



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

**Ashburton Hall, Ashburton Avenue
PARABURDOO**

20 October 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 20 October 2010 at the Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson
CHIEF EXECUTIVE OFFICER

13 October 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.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

1.10.0	DECLARATION OF OPENING.....	5
2.10.0	ANNOUNCEMENT OF VISITORS	5
3.10.0	ATTENDANCE.....	5
3.10.01	PRESENT.....	5
3.10.02	APOLOGIES.....	5
3.10.03	APPROVED LEAVE OF ABSENCE	5
4.10.0	PUBLIC QUESTION TIME.....	5
4.10.01	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.10.02	PUBLIC QUESTION TIME	5
5.10.0	APPLICATIONS FOR LEAVE OF ABSENCE	6
6.10.0	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	6
6.10.01	PETITIONS.....	6
6.10.02	DEPUTATIONS.....	6
6.10.03	PRESENTATIONS	6
7.10.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
7.10.01	ORDINARY MEETING OF COUNCIL HELD ON 15 September 2010.....	6
8.10.0	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	7
9.10.0	DECLARATION BY MEMBERS.....	7
9.10.01	DECLARATION OF INTEREST	7
10.10.0	ENGINEERING SERVICES REPORTS	9
10.10.22	PROPOSED RELOCATION OF RECYCLING FACILITIES AT TOM PRICE AND PARABURDOO	9
10.10.23	CASUAL RATE – COMMERCIAL BINS	11
10.10.24	ENGINEERING SERVICES DECISION STATUS REPORT	13
11.10.0	COMMUNITY & ECONOMIC SERVICES REPORTS.....	18
11.10.11	COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT.....	18
12.10.0	CORPORATE SERVICES REPORTS.....	20
12.10.66	USE OF COMMON SEAL UNDER DELEGATED AUTHORITY	20
12.10.67	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF AUGUST AND SEPTEMBER 2010	22
12.10.68	ORDINARY MEETING OF COUNCIL – SCHEDULE OF MEETING DATES, TIMES AND LOCATION.....	24
12.10.69	COUNCIL CHRISTMAS FUNCTIONS ARRANGEMENTS FOR 2010.....	27
12.10.70	CORPORATE SERVICES STATUS REPORT	29
13.10.0	DEVELOPMENT SERVICES REPORTS	31
13.10.55	DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION – SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO.7	31
13.10.56	ENVIRONMENTAL HEALTH & TRADING IN PUBLIC PLACES FEES & CHARGES AMENDMENT	34
13.10.57	PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT ONSLOW AIRPORT (EXISTING DWELLING), ONSLOW/MOUNT STUART ROAD, ONSLOW	37

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

13.10.58	POSITION PAPER ON FLY-IN FLY-OUT WORKFORCE AND ACCOMMODATION.....	43
13.10.59	EXTENSION OF TIME FOR PLANNING APPROVAL – PROPOSED ADDITIONAL ACCOMMODATION FACILITIES PARABURDOO HOTEL LOT 622 MCRAE AVENUE PARABURDOO.....	51
13.10.60	PROPOSED SUBDIVISION – LOT 852 ONSLOW ROAD, ONSLOW (WAPC REF: 142846)	56
13.10.61	REQUEST FOR COMMENT ON DRAFT PLANNING SCHEME AMENDMENT NO. 10 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA, ONSLOW	61
13.10.62	PROPOSED SALES / OPERATIONS OFFICE FOR TOM PRICE TOWN CENTRE REVITALISATION	72
13.10.63	PLANNING APPLICATION – PROPOSED SALES/OPERATIONS OFFICE (ASSOCIATED WITH THE TOM PRICE REVITALISATION PROJECT) AT LOT 2 STADIUM ROAD, TOM PRICE	74
13.10.64	DEVELOPMENT SERVICES DECISION STATUS REPORT	78
14.10.0	WESTERN OPERATIONS REPORTS	86
14.10.18	WESTERN OPERATIONS DECISION STATUS REPORT	86
15.10.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	89
15.10.20	REQUEST BY HAMERSLEY IRON P/L TO EXTEND THE LIFE OF THE EXISTING 120 PERSON CONSTRUCTION WORKER ACCOMMODATION FACILITY AT PARABURDOO (KIRRA KULLI)	89
15.10.21	DEBTORS FOR WRITE OFF.....	94
15.10.22	LEASING OFFICE SPACE IN PERTH	96
15.10.23	RFT 18/10 STRUCTURE REVIEW	99
16.09.0	CONFIDENTIAL REPORTS	103
16.10.11	CONFIDENTIAL ITEM – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER	104
16.10.12	CONFIDENTIAL ITEM – EXECUTIVE MANAGER ENGINEERING SERVICES PERFORMANCE ASSESSMENT	105
17.10.0	NEXT MEETING	106
18.10.0	CLOSURE OF MEETING	106

1.10.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 9.02 am.

2.10.0 ANNOUNCEMENT OF VISITORS

There were no members of the public in the gallery when the meeting commenced. The Shire President announced that representatives from Chevron Australia Pty Ltd would attend the meeting at 9.30 am.

3.10.0 ATTENDANCE

3.10.01 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
Cr L Corker	Ashburton Ward
Cr S Dann	Pannawonica Ward
Mr K Pearson	Chief Executive Officer
Mr J Breen	Executive Manager Engineering Services
Mr L Softley	Executive Manager Community & Economic Services
Mr F Ludovico	Executive Manager Corporate Services
Ms A O'Halloran	Executive Manager Western Operations
Ms J Smith	Executive Assistant CEO

3.10.02 APOLOGIES

3.10.03 APPROVED LEAVE OF ABSENCE

4.10.0 PUBLIC QUESTION TIME

4.10.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no questions taken on notice at the Ordinary Meeting of Council held 15 September 2010.

4.10.02 PUBLIC QUESTION TIME

Cr White tabled the following questions. The questions were taken on notice and a written response will be prepared.

Q1. When did Council pass extensions to the Onslow Cemetery? What are the dimensions of the extensions?

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

- Q2. Why didn't Council tender the removal of the sand in the new extension?
- Q3. Are any other developers allowed to enter into agreements with the Shire to remove the dirt for free? Please note I have had lots of complaints as 2 trucks are operating 6 days a week within a 25 minute turn around stopping for 1 hour lunch since August.
- Q4. When did Council approve construction of a haul road?
- Q5. Was the removal of dirt for the cemetery extensions by tender or some other contract could Council provide us with a copy? We need to see consultants report relating to how much sand to be removed and the EPA report. How much sand has been removed and who is supervising what is happening? The report should tell us what the Water Department is in the new part of the cemetery.

5.10.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.10.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.10.01 PETITIONS

There were no petitions presented to Council.

6.10.02 DEPUTATIONS

There were no deputations presented to Council.

6.10.03 PRESENTATIONS

There were no presentations presented to Council.

7.10.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.10.01 ORDINARY MEETING OF COUNCIL HELD ON 15 September 2010

Council Decision

MOVED: Corker

SECONDED: Bloem

That the Minutes of the Ordinary Meeting of Council held on 15 September 2010, as previously circulated on 21 September 2010, be confirmed as a true and accurate record with the following amendment. That the following Council Resolution be included at the end of Agenda Item 10.09.61.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Bloem

That the Council let this matter lie on the table.

CARRIED 8/0

(The reason for Council decision Cr White advised that she could provide contact details for the outstanding debtor.)

CARRIED 9/0

8.10.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Musgrave gave a statement of appreciation for the Chief Executive Officer, carried with acclamation.

“On behalf of this Council, staff and the residents of the Shire of Ashburton I submit this expression of appreciation as an official record.

As you know, Keith’s term as the CEO concludes on November 13th, a position he had held for 5 years. I initially got to know Keith as our Planner during my initial stint as Councillor and President, and of course I’ve worked alongside Keith as the CEO since October last year.

We’re not farewelling Keith per say, rather, my announcement is about saying thank you to Keith for his effort, achievements and professionalism over the last 5 years as our CEO. Over this period I’ve had the pleasure of observing Keith’s academic wizardry and skill in dealing with high level and sensitive matters including Wittenoom litigation, Ashburton North and other mining planning issues to name a few. Keith, from this perspective, you always made an impact and achieved appropriate outcomes.

Keith, I’m sure during the last 5 years you’ve experienced some challenges and maybe even adversity at times as well, but nonetheless as our leader you came through with worthy achievements across our Shire coupled with professional recognition from Government Agencies, Local Government, the resource sector and from within our Council.

Keith on behalf of all the staff, Councillors and our constituents thank you very much and I invite all Councillors, Executive and partners to celebrate Keith’s stint and achievements as our CEO tonight in Tom Price at the Red Breeze restaurant.”

9.10.0 DECLARATION BY MEMBERS

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

9.10.01 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:

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

10.10.0 ENGINEERING SERVICES REPORTS

10.10.22 PROPOSED RELOCATION OF RECYCLING FACILITIES AT TOM PRICE AND PARABURDOO

FILE REFERENCE:	TI.R.
AUTHOR'S NAME AND POSITION:	Scott McCrae Maintenance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	22 September 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This Administration seeks Council approval to relocate the recycling “drop-off” facilities in Tom Price and Paraburdoo to the respective tip sites.

Background

Recycling services in the towns of Tom Price and Paraburdoo were set up in 2008 to reduce waste going into landfill.

This practice was put in place in accordance with the Shire of Ashburton's Waste Management Strategy 2008, which, in turn is part of the Waste Authority of Western Australia's Towards Zero Waste 2020 initiative.

These services allow for residents to separate their waste and deposit used cardboard, cans (steel and aluminium), plastics and glass in a dedicated location. The materials collected then have the capacity to be further processed or potentially on-sold to recycling vendors (Perth).

Currently there are two dedicated recycling officers based in Tom Price who manage the clearance, transport, sorting and baling of materials in both towns.

Comment

An ongoing review of improving waste operations by Engineering Services has established that the existing current ‘drop off’ facilities are unable to handle the amount of material being deposited at the sites.

10.10.23 CASUAL RATE – COMMERCIAL BINS

FILE REFERENCE:	FI.FI
AUTHOR'S NAME AND POSITION:	Margaret Rowe Waste Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	23 August 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.07.53 Ordinary Meeting of Council held 21 July 2010

Summary

The Shire has received several enquiries from companies wishing to have a commercial bin service on "a need basis" not a regular weekly service.

It is proposed to introduce a casual commercial bin rate into the Shire's Fees and Charges Schedule.

Background

The Shire's 2010-2011 Fees & Charges Schedules were adopted by Council at the Ordinary Meeting of Council held on 21 July 2010. Since that time, the Shire has received a number of enquiries from companies wishing to have a commercial bin service on "a need basis", not a regular weekly service.

Comment

Until now the shire has only had annual charge for commercial rubbish collection.

This service works well for most businesses in the shire, except for a few cases where a business may only be manufacturing and operating for certain months of the year or at intermittent periods during the year. Understandably these companies do not wish to pay for an annual service when they may only be requiring pick-ups for part of the period.

Introducing a casual rate for commercial waste collections will not only provide a service for these companies but also ensure the Shire is reimbursed for the costs of this service.

Consultation

Executive Manager Engineering Services

Policy Implications

There are no policy implications relative to this issue.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Statutory Environment

Local Government Act 1995 Section 6.16 and 6.17

Financial Implications

The revenue raised from this service set by Council will underpin its ability to provide services and facilities for the 2010/2011 financial year and into the future.

Strategic Implications

There would be financial implications for the shire of the generation of fees for this service.

We have calculated a charge rate of \$27.00 plus GST per pick-up.

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dann

That Council adopt the casual rate for commercial bin service of \$27.00 plus GST per pick-up.

