour of long term resident (used for the 'new road' off Central Road, Tom Price).

(the descriptions listed above were included in the entries)

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- Rio Tinto Rise
- Hancock Drive
- Hamersley Way
- Dingo Rise
- Cockatoo Crest
- Cockateel Crest
- Sturt Court
- Spinifex Rise
- Red Rock Rise
- Mulga Court / Rise
- Peble Mouse Hill
- Python Court
- Finch Hill
- Eagle Court
- Nameless View
- King Brown Court
- Scorpion Tail Court
- Red Back Rise
- Mountain View

Should Council not favour any of the names submitted, it may choose an alternative name.

Consultation

In 2006, an extensive community consultation programme was undertaken in the form of a public competition and which was subject of radio and newspaper articles. On the basis of the consideration of Council in September 2006, no further consultation is recommended.

Statutory Environment

Land Administration Act 1997

Local Government Act (1995)

In compliance with the Geographic Names Committee's Principles, Policies and Procedures.

Policy Implications

There are no policy implications relative to this matter

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

There are no strategic implications relative to this matter.

Voting Requirement

Simple majority vote.

Recommendation

That the new road off Boonderoo Road Tom Price be named

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

Author: Rob Paull	Signature:
CEO: Keith Pearson	Signature:

AGENDA – ORDINARY MEETING OF COUNCIL 15 SEPTEMBER 2010

13.09.54 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	SM 08/10	9.08.10	Applications for Planning Approval for the construction of a gas treatment and compression plant, and transient workforce accommodation connected to the off-shore gas field by a pipeline, and construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury Natural Gas Pipeline, Onslow Road, Ashburton North	<p>It is recommended that Council:</p> <p>1. Acknowledge Planning Applications:</p> <p>i. Construction of a gas treatment and compression plant, connected to the off-shore gas field by a pipeline, transient workforce accommodation and private road (Shire Ref: 20101070) at:</p> <ul style="list-style-type: none"> • Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd; and • Lot 153 on Deposited Plan 220110 contained in Crown Land Title LR 3135/585 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd. <p>(34 conditions and 9 notes)</p>	Finalised Considered at Special Meeting of Council held on 4 August 2010. Awaiting decision from Minister for the Environment before Approval can issue.
2	08/10	13.08.41	Extension of Time Accommodation Approvals –Barrow Island	The Item Lay on The Table	Item in September 2010 Agenda
3	08/10	13.08.42	Extension of time for Planning Approval - Proposed Additional Accommodation Facilities Parburdoo Hotel Lot 622 McCrae Avenue Parburdoo	<p>Council instruct CEO to write to proponent seeking more information in relation to:</p> <p>(a) the reason for the delay in acting upon the original develop approval and;</p> <p>(b) the precise nature of the proposed use.</p> <p>Reason for Change Council was concerned that there appears to have been sufficient time for the applicant to act on the original approval. Further, Council desired clarification with respect to the market which the applicant proposes to cater for.</p>	Item likely to be referred to Council in October 2010

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
4	08/10	13.08.43	Planning Application - proposed mixed use development comprising three two storey office/residential (manager's units), LOT 311 (No. 16) Second Avenue Onslow	Council instruct the CEO to request further information from applicant in relation to the precise nature of the proposed use of the second floor of buildings. Reason for Change Council desired clarification with respect to the accommodation market which the applicant proposes to cater for.	Item in September 2010 Agenda
5	08/10	13.08.44	Draft Town Planning Scheme Amendment No. 12 - to include a new scheme provision that encourages the consolidation of vacant residential zoned lots in Tom Price And Paraburdoo	<p>That Council, 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") that proposes:</p> <p>1. Modifying Clause 6.6 of the Scheme by inserting the following clauses:</p> <p style="padding-left: 20px;">“6.6.2 Notwithstanding any other provision of the Scheme, where reticulated sewerage and water is available to a lot in Tom Price and Paraburdoo:</p> <p style="padding-left: 40px;">(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 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;</p> <p style="padding-left: 40px;">(b) subject to Sub-Clauses (d), 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 within any area coded R20 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;</p> <p style="padding-left: 40px;">(c) subject to Sub-Clause (d), the local government may for the purposes of urban consolidation, only consent to the development of a vacant lot for the purposes of grouped</p>	Amendment documents currently being prepared in accordance with Council decision.

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				<p style="text-align: center;">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</p> <p>(d) 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; and</p> <p>(e) in considering any application lodged pursuant to Sub-Clauses (a), (b) & (c) the local government may approve an application where the lot is not vacant at the time of application, provided the local government includes a condition of approval requiring a signed agreement committing the land owner to the removal of any buildings before commencing any works.”</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 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>3. That prior to advertising, the views of the Western Australian Planning Commission (WAPC), the Department of State Development (DSD) and Rio Tinto (RTIO) be sought concerning the draft Amendment.</p> <p>4. That following response from the EPA in accordance with Part 2 above and the WAPC, DSD and RTIO in accordance with Part 3, the matter be referred back to Council for further consideration. In preparing a further Report on the</p>	