**CARRIED 8/1
Cr Dias voted against the motion**

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

10.10.24 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	09/10	10.09.21	Request for Consent for Easements Over Road Crossings	That Council: <ol style="list-style-type: none"> 1. Approves the establishment of easements under the <i>Land Administration Act 1998</i> over the following dedicated roads within the Shire of Ashburton where the Hamersley Iron Rail corridor intersects: <ol style="list-style-type: none"> a. Roebourne Wittenoorn Road: Crossing at 106km rail mark, (approx co-ordinates Lat -21.420068 Long 117.160637); b. Roebourne Wittenoorn 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. 	Completed Oct 2010. Rio Tinto advised of Council decision.
2		15.09.17	RFT 20/10 Provision of Auctioneer Services for Sale of Land in Tom Price	Award RFT 20/10, Supply of Auctioneer Services to Allgold Holdings Pty Ltd T/A LJ Hooker Karratha for the sale of land by auction in Tom Price.	Completed Oct 2010. Tenderers advised of Council decision.
3		15.09.19	RFT 22/10 Provision of Architectural Services	The Council award RFT 22/10, Supply of Architectural Services to Roxby Architects for a period of 12 months, with the option of exercising an extension for two additional 12 month periods.	Completed Oct 2010. Tenderers advised of Council decision.
4	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. Information supplied by Brockman Resources, Business plan being developed. (Oct 2010)

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
5	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)
6	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)
7	05/10	10.05.10	Shire Logo and Policy	That Council; 1. Approves the Logo Policy (Attachment 10.05.10c) 2. Approves the Tom Price logo and tag line "Experience It" 3. Approves in principle of the logo for the Shire of Ashburton, Paraburadoo, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each.	Ongoing. Policy implementation being implemented internally. Tag lines for towns to be established. (July 2010)
8	05/10	10.05.12	Tom Price Town Centre Revitalisation	That Council endorses the Tom Price Town Centre Revitalisation Plan	Ongoing. Services progressing well with RTIO,

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
					design complete, tenders to be called in November, start work December. (Oct 2010)
9	05/10	16.05.04	Shire of Ashburton Structure Review	That; <ol style="list-style-type: none"> 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, Assessment completed by working party, preferred tenderer negotiations being undertaken. (Oct 2010)
10	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. May 2010
11	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. Awaiting final approval from RTIO in its capacity as utility provider. Expected to be tendered in December. Oct 2010
12	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

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	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)
13	08/09	10.08.16	Duck Creek Road- Road Closure	<p>That Council,</p> <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)
14	08/08	10.08.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	<p>That Council;</p> <ol style="list-style-type: none"> 1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire. 2. Directs the EMES to seek a valuation of the proposed subdivision and prepare a detailed cost estimate for all works including survey, design and construction. 3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender 	Ongoing. Land to be auctioned in February 2011.
15	04/08	10.04.08	Relocation of Onslow Landfill	<ol style="list-style-type: none"> 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled 'Onslow Landfill Options' subject to environmental approvals being forthcoming. 2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site. 3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further 	Ongoing. Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of land from pastoral lease.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				investigative works on Site 3 prior to seeking approvals and final design.	Discussions with lease holder revealed objections to the site. Alternatives being investigated. SKM to report in October. (Oct 2010)

Council Decision / Officers Recommendation	
MOVED: Cr Corker	SECONDED: Cr Thomas
That Council note the contents of this report.	
	CARRIED 9/0

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

11.10.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.10.11 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	09/10	11.09.09	Appointment of Paraburdoo Ranger	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.	Finalised. Ranger has been appointed.
2	08/09	11.08.12	Location of Entry Statement – Tom Price	Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.	Ongoing. Meeting with Mike Fisher and Mark Eaglesham to discuss design / implementation of rock painted by local Aboriginal 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. Mike Fisher to develop conceptual plans for presentation.
3	08/08	11.08.08	Review of Council Policies – Recreation & Culture	Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC05 & REC07 and report back to Council.	Ongoing. Policies REC05 & REC07 to be presented at the November Council meeting.
4	10/08 02/08	11.10.26 11.02.01	Reconstruction of Vic Hayden Memorial Swimming Pool	1. Resolves to bring forward funding of \$400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price. 2. Resolves to endorse the early start of construction (pending confirmation of RIFP funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price.	Ongoing. Pool opened to public on 24 September 2010. Official pool opening being planned for late November 2010.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>Council decision as at February 2008 That Council;</p> <ol style="list-style-type: none"> 1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool; 2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner; <ul style="list-style-type: none"> o 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 o Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room o 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. o Demolition and construction of concrete concourse including new drainage o Upgrade lighting to required standard o Refurbishment of existing office, kiosk, change rooms and toilets; 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. 	

Council Decision / Officers Recommendation	
MOVED: Cr Corker	SECONDED: Cr Dias
That Council note the contents of this report.	
	CARRIED 9/0

12.10.0 CORPORATE SERVICES REPORTS

12.10.66 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:	5 October 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 342 Deed of Release – John Francis McShane and SOA, Wittenoom Litigation.
- Seal 343 Service Agreement – The Community Development Ministerial Body and SOA for the Onslow Youth Service.
- Seal 344 Deed of Confidentiality – Brockman Resources Limited and SOA.

Consultation

Chief Executive Officer

Statutory Environment

Section 9.49 of the *Local Government Act 1995*

Policy Implications

There are no policy implications relevant to this issue.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Financial Implications

There are no specific financial implications related to this issue.

Strategic Implications

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

6 – Well Managed and Contemporary Corporation

Statutory Compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Dann

That Council note the contents of this report.

CARRIED 9/0

12.10.67 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF AUGUST AND SEPTEMBER 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:	13 October 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:

August 2010

- Statements of Financial Activity and associated statements for the Month of August 2010.

ATTACHMENT 12.10.67a

August & September 2010

- Visa Statements for Chief Executive Officer, Executive Managers of Engineering Services, Community & Economic Services, Western Operations and Corporate Services, and Manager of Building Services

September 2010

- Schedule of Accounts paid under delegated authority

12.10.68 ORDINARY MEETING OF COUNCIL – SCHEDULE OF MEETING DATES, TIMES AND LOCATION

FILE REFERENCE:	OR.MT
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Assistant CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 October 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

It is a requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

It is recommended that Council adopt the following meeting schedule for 2011.

Background

In October 2009, Council adopted the meeting schedule for the entire 12 month period from February to December 2010. This report sets out a proposed meeting schedule for the 2011 calendar year.

Comment

In determining the dates, times and locations for the Ordinary Meeting of Council for the upcoming year consideration has been given to a number of factors including last year's schedule.

Suggested dates are outlined in the table below. If this proposal is adopted there will be three meetings in Onslow, three meetings in Tom Price, three meetings in Paraburdoo and two meetings in Pannawonica during the year. Traditionally meetings are held on the third Wednesday of the month. The December 2011 meeting has been moved to the second Wednesday of the month due to the close proximity of Christmas.

Generally the commencement time of 9.00am has worked well, allowing adequate public question time and full consideration of the Agenda.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

The meetings in Pannawonica were a success with Councillors and staff travelling on the Tuesday afternoon and commencing the meeting at 8:00am. This ensured the meeting had closed by 3:00pm in order for staff and Councillors to return home that afternoon. It is proposed that this meeting be the exception within the schedule and that it commence at 8:00am.

The proposed schedule is set out below:

DATE	LOCATION	TIME
Wednesday, 16 February 2011	Meeting Room, Community Recreation Centre, Tom Price	9:00am
Wednesday, 16 March 2011	Ashburton Hall Ashburton Avenue, Paraburdo	9:00am
Wednesday, 20 April 2011	RM Forrest Memorial Hall, Second Avenue, Onslow	9:00am
Wednesday, 18 May 2011	Meeting Room, Community Recreation Centre, Tom Price	9:00am
Wednesday, 15 June 2011	Barry Lang Centre, Pannawonica	8.00am
Wednesday, 20 July 2011	Ashburton Hall Ashburton Avenue, Paraburdo	9.00am
Wednesday, 17 August 2011	Meeting Room, Community Recreation Centre, Tom Price	9.00am
Wednesday, 21 September 2011	RM Forrest Memorial Hall, Second Avenue, Onslow	9.00am
Wednesday, 19 October 2011	Ashburton Hall Ashburton Avenue, Paraburdo	9.00am
Wednesday, 16 November 2011	Barry Lang Centre, Pannawonica	8.00am
Wednesday, 14 December 2011	RM Forrest Memorial Hall, Second Avenue, Onslow	9.00am

Statutory Environment

Local Government Act 1995, Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.

Policy Implications

Council Policy ELM01 – Council and other meetings

Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of Council meetings.

Strategic Implications

There are no strategic implications relevant to this issue.

Voting Requirement

Simple Majority required.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council:

1. Adopt the Schedule of Meeting dates, times and locations for the period February 2011 to December 2011 as outlined below; and
2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period February 2011 to December 2011.

DATE	LOCATION	TIME
Wednesday, 16 February 2011	Meeting Room, Community Recreation Centre, Tom Price	9:00am
Wednesday, 16 March 2011	Ashburton Hall Ashburton Avenue, Paraburdoo	9:00am
Wednesday, 20 April 2011	RM Forrest Memorial Hall, Second Avenue, Onslow	9:00am
Wednesday, 18 May 2011	Meeting Room, Community Recreation Centre, Tom Price	9:00am
Wednesday, 15 June 2011	Barry Lang Centre, Pannawonica	8.00am
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Wednesday, 21 September 2011	RM Forrest Memorial Hall, Second Avenue, Onslow	9.00am
Wednesday, 19 October 2011	Ashburton Hall Ashburton Avenue, Paraburdoo	9.00am
Wednesday, 16 November 2011	Barry Lang Centre, Pannawonica	8.00am
Wednesday, 14 December 2011	RM Forrest Memorial Hall, Second Avenue, Onslow	9.00am

CARRIED 9/0

12.10.69 COUNCIL CHRISTMAS FUNCTIONS ARRANGEMENTS FOR 2010

FILE REFERENCE:	CS.CE
AUTHOR'S NAME AND POSITION:	Donna Reid Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 October 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Approval is sought for Christmas functions to be held for Councillors, Council staff and families in Onslow and Tom Price.

Background

In recognition of the work Councillors and staff perform over the year, Council, in the past, has organised Christmas functions for Councillors, staff and their families.

Comment

It is proposed that the Christmas function for Onslow/Pannawonica be held in Onslow on Friday 10 December 2010. Staff from Pannawonica will be invited to attend the function and the Transit House accommodation will be made available for them due to the distance.

It is proposed to hold the Tom Price/Paraburdoo Christmas function on Saturday, 20 November 2010. Staff from Paraburdoo will be invited to attend the function to be held at the newly refurbished Tom Price Pool and a bus will be provided for staff wishing to attend.

Please note the proposed dates and venues are not finalised and may be subject to change depending on Staff and Council availability.

At this stage, it is difficult to identify an exact figure for expenditure on the functions, as the number of attendees is yet to be confirmed. However, based on attendance of 170 people, made up of Councillors, staff and families at both functions, expenditure is estimated to be \$6,000. This is calculated by approx \$35.00 per head.

The Christmas functions can be seen as an opportunity to round off the year, promote a positive outlook for the forthcoming year and to recognise the service and loyalty of the employees.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

12.10.70 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	09/10	12.09.61	Debtors for Write Off	That Council Write Off: 1. Roos & Passow - Invoice No. 893 - \$1939.43 – Total Value = \$1939.43	Ongoing. Waiting on further information.
2	09/10	12.09.62	Review of Council Policies - Administration	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.	Finalised. Policy Manual Updated.
3	09/10	12.09.63	Proposed Office & Facility Closures & Arrangements over 2010/11 Christmas / New Year Period	That Council: 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.	Ongoing. To be advertised Nov & Dec 2010.
4	09/10	15.09.18	Fees & Charges 2010/2011 - Sanitation	That the Sanitation Fees and Charges as per the attachment 15.09.08 be re-adopted for the year ended 30 June 2011 in accordance with Section 6.16 of the Local Government Act 1995.	Finalised. Re-Advertised in accordance with LGA.
5	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.
6	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
7	05/10	12.05.39	Tender RFT 09/10 Development and	That Council; 1. appoint Condor Enterprises WA Pty Ltd as the preferred Tender for the	Finalised. Agreement has

13.10.0 DEVELOPMENT SERVICES REPORTS

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

FILE REFERENCE: PS.TP.7

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

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 6 October 2010

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest

PREVIOUS MEETING REFERENCE: Not applicable

Summary

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

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

Background

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

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

Comment

Eight (8) approvals have been issued under delegation up until the date of this report. These were for:

Graham R. Felstead	48 Whaleback Ave, Paraburdoo	Home Occupation renewal – TRF Laundry Service
Symmetrical Group	Lot 36, LIA, Mine Road Tom Price	Planning Application - Workshop, Office & Laydown
Serena Falloon	Lot 731 Yiluk Street, Tom Price	Home Occupation – Glamorous Grooms (Dog Grooming)

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Hamersley Iron Pty Ltd	Lot 61 McRae Ave Paraburdoo WA	Planning Application - Office / maintenance facility
Melita Masterman	475 Privet Street Tom Price	Home Occupation – Children’s clothes (retail)
Chevron Australia Pty Ltd	Lit 570 Beadon Creek Road, Onslow	Planning Application - Golder Wheatstone Project Office - Change of Lease
Pilbara Food Services	L42 Boonderoo Road, Tom Price	Planning Application - 2x Refrigerated Sea Containers
Roadtech Constructions Pty Ltd	NW Coastal Highway, Barradale	Planning Application - Placement of Temporary Camp, Office, Kitchen & Lunchroom
Hamersley Iron Pty Ltd	841 Stadium Road Tom Price	Laundry storage facility

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

Statutory Environment

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

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

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

Critical Success Factors:

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

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

Voting Requirement

Simple Majority Required

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Thomas

That Council note the contents of this report.

CARRIED 9/0

13.10.56 ENVIRONMENTAL HEALTH & TRADING IN PUBLIC PLACES FEES & CHARGES AMENDMENT

FILE REFERENCE:	LE.AC.2
AUTHOR'S NAME AND POSITION:	Antony Cox Building & Health Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 October 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 9.08.02 Special Meeting of Council held 26 August 2010

Summary

The fees and charges set in relation to environmental health are in need of modification to more truly reflect the aims of the legislation and correct minor errors.

Background

The new Food Act has brought with it the need for food premises to be registered. The principle aim of the legislation is move the enforcement emphasis from prescriptive to a "risk based" approach. The main reason for the move was to achieve better and more focused control of potentially hazardous foods.

The current structure of the fees and charges is based on the distance from a council administrative centre and whilst this is assisting in operational cost recovery, it is not responsive in any way to the aims of the legislation.

Comment

In order to establish a fairer burden of the fees and charges, and to make the outcome "risk assessed" from a food hazard point of view, it is proposed that the following fees and charges be set:

- High Risk \$500
- Medium Risk \$400
- Low Risk \$300

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

It is also proposed that the Chief Executive Officer be given the authority to delegate to the Coordinator of Building, Environment & Health and the Principle Environment & Health Officer the discretion to award a \$50 discount on the set fee should all of the audits carried out on the premises be satisfactory for that year. The discount would appear on the following year's charge.

Other Minor Corrections

1. The Health Department application fee for a septic tank is \$35 and not \$135 (with a council report).
2. Trading in Public Places – the figure should be \$750 not \$7,500 for trading anywhere in the district excluding the Town Centre.

Statutory Environment

Food Act 2008 and subordinate legislation.

Local Government Act 1995 Section 6.17 and 6.18 (Fees and charges)

Policy Implications

Council Policy

Financial Implications

There may be a reduction in the amount of fees that are collected. This would be quantified following the first round of audits to establish the risk level for each of the properties.

Strategic Implications

There are no strategic implications relative to this matter, only a change of emphasis to a risk based assessment.

Voting Requirement

Absolute majority requirement

Officers Recommendation

That Council:

1. In accordance with the provisions of Section 6.17 and 6.18 of the Local Government Act 1995 replace the Fees and Charges Schedule for the 2010/11 Financial year as it relates to the Food Act 2008 with the following:
 - High Risk \$500
 - Medium Risk \$400
 - Low Risk \$300
2. Amend the following fees:
 - Health Department application fee for septic tank \$35.00
 - Trading in Public Places – Annual Fee – excluding Town Centre \$750.00.
3. Delegate to the Chief Executive Officer the authority to discount fees levied under the Food

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Act 2008 where food standards have been deemed satisfactory the previous year.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Dias

That Council:

1. **In accordance with the provisions of Section 6.17 and 6.18 of the Local Government Act 1995 replace the Fees and Charges Schedule for the 2010/11 Financial year as it relates to the Food Act 2008 with the following:**
 - **High Risk \$500**
 - **Medium Risk \$400**
 - **Low Risk \$300**
2. **Delegate to the Chief Executive Officer the authority to discount fees levied under the Food Act 2008 where food standards have been deemed satisfactory the previous year.**

**CARRIED 9/0
ABSOLUTE MAJORITY**

Reason for Council Decision

The Chief Executive Officer advised Council that clarification was required as to the precise wording.

13.10.57 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT ONSLOW AIRPORT (EXISTING DWELLING), ONSLOW/MOUNT STUART ROAD, ONSLOW

FILE REFERENCE:	LO.ASBN.19
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton (Owner and Applicant)
DATE REPORT WRITTEN:	6 October 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author is employed as a consultant to the Shire/Council.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A development application has been submitted by the Shire to operate a "residential building" within the existing dwelling at the Onslow Airport (existing dwelling), Onslow/Mount Stuart Road, Onslow. The Shire has advised that it is intended that the building be used for the purpose of emergency (overflow) housing purposes.

The Shire's Local Planning Scheme No. 7 ('Scheme') reserves the airport as Public Purposes 'Airport'. Under the Scheme, any use is permitted within the Reserve provided the Local Government has had regard to the ultimate purpose for the reserve and conferred with the organisation relevant to that purpose. In this regard, the Shire is the owner and operator of the airport and the use is considered not to impact upon airport operations.

The site is also included within the 'Onslow Strategic Industrial Buffer' area. The use is not prohibited within the Buffer area.

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

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

The subject of the development application under consideration is an existing four bedroom dwelling, on the Onslow Airport site. The dwelling is elevated from the ground and has in the recent past, been used to house permanent Shire Staff.

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 and the document subsequently became Council policy.

Proposal

A development application has been submitted by the Shire as owner and operator of the Onslow Airport to operate a "residential building" use within the existing dwelling. An aerial photograph is included with this Report along with plans, letter accompanying the Application and a social impact assessment.

ATTACHMENT 13.10.57

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 Shire's Local Planning Scheme No. 7 ('Scheme') reserves the subject land Public Purposes 'Airport'. Under the Scheme, any use is permitted within the Reserve provided the Local Government has had regard to the ultimate purpose intended for the reserve and conferred with the organisations relevant to that purpose and the proposed use or development. In this regard, the Shire is the owner and operator of the airport and the use is considered not to impact airport operations. The airport is also included with the Onslow Strategic Industrial Buffer' area, which does not prohibit the use of residential building.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

The Scheme does not require public advertising, however a sign was erected at the Onslow Road entrance and the advertising notice was displayed at the Shire office in both Tom Price and Onslow.

Accordingly, advertising has taken place and no objections were received.

Planning Policy

The proposal is subject to the provisions of the *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, 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*

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

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 *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 can be accommodated on site.

Residential Amenity

The land is remote from any residential area. Accordingly, possible normal noise generation and car parking issues associated with residential buildings in residential zone does not apply.

Noise Generation

Due to the separation of the land from residential areas, noise made by guests will not impact the amenity of the local area.

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.

Traffic Implications

Four (4) spaces would be required. Due to the remoteness from adjoining landowners, the proposal will not be a significant traffic generator in absolute terms and will not cause any localised problems for the airport.

Emergency Escape Plan

The Applicant has provided a ‘fire escape plan’ that shows muster point within the access road to the airport.

In relation to cyclone emergency, the Shire has advised that:

“In regards to a cyclone event, if Onslow went onto blue alert any contractors in the house would be asked to vacate the premises and evacuate town. The Shire has a number of employees and contractors at any one time in Onslow and the assistance provided to occupants of this building by the Shire would be no different.”

Building Modifications

It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

Statutory Environment

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

Policy Implications

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

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED:

Cr Corker

That Council:

1. **Approve the application made by the Shire of Ashburton to use the existing dwelling at Onslow Airport, Onslow/Mount Stuart Road, 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 eight (8) guests shall be accommodated within the premises at any one time.**
 - c. **Not less than four (4) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be made available to the Residential at any one time.**
 - d. **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.**
 - e. **Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.**
 - f. **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.**
 - g. **The use shall be managed to the satisfaction of Council at all times. A condition of**

this approval is that the person/s with management responsibility shall be responsible for the operation of the residential building at the Onslow Airport.

- h. Without the further written consent of the Chief Executive Officer, the Executive Manager, Western Operations is 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).

CARRIED 9/0

Declaration of Financial Interest

Prior to consideration of this Agenda Item Cr Dias declared an interest in Agenda Item 13.10.58 in accordance with Section 5.60A of the Local Government Act. The interest being he is an employee of Rio Tinto P/L and owns shares in Rio Tinto P/L, BHP and Chevron.

Cr Dias left the meeting at 9.56 am.

13.10.58 POSITION PAPER ON FLY-IN FLY-OUT WORKFORCE AND ACCOMMODATION

FILE REFERENCE: TR.AT

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

NAME OF APPLICANT/RESPONDENT: Not applicable.

DATE REPORT WRITTEN: 8 October 2010

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

Council's current position in relation to fly-in, fly-out (FIFO) workforces, as set out in Local Planning Policy LPP13 Local Planning Policy – Transient Workforce Accommodation, is that it does not support "fly- in, fly-out" workforce operations as Council considers that it leads to a loss of economic and social value to the Shire and to the regional area as a whole. The Council does, however, acknowledge that there will be circumstances such as remoteness and limited life of a particular recourse activity that result in a need for transient workforce accommodation camps to be established.

In March 2010, the Shire wrote to major resource companies, LNG project developers, the Minerals Council and the Department of State Development advising that the Shire of Ashburton was intending to prepare a position paper on the issue of "fly- in, fly-out" workforce and its impacts (beneficial or otherwise) on townsites within the Shire. Four responses were received from companies. The following report seeks to address the submissions and provide guidance for Council in relation to "fly- in, fly-out" workforce operations.

It is clear that all resource companies developing with the Shire and the North-West in general will

need the flexibility of a 'fly in fly out' workforce. What is also clear is that on current projections, the Shire's population will expand considerably and much of the additional population will be in the form of a "fly-in fly-out" workforce.

It is recommended that the Council instruct the Chief Executive Officer to:

- a) Write to submitters thanking them for their time and assistance in providing their respective advice and opinions on the complex issue of 'fly-in fly-out' workforce in the Shire.
- b) Prepare a further Report to Council concerning a revised Local Planning Policy – Transient Workforce Accommodation and an amendment to the Shire of Ashburton Local Planning Scheme No. 7 that would allow transient workforce accommodation in the Commercial and Civic zone as an 'A' use subject to 'development principles'.

Background

Council's current position in relation to fly-in fly-out workforces, as outlined in Local Planning Policy LPP13 Local Planning Policy – Transient Workforce Accommodation, is that it does not support "fly- in, fly-out" workforce operations in general as Council considers that the activity leads to a loss of economic and social value to the Shire and the regional area as a whole. A copy of the Local Planning Policy is attached.

ATTACHMENT 13.10.58

The Council does, however, acknowledge that there will be circumstances such as remoteness and limited life of a particular activity that result in a need for transient workforce accommodation camps to be established. In this regard, Council's existing Local Planning Policy concerning transient workforce accommodation camps seeks to address the establishment of such camps. It also addresses matters of amenity, both for camp residents and the impact on those who live in proximity of such establishments.

The rationale for not supporting "fly- in, fly-out" workforce operations needs to be considered as "fly- in, fly-out" is a significant operational factor for resource companies, associated industries and support companies, government agencies and even local government. With the above policy position in mind and with an eye to the constant requests the Shire receives for transient workforce accommodation, it was concluded that Council would be well served with a 'position paper' to provide Council with a balanced assessment on the needs of companies and their contractors and to determine how we can best achieve the objective of vibrant and sustainable communities for communities within the Shire.

It is appropriate that the final position paper be referred to the State Government in order to seek to influence government policy on "fly- in, fly-out" workforce and accommodation. In addition, the outcomes of the position paper may lead to modifications to the Shire of Ashburton Town Planning Scheme No. 7 and the Local Planning Policy that provides a more flexible approach to transient workforce accommodation in some zones and more restrictive in other zones.

In March 2010, the Shire wrote to the major resource companies, LNG developers, the Minerals Council and the Department of State Development advising that the Shire of Ashburton was

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

intending to prepare a position paper on the issue of “fly- in, fly-out” workforce in relation to the impacts (beneficial or otherwise) on townsites within the Shire.

The input of the companies/organisations was sought in order to assist the Shire in the preparation of the position paper relates but is not limited to:

- existing and proposed workforce numbers within the Shire;
- required accommodation needs for the existing and proposed workforce;
- whether the existing and proposed workforce is “fly- in, fly-out” out or residential based;
- whether company/organization provides accommodation for contractors and whether this workforce is “fly- in, fly-out” out or residential based;
- location of existing or anticipated mining activity or LNG plants;
- details of any studies the company/organization may have undertaken or be aware of that addresses the social and economic implications of “fly- in, fly-out” on local communities (please note that unless the company/organization was advised that the Shire would include any such information as an appendix to the position paper which would be publically available); and
- any other information or comment that the companies believe will assist the Shire in the preparation the position paper.

Four responses were received from companies.

Submissions

Submissions were received from:

- Rio Tinto Iron Ore (RTIO);
- Chevron Australia Pty Ltd
- BHP Billiton Pty Ltd
- ExxonMobil Development Company

The submissions are summarized in Schedule 1 with full copies of the submissions included.

ATTACHMENT 13.10.58

Comment

It is clear that all resource companies operating within the Shire and the North-West in general will need the flexibility of a ‘fly in fly out’ workforce. What is also clear is that on current projections, the Shire’s population will expand considerably and much of the additional population will be in the form of a fly in fly out’ workforce.

The growth and development of the Shire (and the Pilbara), as viewed by the resource companies is documented in the recent Pilbara Industry's Community Council (PICC) Report: *“Planning for resources growth in the Pilbara: revised employment & population projections to 2020”* (April 2010) which updates resource related employment and population projections completed by PICC in July 2008, which coincided with the onset of the global financial crisis.

The results from the current analysis suggest that companies operating in the Pilbara are emerging from the impacts of the crisis with stronger investment and production intentions than underpinned the July 2008 projections. A copy of the PICC report is included.

ATTACHMENT 13.10.58

The projections in the Report are generated from what is now a broader range of company inputs on expansion plans, again supplemented by public data sources for non-PICC member projects.

The Report notes:

“Evidence from the Pilbara, for example, points to the large difference between ERP (Estimated Residential Population) and the actual numbers of people using services (e.g. water, waste treatment, transport).

This is a matter of major concern to those planning for service provision in key Pilbara population centres.