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				<p>matter, the Chief Executive Officer be requested to:</p> <ul style="list-style-type: none"> i) Address the responses from the EPA, WAPC, DSD and RTIO; and ii) Provide a draft Local Planning Policy that addresses the necessary residential design criteria and any special town related matters. 	
6	08/10	13.08.45	Extension of time - transient workers accommodation facility, Deepdale Drive, Pannawonica	<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Clause 5.12.2 of the Shire of Ashburton Local Planning Scheme No. 7 extend the term of Planning Approval 83 person workers accommodation facility on the west side of Deepdale Drive, Pannawonica until 24 August 2013. 2. Instruct the Chief Executive Office to write to the remind RTIO that Camp David: <ul style="list-style-type: none"> i. was established as a temporary camp; ii. the original Planning Approval in 2005 and extension of time in 2007 did not include a provision that would automatically extend the life any Approval; and iii. on the basis that Camp David was approved as a construction camp, the Council is unlikely to extend the life of the camp beyond 2013. 	RTIO advised of Council's decision
7	07/10	13.07.38	Planning Scheme Amendment No. 9 - Ashburton North Strategic Industrial Area, Onslow – Adoption For Final Approval	<ol style="list-style-type: none"> 1. That Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i>, adopt draft Amendment No. 9 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying the Scheme to read as follows: <ol style="list-style-type: none"> 1. Modifying Clause 6.11.8 of the Scheme to read as follows: <p>"6.11.8 When considering applications for planning approval in the Strategic Industry zone, Local Government shall ensure that the proposal:</p> <ul style="list-style-type: none"> (a) optimises the effectiveness of the zone as a strategic industrial area and utilises major infrastructure, creates symbiosis with other industries or includes resource processing industry; 	Ongoing Amendment forwarded to WAPC and then to Minister for Planning for consideration

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				<p>(b) complies with the requirements of any endorsed Structure Plan; (c) is significant to the regional and/or state economies; or (d) provides goods and services which directly support or compliment industries described in (a) and (b) of this sub clause; and (e) minimises or offsets impacts on local infrastructure, economic and community development". (4 clause amendments, 9 planning requirements)</p>	
8	06/10	13.06.31	Draft Town Planning Scheme Amendment No. 8 –Modifications To Strategic Industrial Zone To Prohibit Transient Workforce Accommodation.	<p>2. 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>3. That Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</p> <p>4. 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.
9	05/10	13.05.28	Adoption of Draft Townsite Strategy - Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note this Report and Schedules 1-3. (Attachments 13.05.28(a)(b)(c)) 2. Accept the late submissions (Schedule 3). 3. Modify and adopt the draft Onslow Townsite Strategy in accordance with the recommendations reflected in Schedules 1-3 and the Report to Council. 	Ongoing Modified Strategy has been provided to the Department of

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				4. Request the Western Australian Planning Commission to endorse the Onslow Townsite Strategy as adopted by Council.	Planning for finalisation – once completed, it will be forwarded to the WAPC for adoption. (May 2010)
10	02/10	13.02.08	Draft Town Planning Scheme Amendment No 6. Modifications to the Minimum Lot Size Provisions in Industrial Zones (Consideration of Adoption for Final Approval)	<ol style="list-style-type: none"> 1. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2008</i>, adopt draft Amendment No. 6 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying Clause 6.11.4 of the Scheme to read as follows: <i>6.11.4 Local Government, in considering applications for subdivision/amalgamation of land shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000m² or include battleaxe access legs unless the subdivision / amalgamation proposes connection to reticulated sewer, water, power and drainage and is land included in an approved Development Plan pursuant to Clause 6.4 of the Scheme.</i> 2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment. 3. That the Council refer the draft Amendment so adopted for final approval, of the Hon. Minister for Planning. 4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulation 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. 	Approved by Minister and Gazetted.

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
11	05/08	13.05.23	Council Policy Review – Health	Directs the Chief Executive Officer to draft a new Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council	Ongoing – Close to finalising AEH-Strategy
12	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 back to Council for further consideration. 	Ongoing. Further information being gathered for Council. Being considered in association with draft Amendment No.8.

Officers Recommendation

That Council note the contents of this report

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14.09.0 WESTERN OPERATIONS REPORTS

14.09.17 WESTERN OPERATIONS DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
ENGINEERING					
1	05/10	16.05.06	Draft Ashburton North Community Investment Strategy	That Council support in principle the draft Ashburton North Community Infrastructure Strategy.	Ongoing Discussion with State Government agencies & resource companies.
2	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	Ongoing
3	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	Ongoing Waiting for finalised document from Health Team.
COMMUNITY					
1	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	Ongoing Continue to negotiate with Rio Tinto

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				uncosted b. The community plan largely consists of elements which are not community infrastructure or services c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement.	
CORPORATE					
1	03/05	12.03.120	Robe River Memorandum of Understanding	That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments: 1. The Shire of Ashburton leasing: <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.	Ongoing Work is ongoing – both Rio and Shire committed to outcome before end of financial year
DEVELOPMENT					
1	08/10	15.08.15	Onslow Multipurpose Centre External Colour Scheme Decision	Council select Option 2 as the colour scheme for the Onslow Multipurpose Centre.	Finalised Architects notified of choice.
2	12/08	13.12.408	Proposed Transfer of Emergency Services Building	That :- 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 	Ongoing This item to be escalated to finalise before

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				<p align="center">premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service.</p> <ol style="list-style-type: none"> 2. The necessary procedures required to affect the transfer be implemented. 3. The present designation of Lot 971 in the Shire's Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow. 4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued. 	Christmas

Officers Recommendation

That Council note the contents of this report

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

16.09.0 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.

17.09.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 October 2010, at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 9:00am.

18.09.0 CLOSURE OF MEETING