Given the substantially higher employment and population numbers generated from the current survey, these challenges and concerns are likely to be exacerbated, arising from both:

- the projected increases in resident employees and their families; and*
- the much higher FIFO (‘fly in fly out’ workforce) numbers (for both construction and operational staff) at least some of which may draw on local services by virtue of their proximity to townships.*

To provide some sense of the overall possible service pressures on key townships, we have sought to identify the location of FIFO and construction workforces, drawing on input from individual companies and from local government sources.” (page 6)

With specific reference to the Shire, the Report notes:

“On the basis of current projected investments and activity, these show the total Pilbara population reaching 100,000+ by 2012 and remaining at or near that level through to 2015. This compares to the July 2008 estimated peak of some 75,000.” (Page 4)

The Report projects that the combined totals of the projected Estimated Resident Population (ERP), ‘fly in fly out’ workforce and construction employment for the period 2010- 2015 will increase from 11655 persons in 2010 to 20529 persons in 2015 (page 4). Of interest however is that the PICC projections do not appear to anticipate the development of BHPB’s Macedon project or Chevron’s massive Wheatstone LNG project at Ashburton North coming on stream which would make a significant difference to the construction predictions in the Report (Figure 6). Also, it would appear that the Gorgon Barrow Island LNG development has not been included in the PICC projections as it only refers to ‘land base’ construction workers.

The submissions from the resource companies support the projections from PICC of expansion of their respective workforce in the Shire and in the form of ‘fly in fly out’ workforce’. Council has only a limited means of influencing the workforce arrangements of companies and this is usually in the form of considering planning approval.

A review of planning applications for transient workforce camps and related matters in the Shire since January 2005 to current has revealed 36 applications. The majority of these have been for a ‘fly in fly out’ workforce.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Only four of these applications have been refused by Council – on the basis that they were located within the industrial zone. Only one was appealed to the State Administrative Tribunal and this appeal was not successful. Clearly, the position of Council over the years has been to recognise the ‘fly in fly out’ workforce needs where it is the only practical accommodation arrangement.

Transient workforce accommodation generally falls into two workforce categories:

- construction workforce; and
- operational workforce.

Construction workforce transient workforce accommodation is usually for a limited time (short term construction period) and should be reasonably placed in close proximity to the specific development. Normally the construction workforce is much larger than an operational workforce. An operational workforce however is normally for an indefinite period of time and therefore should as far as practical, be housed within an existing town. The desire would be to incorporate the workforce with the community thus adding to the vibrancy and economic sustainability of the town.

There is however an impediment to encouraging occupational transient workforce accommodation into towns which is that the Commercial and Civic zone prohibits transient workforce accommodation. This was specifically addressed in the Onslow Townsite Strategy where the following ‘Development Principles’ were defined:

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

In this regard, Council resolved that for Onslow, it is considered appropriate that the Shire consider amending the Scheme to allow transient workforce accommodation in this zone on the basis referred to above. It is reasonable for the Council to encourage transient workforce accommodation within the Commercial and Civic zone and Residential zone on the same ‘Development Principles’ referred above. This would have a positive impact on the development associated with the Tom Price townsite revitalisation. Accordingly, this would be a further Report to Council that addresses a draft Scheme Amendment to allow consideration of transient workforce accommodation within the Commercial and Civic zone, subject to tight design criteria. Importantly, it is recommended that Council formally modify its position on ‘fly in fly out’ workforce with the Shire. The suggested ‘policy’ position would read as follows:

“The Council of the Shire of Ashburton acknowledges that “fly-in, fly-out” workforce operations are an important factor in developing the resources of the Pilbara. Transient workforce accommodation generally falls into two workforce categories:

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

- *construction workforce; and*
- *operational workforce.*

The Council acknowledges that there will be circumstances such as remoteness and limited life of a particular activity that result in a need for transient workforce accommodation camps to be established outside of the townsites.

These camps will normally be construction workforce transient workforce accommodation and for a limited time period.

Construction workforce transient workforce accommodation will usually be for a limited time (short term construction period) and reasonably be placed in close proximity to the specific development. Normally the construction workforce is much larger than an operational workforce. An operational workforce however is normally for an indefinite period of time and therefore should as far as practical, be housed within an existing town. The desire is to incorporate the workforce with the community thus adding to the vibrancy and economic sustainability of the towns of Tom Price, Onslow Paraburdoo and Pannawonica. As a guide, the minimum distance from towns where Council will accept an operational workforce camp is 50km.

Operational transient workforce accommodation within townsites will be of a very high quality for the benefit of occupiers, as well as the community, generally motel style development, with significant landscaping, quality design and materials, will be encouraged. The Council may seek to place a limit on the overall proportion (%) of transient workforce accommodation within a development.”

In regard to the above and Council's resolution that for the Onslow Townsite Strategy, it is considered appropriate that the Shire consider amending the Scheme to allow transient workforce accommodation in this zone on the basis referred to above.

It is suggested that the Shire prepare a further report to Council that comprises a revised 'Local Planning Policy – Transient Workforce Accommodation' that reflects the issues addressed in this Report and the above 'policy' position.

Consultation

Chief Executive Officer, Shire of Ashburton

Mr Geoff Strong, General Manager Wheatstone Development, Chevron Australia Pty Ltd

Mr Sam Walsh, Executive Director and Chief Executive Iron Ore, Rio Tinto Pty Ltd

Mr Andrew Forrest, Executive Director, Fortescue Metals Group Ltd

Mr Marius Kloppers, Chief Executive Officer, BHP Billiton Iron Ore

Mr Neil Duffin, President, ExxonMobil Development Company

Mr Mitchell Hooke, Chief Executive Officer, Minerals Council of Australia

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7

Planning and Development Act, 2005

Policy Implications

The outcomes of this Report will provide the direction for Council in relation to Transient Workforce Accommodation.

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

The outcomes of this Report will provide the direction for Council in relation to Transient Workforce Accommodation and will need to be reflected in the forthcoming review of the Strategic Plan.

Voting Requirement

Simple Majority Required.

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Corker

That Council:

- 1. Notes the Report and Schedule of submissions.**
- 2. Instructs the Chief Executive Officer to:**
 - a) Prepare a further Report to Council concerning:**
 - i) A revision to the Shire's *Local Planning Policy – Transient Workforce Accommodation* based on the following 'policy' position:**

“The Council of the Shire of Ashburton acknowledges that “fly- in, fly-out” workforce operations are an important factor in developing the resources of the Pilbara. Transient workforce accommodation generally falls into two workforce categories:

 - construction workforce; and***
 - operational workforce.***

The Council acknowledges that there will be circumstances such as remoteness and limited life of a particular activity that result in a need for transient workforce accommodation camps to be established outside of the townsites.

These camps will normally be construction workforce transient workforce accommodation and for a limited time period.

Construction workforce transient workforce accommodation will

usually be for a limited time (short term construction period) and reasonably be placed in close proximity to the specific development. Normally the construction workforce is much larger than an operational workforce. An operational workforce however is normally for an indefinite period of time and therefore should as far as practical, be housed within an existing town. The desire is to incorporate the workforce with the community thus adding to the vibrancy and economic sustainability of the towns of Tom Price, Onslow Paraburdoo and Pannawonica.

Operational transient workforce accommodation within townsites will be of a very high quality for the benefit of occupiers, as well as the community, generally motel style development, with significant landscaping, quality design and materials, will be encouraged. The Council may seek to place a limit on the overall proportion (%) of transient workforce accommodation within a development.”

- ii) An amendment to the Shire of Ashburton Local Planning Scheme No. 7 that would allow transient workforce accommodation in the Commercial and Civic zone as an ‘A’ use and where such development reflects the following ‘principles’:
- any such transient workforce accommodation will be of a very high quality for the benefit of occupiers, as well as the community;
 - motel style development, with significant landscaping, quality design and materials, will be encouraged; and
 - a limitation on the overall proportion (%) of transient workforce accommodation within a development may be required by Council.
- iii) And the water report shall consider, but not be limited to socio economic and water reticulation issues.
- b) Write to the submitters thanking them for their time and assistance in providing their respective advice and opinions on the complex issue of ‘fly in fly out’ workforce in the Shire and providing them with a copy of the Council resolution.

CARRIED 8/0

Council Decision

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council adjourn for morning tea at 10.09 am

CARRIED 8/0

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Cr's Musgrave, Rumble, Bloem, Shields, Corker, Dann, White, Thomas and Keith Pearson, Jeff Breen, Larry Softley, Frank Ludovico and Janyce Smith left the room at 10.09 am.

Cr's Musgrave, Rumble, Bloem, Shields, Corker, White, Thomas, Dias and Keith Pearson, Jeff Breen, Larry Softley, Frank Ludovico and Janyce Smith re-entered the room at 10.31 am.

Council Decision

MOVED: Cr Rumble

SECONDED:

Cr Corker

That Council reconvene from morning tea at 10.31 am.

CARRIED 8/0

Cr Dann re-entered the meeting at 10.32 am.

Cr Musgrave welcomed Graeme Harman and Ian Yull from Chevron Australia Pty Ltd.

**13.10.59 EXTENSION OF TIME FOR PLANNING APPROVAL – PROPOSED
ADDITIONAL ACCOMMODATION FACILITIES PARABURDOO
HOTEL LOT 622 MCRAE AVENUE PARABURDOO**

FILE REFERENCE:

PA.MC.622

**AUTHOR'S NAME AND
POSITION:**

Rob Paull
Shire's Town Planning Consultant

**NAME OF APPLICANT/
RESPONDENT:**

Condor Enterprises WA Pty Ltd

DATE REPORT WRITTEN:

6 October 2010

**DISCLOSURE OF FINANCIAL
INTEREST:**

The author has no financial interest in this matter

**PREVIOUS MEETING
REFERENCE:**

Agenda item 13.08.42 Ordinary Meeting of Council
18 August 2009
Agenda item 13.08.32 Ordinary Meeting of Council
19 August 2008
Agenda item 13.12.418 Ordinary Meeting of Council
6 December 2005

Summary

Council at its August 2008 Council Meeting granted planning approval for accommodation facilities (160 beds) at the Paraburdoo Hotel (622 McRae Avenue, Paraburdoo). At the August 2010 Council Meeting, Council considered a request for an extension of time to the 2008 approval. As a result of its deliberation Council resolved as follows:

“Council instruct CEO to write to proponent seeking more information in relation to:
(a) the reason for the delay in acting upon the original develop approval and;
(b) the precise nature of the proposed use.”

The applicant has subsequently advised that the reason for requiring the extension of time was the uncertain economic climate. With respect to the clarification of the ‘use’, the applicant advises that he understands that Transient Workers Accommodation is not permitted in the Commercial and Civic Zone. He also confirms that he is not seeking to use the development for Transient Workers Accommodation.

The Approval in 2008 provided for 40 new transportable accommodation units, each containing four units (a total of 160 rooms), with ensuites, to the site.

It is recommended that the Planning Approval be extended for a further two (2) years and subject to the previous conditions of Approval.

Background

At its meeting of 19 August 2008, Council approved a development application from Condor Enterprises WA Pty Ltd (the owners of the Paraburdoo Hotel) on Lot 622 McRae Avenue, Paraburdoo, to construct new accommodation units on the existing Paraburdoo Hotel site. Plans approved by Council showed a development consisting of 160 new rooms to be contained in 40 transportable buildings, along with five caravan bays and camping areas along the site’s McRae Street frontage. It was also proposed to increase the number of on-site car parking spaces from 193 to 256 spaces. The attached plans were approved by Council.

The proposed works would have increased the number of rooms available on-site from 58 to 218 rooms.

The applicant did not act upon the 2008 development approval, however, he subsequently requested a two (2) year time extension to undertake the development. Council considered the request for an extension at its August 2010 meeting and resolved as follows:

“Council instruct CEO to write to proponent seeking more information in relation to:
(a) the reason for the delay in acting upon the original develop approval and;
(b) the precise nature of the proposed use.

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.”

Under the Shire’s Local Planning Scheme No.7 (“Scheme”), Clause 5.12 defines the term of planning approval as two years, or such other period as specified by Council. Clause 5.12.2 allows Council to extend the term of approval at any time prior to the expiry of the approval period in clause 5.12.1 (a). The length of the extended approval period shall be determined at Council’s discretion.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Proposal

The development associated with the Planning Approval is yet to commence and the Applicant has requested an extension of time.

The request to extend the Planning Approval was received before the expiry of the Approval.

Comment

The applicant advises that the reason for requiring the extension of time was the uncertain economic climate. With respect to clarification of the 'use', the applicant advises that he acknowledges that Transient Workers Accommodation is not permitted in the Commercial and Civic Zone and that he will not seek to use the development for Transient Workers Accommodation.

ATTACHMENT 13.10.59

The subject site is zoned "Commercial and Civic" under the Scheme where a "Hotel" and "Motel" are both "D" uses. This means that they are not permitted unless the Shire has exercised its discretionary powers, when granting approval. Caravan and camping sites fit within the definition of "holiday accommodation" which is also a "D" use in the planning scheme.

When considering the Application on August 2008, Council recognised the fact that although the subject site is already used for the purposes of a "hotel", it was necessary to ensure that the development was not used as transient workers accommodation which is a prohibited use in a "Commercial and Civic" zone. The scheme defines "transient workforce accommodation" 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 construction camp and dongas".

In the original Application, the applicant stated the purpose of the use is "hotel extensions". The scheme defines a hotel as:

"any land or buildings providing overnight accommodation, or lodging facilities for short stays (but not including bed/breakfast facilities – which are within the definition of home business) and may or may not incorporate an entertainment venue, shop, restaurant or sell liquor."

The prohibition on the use of the facilities for the purposes of transient workers accommodation was reflected in condition 'k' of the Approval:

"k. The use of the site shall be in conformity with the Shire of Ashburton Town Planning Scheme, No 7, in so far as the use of the site, in total or part, shall not include its use for the purposes of :transient workforce accommodation" as defined in Appendix 2 of the Scheme."

The advice from the applicant that the extension of time is due to the economic downturn is reasonable. There is no reason to dispute the applicant's advice that they will not seek to use the development for Transient Workers Accommodation.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

It is recommended that the Planning Approval be extended for a further two (2) years and subject to the previous conditions of Approval as there has been no changes in the planning scheme or policy since the original Approval that would warrant refusal.

If an extension of time is agreed to by Council, it would again be appropriate to remind the Applicant that 'transient workers accommodation' is a prohibited use in a "Commercial and Civic" zone.

Consultation

Chief Executive Officer

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7

Clause 5.12.2 of the Shire of Ashburton Local Planning Scheme No. 7 states:

"An application may be made to the Local Government, in the form prescribed in subclause 5.5.1, for an extension of the term of approval at any time prior to the expiry of the approval period in clause 5.12.1 (a). The length of the extended approval period shall be determined at Local Government's discretion."

Policy Implications

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

Financial Implications

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

Strategic Implications

There are no identified strategic implications, which relate to this matter. However, development as proposed will assist in providing legitimate tourist facilities in Paraburdoo.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr Bloem

That Council:

- 1. Pursuant to Clause 5.12.2 of the Shire of Ashburton Local Planning Scheme No. 7 extend the term of Planning Approval to construct and use 160 additional accommodation rooms as well as caravan and camping facilities on Lot 622 McRae Avenue, Paraburdoo, in accordance with the submitted plans until 22 August 2012, subject to the conditions of Approval dated 22 August 2008.**
- 2. Instruct the Chief Executive Office to write to the Applicant advising of Council's decision to extend term of Planning Approval and reminding the Applicant that:**

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

- i) the subject site is zoned “Commercial and Civic” in the Scheme;**
- ii) ‘transient workers accommodation’ is a prohibited use in a “Commercial and Civic” zone.**
- iii) The scheme defines “transient workforce accommodation” 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 construction camp and dongas”***
- iv) the development as approved must not be used for ‘transient workers accommodation’, which is reflected in condition ‘k’ of the approval.**

**CARRIED 8/1
Cr Dias voted against motion.**

**13.10.60 PROPOSED SUBDIVISION – LOT 852 ONSLOW ROAD, ONSLOW
(WAPC REF: 142846)**

FILE REFERENCE:	ON.OA.852
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/ RESPONDENT:	Whelans (Applicant) Louise Ashley and Joseph Thompson
DATE REPORT WRITTEN:	10 October 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Not applicable

Summary

An application to subdivide land at Lot 852 Onslow Road, Onslow into two (industrial) lots has been lodged with the Western Australian Planning Commission (WAPC). The WAPC has referred the Application to the Council for comment and for the recommendation of possible conditions. The subject land is zoned Industrial under the Shire's Town Planning Scheme No. 7 and located within the 'Onslow Airport Height Restriction Area'.

The proposal involves the subdivision of the land into two lots, of one of 3659^{m²} and 4031^{m²} respectively.

It is recommended that Council advise the WAPC that it has no objection to the subdivision but that it requests that the conditions set out in the report recommendation be included in any Approval issued by the Commission.

Background

An application to subdivide land at Lot 852 Onslow Road, Onslow into two (industrial) lots has been lodged with the Western Australian Planning Commission (WAPC). The area of Lot 852 totals 7689^{m²}. The WAPC has referred the Application to the Shire for comment and for the recommendation of possible conditions. The WAPC referral of the Application to the Shire is a requirement of the Planning & Development Act.

The subdivision will yield two lots, one of which is intended to retain the existing warehouse/factory that fronts Shanks Road while the other will be vacant land.

The subject land is zoned Industrial under the Shire's Town Planning Scheme No. 7 ('Scheme') and located within the 'Onslow Airport Height Restriction Area' ('OAHRA'). The OAHRA states:

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

“7.5.1 In assessing applications for planning approval for land within the Special Control Area, Local Government shall ensure appropriate clearance between proposed Structures and the current obstacle limitation surfaces for the Onslow Aerodrome.”

The Shire is currently reviewing the operations and development of the Onslow aerodrome where limitations of building heights may be defined in the future.

The applicant has advised:

“The application seeks to subdivide one 7,689m² lot to create two industrial lots of 4,031m² and 3,659m²

The proposed lots are capable of being serviced with all necessary services.

Although this subdivision will be referred to the Water Corporation as part of the assessment process, support has already been obtained 'in principle' for this proposal. Email correspondence in this regard has been attached, together with supporting information.

The land is zoned "Industrial" under the Shire of Ashburton's Town Planning Scheme No.7. The proposed subdivision satisfies the minimum 2,000m² lot area requirement prescribed for industrial properties. The subdivision design is predicated upon the retention of the existing building.”

The layout of the proposed subdivision and an aerial photograph are shown on the enclosed attachments.

ATTACHMENT 13.10.60

Comment

The layout and density of the proposed subdivision is consistent with the provisions of the Scheme. The applicant is correct that a minimum lot size of 2000m² applies to the Industrial zone and the application reflects that. However, Amendment No. 6 to the Scheme, which was recently Gazetted (22 June 2010), states :

“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 2000in² 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.

AMD 6 GG 22/6110”

Therefore, subject to the adoption of a Development Plan and the provision of all services, it would be possible to consider further subdivision of the land.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

In this context it is not considered appropriate that further access be made to Onslow Road than the two crossovers for the two lots although access to Shanks Road would not be restricted. This would be defined as a condition on any subdivision approval along with a notification on title with respect to the OAHRA.

The proposed subdivision is in keeping with the zoning of the land. The lots should be stabilised, drained and provided with reticulated water and electricity prior to clearance. In addition, uniform fencing of the lots fronting Onslow Road should be sought.

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

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

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

The Shire is aware that the provision of water supply services to Onslow is at capacity. Water Corporation has advised that no additional connections are available using the existing infrastructure and supply. The applicant notes, however, that Water Corporation has already provided 'in principle' for this proposal.

In this regard it is noted that the WAPC has referred the application to Water Corporation. It is recommended that the WAPC take into account the advice from the Water Corporation as to whether reticulated water supply is available to the land. Any support for subdivision should be contingent on the availability of reticulated water.

It is recommended that Council provide conditional support for the proposed subdivision and advise the WAPC accordingly

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Town Planning Scheme No. 7

Policy Implications

Council Policy PLA 3 – Standard Subdivision Conditions

Financial Implications

There are no financial implications in relation to this matter.

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 housing in the Shire is an important operational and strategic need.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED:

Cr White

That Council advise the Western Australian Planning Commission that:

- 1. Council offers no objection to WAPC Subdivision Application Ref 142846 by Whelans to subdivide land at Lot 852 Onslow Road, Onslow into two (2) lots, subject to the following conditions being included in the subdivision approval:**
 - 1. The subdivider providing a detailed plan to the requirements of the local government showing access of both lots to Onslow Road restricted to one crossover per lot.**
 - 2. Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant limiting motor vehicle access onto Onslow Road to one access point benefiting the local government being lodged on the Certificates of Title of the proposed lot, at the full expense of the applicant.**
 - 3. The crossover/s to Onslow Road as shown on the plan referred in condition 1 shall be drained and sealed to the satisfaction of the local government.**
 - 4. Uniform fencing is to be constructed along the boundaries of all of the proposed lots abutting Onslow Road.**
 - 5. The land being graded and stabilised at the subdivider's cost to the specifications and satisfaction of the local government.**
 - 6. The provision of underground power to all lots within the subdivision.**
 - 7. A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:**

"This lot is situated in the vicinity of Onslow aerodrome and is currently affected, or may in the future, be affected by aircraft noise and building height restrictions. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected properties, are available on request from the relevant local government offices."

8. The applicant/owner making arrangements satisfactory to the Western Australian Planning Commission to ensure prospective purchasers of the proposed lots will be advised of the potential for amenity impacts and building height restrictions arising from aircraft using the Onslow aerodrome.

Note: The Shire wishes to advise that a significant issue for this and other applications in Onslow is the provision 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 is aware 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 it is noted that the WAPC has referred the application to Water Corporation. The Shire recommends that the WAPC take into account the advice from the Water Corporation as to whether reticulated water supply is available to the land.

CARRIED 9/0

Declaration of Financial Interest

Prior to consideration of this Agenda Item Cr Dias declared an interest in Agenda Item 13.10.61 in accordance with Section 5.60A of the Local Government Act. The interest being he owns shares in Chevron Corporation.

Cr Dias left the meeting at 10.36 am.

**13.10.61 REQUEST FOR COMMENT ON DRAFT PLANNING SCHEME
AMENDMENT NO. 10 ASHBURTON NORTH STRATEGIC
INDUSTRIAL AREA, ONSLOW**

FILE REFERENCE: PS.TP.7.10

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

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

DATE REPORT WRITTEN: 6 October 2010

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.07.38 Ordinary Meeting of Council
21 July 2010

Summary

Chevron Australia Pty Ltd has requested Council to allow transient workforce accommodation for those workers involved in the eventual operation of Chevron's proposed Wheatstone LNG and domestic gas plant at Ashburton North Strategic Industrial Area (ANSIA). The Shire Administration has consistently advised Chevron that all operational workforce at the ANSIA should be located in Onslow, irrespective whether they are 'fly-in-fly-out' or permanent residents.

The Shire Administration considers that the Chevron proposal will have the following negative implications:

- It would establish an unacceptable precedent where all future operators at the ANSIA would have the same opportunity and potential to house operational staff at Ashburton North in perpetuity.
- No definitive assessment has been made on actual numbers of people living at Ashburton North, however on the basis of deduction it is reasonable to assume that it could eventually be in excess of 700 – 800 people.
- The proposal would result from there being two permanent towns, given that Chevron's operation could be established for at least 50 years.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

- An operational workforce camp could limit the overall size, development and operation of the ANSIA over time.
- Chevron should reasonably be expected to contribute to improving the social and physical infrastructure of Onslow.
- An operational workforce camp within the ANSIA would weaken the opportunity for upgrades of water, power and community facilities at Onslow.
- By relying upon an operational workforce camp within the ANSIA, Chevron's social and economic commitment to Onslow would be questioned.

It is recommended that Council advise Chevron that it would not support an operational workforce at the ANSIA.

Background

Chevron Australia Pty Ltd ('Chevron') has provided the Shire with a 'preliminary' draft Amendment to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), a draft Structure Plan to guide the development of the Ashburton North Strategic Industrial Area ('ANSIA') and draft Development Guide Plan for the development of Chevron's land for a liquid natural gas plant and domestic gas plant at the ANSIA, in general, and Chevron's Wheatstone LNG plant in particular.

The reason for submitting 'preliminary' draft documents is for the Shire to arrange 'pre-referral' of the Amendment and accompanying documentation to State Government agencies. The 'preliminary' draft Amendment has been given the numerical designation of draft 'Amendment No. 10'.

Draft Amendment No. 10 as presented by Chevron includes the following reference to the establishment of workers accommodation at the ANSIA (within a 'Special Use' zone) as follows:

No.	Description of Land	Special Use	Conditions
2.	Part Lot 152, Onslow Road	The predominant use shall be Transient Workforce Accommodation. Other acceptable uses may include Operational Workers Accommodation and Ancillary Uses such as recreational uses and utilities associated with the accommodation, administration and operation associated with the Wheatstone Project.	<ol style="list-style-type: none"> 1. Land use and development shall generally be in accordance with a Development Plan approved by the Shire, which shall address but not be limited to: layout, transport and access, landscaping, employment numbers, community impact (on the Onslow townsite), housing waiting list management and environmental issues. 2. It is the preference of the Shire of Ashburton that Operational Workers Accommodation (including fly in/fly out) should be housed in Onslow and, without limiting the application of clause 3 below, accommodation within the Camp shall cater to workers involved in construction processes only. 3. Operational Staff housed within Special Use No.2 may be considered in the circumstances as outlined in Clause 4 below.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

			<p>4. Accommodation for permanent/operational staff may be considered for a temporary period where the proponent demonstrates there is insufficient housing supply, available land and/or infrastructure at Onslow to accommodate some or all operational staff. Relevant factors include (but are not limited to): land supply, the capacity of existing services, the cost and timing of upgrading services and/or the creation of lots, the quality of available housing, the affordability of housing and the compatibility between available/proposed housing and household types.</p> <p>5. Development shall be subject to a development application and a building licence approved by the Shire.</p> <p>6. Development/Building Licence Applications must demonstrate compliance with the provisions of the Scheme and the Shire's LPP13 - Transient Workforce Accommodation, where appropriate.</p> <p>7. Accommodation Camps shall be limited to a Type B Camp (construction) as defined by the Shire's LPP13 – Transient Workforce Accommodation.</p> <p>8. In the event of clause 3 above being enacted, conditions of development and/or building licence approval may include a limitation on the number of operational staff to be housed at the site, the duration for which they may be housed and a management plan illustrating the timeframe for transferral of the operational staff to Onslow.</p>
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The Shire Administration has at every possible opportunity advised Chevron that it requires the operational staff associated with the ANSIA to reside in Onslow. It should be noted that at no stage, have Shire staff sought to differentiate between operational staff that are 'fly-in-fly out' or those who would reside permanently at Onslow. Proof of this can be seen with BHPB's Macedon domestic gas plant 'approval' which allowed construction staff to be housed at the ANSIA but required all operational staff to reside in Onslow.

The Shire position on requiring operational staff to reside in Onslow has been applicable to all companies that develop at the ANSIA (not just Chevron). No distinction has been made between 'fly-in-fly out' operational staff and those who would reside permanently. In this context Chevron has been reminded that Amendment No. 10 is for all ANSIA users, not just for Chevron. Reference in the submitted draft Amendment to the 'Wheatstone' project is simply not acceptable.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

As a reflection of the Shire's good faith and a desire to ensure that the planning process continues, the Shire Administration referred 'preliminary' draft Amendment No. 10 along with the accompanying draft Structure Plan and draft Development Plan to the Department of State Development (DSD) for informal referral to relevant Government Agencies. A covering letter from the Shire pointed out to DSD that the proposed Amendment in the current form was not supported by the Shire Administration.

On the basis of the above, Shire Staff strongly recommended to Chevron that they seek the view of Council on its approach to 'operational workforce' at Onslow before formally submitting draft Amendment No. 10 and associated documentation. Chevron has now requested the position of Council be determined.

By letter dated 22 September, Chevron advised as follows:

"Chevron is aware of the Shire's position with respect to fly-in-fly-out (FIFO). You have clearly communicated at a number of meetings that you believe the Council is unlikely to initiate an amendment that seeks support for FIFO operational workers to be housed in the proposed 'Special Use' zone within the ANSIA.

While understanding the Shire's position, Chevron believes that it is not possible to have the entire operational workforce permanently housed in Onslow given the current lack of adequate land, housing, services and supporting infrastructure.

However, Chevron is looking to house a portion of its operational workforce and their families on a permanent basis in Onslow. This number may increase as land, housing, services and infrastructure in Onslow is developed to meet the needs of a growing permanent population.

The following points outline Chevron's current position:

- The draft EIS/ERMP released for public comment outlines that all construction workforce and operational staff will be located in the accommodation village within the Ashburton North Strategic Industrial Area (ANSIA).*
- Chevron is now proposing that of the anticipated 300 operational workforce required for the Wheatstone Project, a number of these staff (up to 25 per cent) and their families will be permanent residents. This would require an additional 100 houses to be built within the Onslow townsite.*
- The remainder of the operational workforce (at least 75 per cent) will be fly-in fly-out (FIFO) and located in an operational village within the proposed 'Special Use' zone in the ANSIA. The operational workforce will be located in a separate facility to the construction workforce.*
- In addition to the infrastructure limitations in Onslow, early indications are that the cost of locating the FIFO operational workforce to Onslow maybe in the order of \$100m which is a significant issue to the project.*

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

The Shire of Ashburton Town Planning Scheme No.7 Draft Amendment No.10, provided to the Shire on 14 September 2010, reflects Chevron's current position outlined above and makes provisions for operational workers accommodation in the 'Special Use' zone.

The social impact studies undertaken by Coakes Consulting for the Wheatstone Project (also provided on 14 September) have shown that power, water, waste water and waste disposal infrastructure are currently all inadequate to manage the additional households. In addition, these additional residents and their families would have the following impacts:

- A full-time doctor will be required in town;*
- Upgrades will be required to the existing hospital to accommodate same day procedures;*
- A dentist will be required to visit the town on a regular basis;*
- Further development and staffing of the Community Health Centre will be required;*
- Additional day care facilities and an additional staff member will be required;*
- There is likely to be strain on existing health and emergency services (e.g., St John's Ambulance and FESA) due to staffing and funding issues.*

The provision in Draft Amendment No.10 was prepared in recognition of the above social and infrastructure limitations in Onslow, the Shire's current position on FIFO and the need to provide certainty for Chevron in planning for the Wheatstone project.

The wording of the draft Amendment No.10 allows "..... permanent/operational staff may be considered for a temporary period where the proponent demonstrates there are insufficient housing supply, available land and/or infrastructure at Onslow to accommodate some or all of its operational staff". It also outlines that there may be conditions of development or approval, such as a "..... limitation on the number of operational staff to be housed at the site, the duration for which they may be housed and a management plan illustrating the timeframe for transferral of the operational staff to Onslow."

Chevron believes that the provisions in draft Amendment No.10 meets the aspirations of the Shire coupled with the Wheatstone project planning to locate a percentage of its permanent operational workforce and their families in Onslow.

The number of permanent operations workers residing in Onslow may increase as infrastructure and service develop and/or the land occupied by the camp is ultimately rezoned to Strategic Industry.

We look forward to your response on this issue and the current provisions in draft Amendment No.10 to allow operational workforce in the 'special use' zone."

Comment

Chevron's 'preliminary' draft Amendment No. 10 provides that no operational staff is anticipated at Ashburton North, except for the proviso that:

- "4. Accommodation for permanent/operational staff may be considered for a temporary period where the proponent demonstrates there is insufficient housing supply,*

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

available land and/or infrastructure at Onslow to accommodate some or all operational staff.”

A contradiction appears to exist between Chevron’s advice to the Shire and the community in relation to operational staff. Chevron has clearly stated in a draft Environmental Impact Statement (EIS)/Environmental Review and Management Programme (ERMP) lodged with the EPA (separate to the Planning Scheme Amendment process) that all operational staff (up to 400 operational staff are referred to in the EIS/ERMP) will be located in the proposed transient workforce accommodation camp within the ANSIA. Based on Chevron’s own EIS/ERMP, no operational staff are proposed to be located in Onslow.

This arrangement for operational staff conflicts with what is stated in Chevron’s draft Amendment No. 10, where the provisions provide that no operational staff is anticipated at Ashburton North, except for the stated proviso. However, the draft Structure Plan which accompanies the draft Amendment suggests a scenario of operational staff being located in Onslow potentially comprising:

Scenario 1	25 per cent of ANSIA operations workforces are residential in Onslow. The remaining 75 per cent of the operations workforces are fly-in, fly-out and reside in fully self sufficient operations camps at the ANSIA.
Scenario 2	25 per cent of operations workforces are residential in Onslow. The remaining 75 per cent of the operations workforces are fly-in, fly-out and reside in operations camps in Onslow.

Neither draft Amendment No. 10 nor the EIS/ERMP reflects the above scenarios. In addition, neither the draft Scheme Amendment report nor the draft Structure Plan address the period of time an operational camp would function.

Based on written advice from Chevron and discussions with senior management at Chevron, it is clear that the provisions of draft Scheme Amendment No 10 whereby no operational staff is anticipated at Ashburton North is not sought by Chevron.

There is simply no stated intent in any document or correspondence from Chevron that all operational staff would be located at Onslow.

The EIS/ERMP prepared by Chevron refers to the LNG facility operating for up to 50 years. A significant omission in the EIS/ERMP and draft Amendment No. 10 is the lack of social or community assessment resulting from there potentially being two permanent towns:

- one at Onslow with very limited community infrastructure; and
- the other being a well provisioned operational workforce camp within the ANSIA which will have duration of up to 50 years.

Essentially it would appear from the statements in the EIS/ERMP, Chevron requires their operational staff (or perhaps the ‘fly in-fly out’ staff) to be housed at Ashburton North. This is simply not reflected in the draft Amendment No. 10. Chevron has constantly been advised by

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Shire staff that operational staff accommodation at the ANSIA is not acceptable. The clear preference of the Shire is that all operational staff, irrespective of:

- being permanent relocated operational staff or fly-in-fly-out' staff; or
- the organisation associated with the ANSIA should all be located at Onslow.

The Shire administration considers that the Chevron proposal involving the majority of operational staff (either 300 or 400 persons) being housed at the ANSIA will have the following negative implications:

- It would establish an unacceptable precedent where all operators at the ANSIA would have the same opportunity and potential to house operational staff at Ashburton North in perpetuity.
- No definitive assessment has been made on actual numbers of people living at Ashburton North, however on the basis of deduction it is reasonable to assume that it could eventually be in excess of 700 – 800 people.
- The proposal would result from there being two permanent towns, given that Chevron's operation could be established for at least 50 years.
- An operational workforce camp could limit the overall size, development and operation of the ANSIA over time.
- Chevron should reasonably be expected to contribute to improving the social and physical infrastructure of Onslow.
- An operational workforce camp within the ANSIA would weaken the opportunity for upgrades of water, power and community facilities at Onslow.
- By relying upon an operational workforce camp within the ANSIA, Chevron's social and economic commitment to Onslow would be questioned.

Chevron's assessment that additional residents would result in the need to upgrade services (such as full time doctor, upgrades to the hospital etc) is likely to be correct. These services are, however, not unreasonable for Onslow as it currently exists, let alone with increased population.

Reference in the Chevron correspondence to "*.....Draft Amendment No.10 was prepared in recognition of the above social and infrastructure limitations in Onslow, the Shire's current position on FIFO....*" is curious.

At no stage has Council stated that it would prevent or limit 'fly in-fly out' staff associated with Chevron's development or any other operator at Ashburton North. Chevron's desire to link their need for operational staff being located at Ashburton North and 'fly in-fly out' is not relevant.

It would appear that a strong theme in the Chevron correspondence is the "*...social and infrastructure limitations in Onslow...*"

As Council is acutely aware, there are currently severe limitations associated with social and developed infrastructure at Onslow. For this to be improved, it will require a coordinated approach and funding from State Agencies and State corporations, as well as significant input from stakeholders such as Chevron. LandCorp has commenced the initial planning assessments required to prepare a structure plan for Onslow. LandCorp is in receipt of the 'preliminary' draft

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

Amendment, draft Structure Plan and draft Development Guide Plan. A copy of the Chevron correspondence dated 22 September was forwarded to LandCorp for comment. By letter dated 11 October 2010, LandCorp provided advice regarding Chevron's operational workforce and the current land and infrastructure planning.

ATTACHMENT 13.10.61

In part LandCorp advised as follows:

“It is understood Chevron could potentially require housing for a 300+ operational workforce in 2015. Whilst further investigation is needed, with a lead time of four plus years and based on currently available information, we believe suitable land in town could be available to meet Chevron's requirements.

With regards to infrastructure, we understand DSD are aiming to compile a brief for it's Minister by November 2010 which will outline the social infrastructure requirements and indicate costs. With the commitment of the State and Chevron, we believe the required infrastructure could also be in place in order to assist Chevron with accommodating its operational workforce in town.

LandCorp is committed to assisting Chevron and the Shire in order to reach a successful outcome and welcomes the opportunity to discuss further.”

On the basis of the above (and the LandCorp correspondence), it is clear that land will be available for operational workforce associated with the ANSIA within a reasonable time frame. In regard to Chevron's correspondence, it is appropriate that Council provide clear and precise direction to all potential operators in the ANSIA (including Chevron) and the community as to the preferred planning Scheme provisions for transient workforce accommodation. In this regard, the following provisions (which prohibit operational workforce at the ANSIA) are recommended:

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

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

			<p>developments approved in writing by the local government.</p> <p>4. Transient workforce accommodation for operational purposes of any use or development is prohibited.</p> <p>5. The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.</p>
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In relation to the above, it is recommended that Council advise Chevron that for the reasons outlined in this Report, Council would not be prepared to initiate an Amendment to the Scheme that reflects Chevron's position on operational workforce accommodation at the ANSIA.

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Chevron representatives
Representatives of relative State Government Agencies

Statutory Environment

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning acting upon recommendation from the WAPC.

Shire of Ashburton Local Planning Scheme No. 7

Policy Implications

The Onslow Structure Plan reflects the State Government and Council direction with regard to a new Strategic Industrial Area at Ashburton North.

Financial Implications

The rezoning process associated with the new Strategic Industrial Area at Ashburton North enables Council to pursue fees from proponents in accordance with Planning and Development Act Regulations.

The initial financial implications to the Shire from the Chevron proposal have related to travel costs to Perth/Onslow for Workshop Meetings and other meetings as associated with draft Amendment No. 10. The Shire has presented Chevron Australia with an estimate of fees for the Amendment, Structure Plan and Development Plan and this has been accepted by Chevron. It is possible that further costs could be associated with Amendment, Structure Plan and Development Plan (e.g. consultant advice on hydrology). If such costs are incurred, they will be directly passed on to Chevron.

Strategic Implications

A new Strategic Industrial Area at Ashburton North will have significant impact upon the Shire and in particular, the strategic direction for Onslow. The Shire supports the direction of the Federal and State governments however the Shire's Strategic Plan (2007-2011) will need to be modified should the Strategic Industrial Area be approved.

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

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

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

"New Industry

Measures and Targets

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

It is suggested that the modifications to the Scheme as recommended will assist in achieving the above objectives for Onslow and the Shire.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Corker

That Council:

1. **Instruct the Chief Executive Officer to write to Chevron Australia Pty Ltd advising the company in relation to Chevron's correspondence of 22 September 2010 as well as Chevron's 'preliminary' draft Amendment No 10 to the Shire of Ashburton Local Planning Scheme ('Scheme'), draft Structure Plan for the Ashburton North Strategic Industrial Area ('ANSIA') and draft Development Guide Plan, Council, would not initiate any Amendment to the Scheme that provides for operational workforce accommodation at the ANSIA.**
2. **Resolve that in relation to a Special Use zone for transient workforce accommodation within the ANSIA, it would be prepared to support a planning Scheme amendment based on the following provisions:**

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

No.	Description of Land	Special Use	Conditions
2.	Portion of Ashburton Location 153, Onslow Road	Transient Workers Accommodation	<ol style="list-style-type: none"> 1. Land use and development shall generally be in accordance with a Structure Plan and Development Plan approved by the local government and the Western Australian Planning Commission which addresses those matters defined in Clause 7.9 and Appendix 11 as it relates to the Ashburton North Strategic Industrial Area and specifically, provides details on the layout, staging, operational period of the use, accommodation of operational workforce, transport, access, landscaping, management and environmental issues associated with the development and use of the land. 2. All transient workforce accommodation shall be considered a 'D' Use under the Scheme. 3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or maintenance of those uses and developments approved in writing by the local government. 4. Transient workforce accommodation for operational purposes of any use or development is prohibited. 5. The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.

3. Instruct the Chief Executive Officer in association with the Shire President, prepare and distribute a press release advising of Council's position (as reflected in resolutions 1 and 2 above) and to ensure that the community of Onslow is made aware of Council's position.

CARRIED 8/0

Cr Dias re-entered the meeting at 11.00 am.
Amanda O'Halloran left the meeting at 11.01 am.

13.10.62 PROPOSED SALES / OPERATIONS OFFICE FOR TOM PRICE TOWN CENTRE REVITALISATION

FILE REFERENCE: PS.DV.22

AUTHOR'S NAME AND POSITION: Justine Hyams
Project Manager – Town Centre Revitalisation

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 9 October 2010

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

PREVIOUS MEETING REFERENCE: Not applicable.

Summary

It is proposed to locate a temporary sales/operations office on the Tom Price Village Green in support of the Tom Price Town Centre Revitalisation Project.

The use is temporary and will be removed once the Revitalisation Project is completed, which is anticipated to be in approx two (2) years.

The transportable office will house the Project and Sales Staff, thus easing the pressure on the Shire Office accommodation, as well as providing an essential link to the community during the construction phase of the mall. Funds are available from the Town Centre Revitalisation funding provided by the State Government's Royalties for Regions Funding.

Background

In late 2009 Council was provided with \$10 million to revitalise the Tom Price Town Centre. Funding was provided via a grant from Royalties for Regions Program and the initial contract for consultancy Services was let in October 2009.

At the meeting of Council in May 2010, Council was provided with plans showing in detail the design concepts for the mall area and associated land uses for Council's consideration and approval. At that meeting, Council endorsed the Tom Price Town Centre Revitalisation Plan.

Proposal

The Application is to erect and use a temporary transportable building with an area of approximately 60^m² for a sales/operations office associated with development of the Tom Price Town Centre Revitalisation Project. A planning application has been submitted in relation to this Capital Expenditure (separate item to this Report).

ATTACHMENT 13.10.62

Comment

It is considered that as the final design choice of the proposed transportable building will be of a very high quality and instrumental in the developing the Tom Price Revitalisation Project.

The module selected will be relocatable in order to be utilised in alternative locations once it is no longer required in relation to the Town Centre Revitalisation Project.

Council is requested to authorise the expenditure of up to \$100,000 on sales/operations office. It is noted that funding for such a purpose is available through the Royalties to Regions funding for the overall project.

Consultation

Executive Manager Engineering Services

Statutory Environment

Local Government Act 1995

Financial Implications

Funding is available from existing Royalties to Regions funding.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Absolute majority required.

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Corker

That Council approve Capital Expenditure of \$100,000 to purchase a transportable Sales/Operations Office for use in association with the Tom Price Town Centre Revitalisation Project. The building to be located on Lot 2 Stadium Road, Tom Price.

**CARRIED 9/0
ABOSLUTE MAJORITY**

Amanda O'Halloran re-entered the meeting at 11.02 am.

13.10.63 PLANNING APPLICATION – PROPOSED SALES/OPERATIONS OFFICE (ASSOCIATED WITH THE TOM PRICE REVITALISATION PROJECT) AT LOT 2 STADIUM ROAD, TOM PRICE

FILE REFERENCE: PS.DV.22

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton
(Owner and Applicant)

DATE REPORT WRITTEN: 9 October 2010

DISCLOSURE OF FINANCIAL INTEREST: The author is employed as a consultant to the Shire/Council.

PREVIOUS MEETING REFERENCE: Council Agenda Item 10.05.12 Ordinary Meeting of Council 19 May 2010

Summary

A development application has been submitted by the Shire to establish a temporary transportable sales/operations office (associated with the Tom Price Revitalisation Project) at Lot 2 Stadium Road, Tom Price. The use is temporary and will be removed once the Revitalisation project is completed (anticipated to be within 2 years from commencement).

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land as 'Commercial and Civic'. Under the Scheme, an office use is a 'P' use (permitted) subject to car parking. Extensive public parking is available from adjoining public land. The use is not considered to be a significant generator of parking.

The Application has been assessed and found to comply with the relevant provisions of the Scheme. It is recommended that the building and use be approved subject to a number of conditions (including a condition limiting the operation of the use to two years).

Background

In 2009 Council was provided with \$10 million to revitalise the Tom Price Town Centre. Funding was provided via a grant from Royalties for Regions Program and the initial contract for Consultancy Services was let in October 2009.

At the meeting of Council in May 2010, plans showing the design concepts for the mall area and associated land uses were submitted for Council's consideration and approval. At that meeting, Council endorsed the Tom Price Town Centre Revitalisation Plan.

Proposal

The Application is to erect and use a temporary transportable building with an area of approximately 60^m² for a sales/operations office associated with development of the Tom Price Town Centre Revitalisation Project. A number of designs are being considered with the final design dependent upon Council approving funding (separate item to this Report).

The proposed use is temporary and will be removed once the Revitalisation Project is completed (anticipated to be within 2 years from commencement).

ATTACHMENT 13.10.63

Comment

It is considered that as the final design choice of the proposed transportable building will be of a very high quality and instrumental in the developing the Tom Price Revitalisation Project.

The Shire's Local Planning Scheme No. 7 zones the land as Commercial and Civic. Under the scheme an office is a 'P' use (permitted) subject to car parking. It is not proposed to provide car parking within the development, however extensive public parking is available on adjoining public land. The use is not considered to be a significant generator of parking. For this reason it is recommended that Council exercise its discretion and waive a requirement for parking.

The plans provided to Council are conceptual however, it is appropriate to condition any Approval to require submission of finalised plans and elevations for endorsement at Building Licence. The conditions recommended reflect those that would be anticipated for any commercial development of a similar standard and impact, although limited to two years. It is recommended that the final design be determined by the Chief Executive Officer in consultation with the three Tom Price Ward Councillors.

Consultation

Executive Manager Engineering Services

Although the Scheme does not prescribe the need for public advertising, it is open for Council to advertise any application. However, the Approval sought is in keeping with area of existing development and accordingly, advertising is not recommended.

Statutory Environment

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

The land is zoned *Commercial and Civic* under the Scheme. Clause 6.15 of the Shire of Ashburton Local Planning Scheme No.7 states as follows:

"6.15 Transportable Structures

6.15.1 When considering planning applications which include transportable buildings and structures Local Government shall have regard for:

prior to or with the building licence application.

- 2. A Building Licence for the development should be obtained prior to 20 October 2012. This Planning Consent lapses if a Building Licence for the development has not been obtained by 20 October 2012. Further to this, if the development is not substantially commenced in accordance with the Building Licence by 20 October 2012, then this Planning Consent lapses at that date.**
- 3. The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the to the satisfaction of the Shire of Ashburton.**
- 4. Plans shall be 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.**
- 5. The building shall be connected to a reticulated water supply and reticulated sewer to the satisfaction of Pilbara Iron Infrastructure prior to occupation of the development.**

Advice Note

- 1. A Building Licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire prior to the demolition of existing buildings and the commencement of any on-site works whatsoever.**
- 2. In determining the final design and location of the transportable sales/operations office, the Chief Executive officer shall liaise with Tom Price Ward councillors, Cr Musgrave, Cr Bloem and Cr Shields.**

CARRIED 9/0

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

13.10.64 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	09/10	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	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 25 conditions and 9 footnotes.	Finalised. Development approval issued.
2	09/10	13.09.47	Extension of Time Accommodation Approvals –Barrow Island	1. Item 13.09.55 of Council decision of 15 September 2009 - Additional 161 Person Operations Workforce Accommodation Facility, Barrow Island: 1. 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: <i>"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".</i> 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: <i>"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".</i>	Finalised. Chevron advised of Council's decision.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				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.	
3	09/10	13.09.48	Proposed closure and transfer of unconstructed part of Boonderoo Road, Tom Price	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 Boonderoo Road reserve for transferral to Lot 308 in accordance with ATTACHMENT 13.09.48.	Ongoing. Public advertising is being undertaken.
4	09/10	13.09.49	Planning Application - Proposed Holiday Accommodation (11 Units) And Manager's Unit Lot 322 (No. 17) Second Avenue Onslow	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 28 conditions and 8 footnotes.	Finalised. Development Approval issued.
5	09/10	13.09.51	Proposed holiday accommodation (9 units), vacant land (Lot 308) corner of First Avenue and Simpson Street Onslow	That Council:- 1. Approve the development application made by Bachkit for land at Lot 308 Corner of First 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 26 conditions and 7 footnotes.	Finalised. Development approval issued.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
6	09/10	13.09.52	Planning application – proposed residential building at Lot 331 (No. 8) Third Avenue, Onslow	That Council: 3. 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 10 conditions and 1 footnote.	Finalised. Planning Approval issued.
7	09/10	13.09.53	Proposed name of new road off Boonderoo Road, Tom Price	That the new road off Boonderoo Road Tom Price be named Eucalyptus Court.	Finalised. Geographic Names Committee notified of Council decision.
8	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	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: 1. Modifying Clause 6.6 of the Scheme by inserting the following clauses: "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: (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 874m ² , with a minimum site area of 437m ² per grouped dwelling, within any area coded R20 or greater on the Scheme Map, subject to formal advertising pursuant to Clause 5.7; (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 1,500m ² within any area coded R20 on the Scheme Map, subject to formal advertising pursuant to Clause 5.7;	Ongoing. Amendment documents prepared in accordance with Council decision and referred to EPA,(WAPC), (DSD) and (RTIO).

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>(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 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 matter, the Chief Executive Officer be requested to:</p> <p>i) Address the responses from the EPA, WAPC, DSD and RTIO; and</p>	

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				ii) Provide a draft Local Planning Policy that addresses the necessary residential design criteria and any special town related matters.	
9	07/10	13.07.38	Planning Scheme Amendment No. 9 - Ashburton North Strategic Industrial Area, Onslow – Adoption For Final Approval	<p>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:</p> <p>1. Modifying Clause 6.11.8 of the Scheme to read as follows:</p> <p>"6.11.8 When considering applications for planning approval in the Strategic Industry zone, Local Government shall ensure that the proposal:</p> <p>(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;</p> <p>(b) complies with the requirements of any endorsed Structure Plan;</p> <p>(c) is significant to the regional and/or state economies; or</p> <p>(d) provides goods and services which directly support or compliment industries described in (a) and (b) of this sub clause; and</p> <p>(e) minimises or offsets impacts on local infrastructure, economic and community development".</p>	Ongoing Amendment forwarded to WAPC and then to Minister for Planning for consideration
10	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</p>	Ongoing Amendment referred to Western Australian Planning Commission.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>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>	
11	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. 4. Request the Western Australian Planning Commission to endorse the Onslow Townsite Strategy as adopted by Council. 	Ongoing Modified Strategy has been provided to the Department of Planning for finalisation – once completed. It will then be forwarded to the WAPC for adoption.
12	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> 	Finalised. Approved by Minister and Gazetted.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ol style="list-style-type: none"> 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. 	
13	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. To be submitted to November Meeting.
14	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</i> No. 1 ("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 	Ongoing. Further information being gathered for Council. Being considered in association with draft Amendment No.8.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>(c) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Rural Living' zone;</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 advertised for a period of 42 days, in accordance with the <i>Town Planning Regulations 1967</i>.</p> <p>3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</p>	

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Shields

That Council note the contents of this report.

CARRIED 9/0

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

14.10.0 WESTERN OPERATIONS REPORTS

14.10.18 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	Ongoing Continue to negotiate with Rio Tinto

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>the plan lack definition, are limited in scope and are largely uncosted</p> <p>b. The community plan largely consists of elements which are not community infrastructure or services</p> <p>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.</p>	
CORPORATE					
1	03/05	12.03.120	Robe River Memorandum of Understanding	<p>That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments:</p> <ol style="list-style-type: none"> 1. The Shire of Ashburton leasing: <ul style="list-style-type: none"> • The Library, Shire Office and Sentinel Chicken Coops; • The Dog Pound; • The Caravan Park and Ablutions Block 2. Robe River renovating the above facilities prior to the commencement of the leases. 3. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 4. The Shire of Ashburton committing to funding the Community Liaison Officer position for twenty (20) hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours. 5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis. 	Ongoing Work is ongoing – both Rio and Shire committed to outcome before end of financial year
DEVELOPMENT					
1	12/08	13.12.408	Proposed Transfer of Emergency Services Building	<p>That :-</p> <ol style="list-style-type: none"> 1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- <ol style="list-style-type: none"> i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. 2. The necessary procedures required to affect the transfer be implemented. 	Ongoing This item to be escalated to finalise before Christmas

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				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.	

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council note the contents of this report.

CARRIED 9/0

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

Council Decision

MOVED: Cr Corker

SECONDED: Cr Dann

That Council considers the following late Agenda Items;

- 15.10.20 Request by Hamersley Iron P/L to extend the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli)
- 15.10.21 Debtors for Write Off
- 15.10.22 Leasing Office Space in Perth
- 15.10.23 RFT 18/10 Structure Review

CARRIED 9/0

Declaration of Financial Interest

In accordance with Section 5.60A of the Local Government Act Cr Dias, Cr Bloem, Cr Rumble and Cr White declared a financial interest in Agenda Item 15.10.20, the nature of the interest being Cr Dias and Cr Bloem are employees of Rio Tinto or a subsidiary of Rio Tinto Pty Ltd and Cr Dias, Cr Rumble and Cr White are shareholders of Rio Tinto Pty Ltd.

Cr White, Cr Rumble, Cr Dias and Cr Bloem left the meeting at 10.07 am.

15.10.20 REQUEST BY HAMERSLEY IRON P/L TO EXTEND THE LIFE OF THE EXISTING 120 PERSON CONSTRUCTION WORKER ACCOMMODATION FACILITY AT PARABURDOO (KIRRA KULLI)

FILE REFERENCE: MI.TP.MS

AUTHOR'S NAME AND POSITION: Keith Pearson
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Department of State Development/Hamersley Iron P/L

DATE REPORT WRITTEN: 18 October 2010

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

PREVIOUS MEETING Agenda Item 13.05.27 Ordinary Meeting of Council 19 May

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

REFERENCE:	2010
	Agenda Item 13.11.46 Ordinary Meeting of Council 18 November 2008
	Agenda Item 13.11.41 Ordinary Meeting of Council 20 November 2007
	Agenda Item 13.10.36 Ordinary Meeting of Council 16 October 2007
	Agenda Item 13.02.03 Ordinary Meeting of Council 13 February 2007
	Agenda Item 12.10.070 Ordinary Meeting of Council 24 October 2006

Summary

Hamersley Iron P/L has requested the Minister for State Development to vary the Iron Ore (Hamersley Ranges) State Agreement Act whereby the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli) will be extended for 6 years until 31 December 2016.

Hamersley Iron's request replaces an earlier request which was considered by Council at its May 2010 meeting. That request involved the camp being increased in size from 120 to 400 beds and its life extended by 20 years (until 2030).

While the current request would have a less dramatic and adverse impact on the town of Paraburdoo the request needs to be viewed in the context of the longer term future of Paraburdoo.

Ongoing discussions are presently taking place between the company, the relevant state government agencies and the shire with the objective of establishing an agreed plan to guide Paraburdoo's future. It is this context that it is recommended that Council support a 24 month extension to the life of the camp while the agreed plan is developed.

Background

In 2008, Rio Tinto Ltd sought to extend the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli) by two years pursuant to the Iron Ore (Hamersley Ranges) State Agreement Act. It also sought to increase the size of the Tom Price Mine Camp (Jundamunah) to from 400 beds to 700 beds and extend the life of the Tom Price Camp by three years.

At the Council meeting of 18 November 2008, resolved:

"That Council advise the Minister for State Development and Rio Tinto Iron Ore P/L that the Shire of Ashburton does not support the company's proposal to extend the life of the Tom Price and Paraburdoo Mine site accommodation camps by three years and two years respectively, nor does it support the expansion of the Tom Price camp from 400 to 700 beds, for the following reasons;

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

- (a) *the conditions attached to Council's conditional agreement to extending the life of the camps (Council resolution 20 November 2007) have not been satisfactorily addressed by the company ; and*
- (b) *no assessment of the potential adverse social and other impacts of the expanded Tom Price camp on the town of Tom Price has been undertaken."*

On 24 November 2008, the Minister for State Development extended the Tom Price and Paraburdoo Mine site accommodation camps by three years and two years respectively and agreed to the expansion of the Tom Price camp from 400 to 700 beds. The decision by the Minister for State Development of November 2008 was at odds with Council's position. Prior to the Minister's decision, the Shire had lobbied the (then) State Labour Government and had some acceptance for the Council position by the previous Minister. The Government changed in October 2008 and the current Minister (and Premier) accepted Hamersley Iron P/L's request.

In April 2010 Hamersley Iron P/L requested the Minister for State Development to again vary the Iron Ore (Hamersley Ranges) State Agreement Act whereby the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli) would be extended for 20 years to 31 December 2030. In addition, Hamersley Iron P/L sought to increase the size of Kirra Kulli by 280 rooms (total of 400 rooms).

The Department of State Development referred the company's request to the Shire for comment and as a result Council considered the matter at its May 2010 Meeting. Following its deliberations Council resolved:

"That Council:

1. *Request the Minister for Regional Development to chair a 3-way dialogue with the Shire, Hamersley Iron P/L and the State in an attempt to establish a long term strategic direction for Paraburdoo.*
2. *Advise the Minister for State Development, Minister for Regional Development and Hamersley Iron P/L that the Council of the Shire of Ashburton does not support the company's proposal to extend the operational life of the existing 120 person construction worker accommodation Kirra Kulli facility to 31 December 2030 and to increase the capacity by 280 rooms (total of 400 rooms) for the following reasons:*
 - a) *no assessment on the potential adverse social and other impacts of the expanded camp on the town of Paraburdoo has been undertaken;*
 - b) *the proposal changes the facility from 'construction' to 'operational' camp;*
 - c) *approval not encouraging Hamersley Iron P/L to work with the government and the Shire in improving infrastructure and the supply of land in Paraburdoo.*

Advise the Minister for State Development that Council considers a 12 month extension of the operating life of Kirra Kulli construction workers accommodation facility (retaining the

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

existing 120 person facility) is acceptable as it will enable the dialogue referred to in 1. above to be undertaken. Any extension beyond 12 months should be assessed via an independent social impact assessment of the proposal on Paraburdoo.”

Subsequent to Council’s consideration of the matter at its May 2010 meeting, the Shire President and the author held meetings with the Minister for Regional Development, representatives of the Departments of State Development and Regional Development as well as Hamersley Iron in order to advocate Council’s opinion and to promote the concept of the three parties (ie. The company, the State and the Shire) jointly developing a plan for Paraburdoo’s future. In the interim the Minister for State Development reserved his final decision in relation to the company’s request.

In a new development the company has now withdrawn its April 2010 request to expand the size and life of the camp and replaced it with a request to extend the life of the existing 120 bed camp for six years until 31 December 2016.

The attachment included with this report contains the documentation which the Shire has received from the Department of State Development in relation to the latest company proposal.

ATTACHMENT 15.10.20

Comment

The Shire President and the author have strongly presented the Shire’s position in relation to this matter to the relevant State Government agencies and the company. These presentations by the Shire, which have focused on co-ordinating the views of the major stakeholders in order to develop a common strategy for planning Paraburdoo’s future have been sympathetically received by the State Government agencies in particular, to the point that the State is about to facilitate three way discussions between the company, State and Shire in an endeavour to develop a plan for the town’s future. The Shire President and author have been particularly pleased by the support the Shire has received from the State Government agencies to date.

It is within this framework that it is proposed that Council agree to a 24 month extension to the life of the Kirra Kulli Camp, in order to enable a plan to be developed for Paraburdoo’s future.

Consultation

Shire President

Statutory Environment

Iron Ore (Hamersley Ranges) Act

Policy Implications

The Council of the Shire of Ashburton does not support “fly- in, fly-out” mining as Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. The Council does acknowledge that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps to be established.

Financial Implications

There are no immediate financial implications for the Shire in relation to this matter.

Strategic Implications

Under the Shire of Ashburton's Strategic Plan (2007-2011) an objective is to ensure that the economic base of the towns are robust, broad and able to service future growth and community needs through a coordinated approach involving government agencies, industry and other key stakeholders. Clearly, any downgrading of Paraburdoo or limitation on infrastructure will severely impact on this objective.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dann

That Council advise the Department of State Development that it supports a 24 month extension (until 31 December 2012) to the life of the existing 120 bed Paraburdoo Mine Accommodation Facility (Kirra Kulli Camp), subject to Hamersley Iron P/L committing to work in a meaningful manner with the Department of State Development, Department Regional Development and Lands, and the Shire in order to develop a Paraburdoo Townsite Strategy, which will guide future decision making in relation to the town.

CARRIED 5/0

Cr White, Cr Rumble, Cr Dias and Cr Bloem re-entered the meeting at 10.09 am.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Shields

That Council raise Agenda Item 15.10.21 – Debtors for Write Off, from the Table.

CARRIED 9/0

15.10.21 DEBTORS FOR WRITE OFF

FILE REFERENCE: FI.RE

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 19 October 2010

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

PREVIOUS MEETING REFERENCE: Agenda 12.09.61, Ordinary Meeting of Council 15 September 2010

Summary

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

Background

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

Write Off was submitted in September 2010, however the item was “placed on the Table” at that meeting, as Council believed that more information on the location of Warren Roos and Gale Passow could be obtained. However after further investigation into this matter, Accounts Receivable were not able to give Austral Mercantile, a definite or permanent address to locate either party.

Therefore Write Off has been re-submitted.

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 chase 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.

15.10.22 LEASING OFFICE SPACE IN PERTH

FILE REFERENCE:	AS:AS
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager Western Operations
NAME OF APPLICANT/RESPONDENT:	N/A
DATE REPORT WRITTEN:	19 October, 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	N/A

Summary

Increasing economic development opportunities within the Shire Of Ashburton are driving the need to work in Perth on a more frequent basis. Dampier Port Authority has created the opportunity for a Pilbara focused office in Perth well situated to support the Shire in its endeavours.

Background

The Shire of Ashburton (SOA) is facing an unprecedented time of economic opportunity with many strategic projects demanding proactive management from the shire offices and Council.

Tom Price revitalisation, Paraburdoo's need for land development and the strategic industrial area at Ashburton North are sound opportunities for the SOA to build liveable communities with state of the art amenities for its residents and visitors.

The Shire will see nationally strategic projects developed over the next few years and it is essential that the Shire Council and senior officer team have the resources to capitalise on these opportunities.

All these activities however require a high level of interaction with State Agencies and professional advisors who are largely based in Perth, increasing the necessity to be located in Perth more often.

Comment

The Dampier and Port Hedland Port Authorities have established a "Pilbara Ports" office in Perth. The offices are situated in Parliament Place, next door to Parliament House and easy access to Dumas House and key stakeholders.

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

They have offered the Pilbara Shires office space at a reasonable commercial rate to facilitate increased efficiency of project development, allowing greater joint contribution and a collaborate approach to regional development.

Other key stakeholders considering occupation of the offered office space are:

- Pilbara Regional Council
- Pilbara Cities Initiative
- Pilbara Shires

DPA (Dampier Port Authority) is encouraging 12 month lease terms or greater.

Options Available

The DPA is flexible on providing adequate office space. All options support the availability of meeting space and in some instances include car parking.

With the increasing level of consultant services, fly in fly out officers and the need to be in Perth for extended periods for Senior Management, CEO and Shire president, it is recommended that Council consider allocating approximately \$2,500 per month from unbudgeted municipal funds to support the securing of a lease for the next 12 months.

This would provide Council with at least 3 work stations, fully serviced, inclusive of all administrative costs (inclusive of meeting room space as required).

There are significant practical advantages to leasing office space in Perth –

- reduced pressure travelling from meeting to meeting at different locations,
- negotiation advantage - having the ability to conduct meetings and proceedings in the Shires environment or neutral ground,
- increased productivity by having an Office like environment to set up in and work from rather than grabbing five minutes in coffee shops and ad hoc.

Consultation

CEO

EMES

Dampier Port Authority

Statutory Environment

N/A

Policy Implications

N/A

Financial Implications

If this Item was endorsed by Council up to \$30,000pa (currently unbudgeted) would be required to be allocated within the administrative budget, to support the initiative.

Strategic Implications

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

It is essential for the Shire to harness and capitalise on the current economic climate and nationally significant projects proposed for the Shire in order to deliver the strategic outcomes identified by Council. This initiative is supportive of all the objectives of the 2008 – 2011 Strategic Plan.

Voting Requirement

Absolute Majority

Officers Recommendation

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Dias

That Council allocate \$2,500 per month from unbudgeted municipal funds and secure a 12 month lease for office space in the Pilbara Ports office in Perth.

**CARRIED 9/0
ABSOLUTE MAJORITY**

15.10.23 RFT 18/10 STRUCTURE REVIEW

FILE REFERENCE:	AS:AS
AUTHOR'S NAME AND POSITION:	Jeff Breen Executive Manager Engineering Services
NAME OF APPLICANT/RESPONDENT:	NA
DATE REPORT WRITTEN:	18 October 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Ordinary Meeting of Council 16 May 2010, item 16.05.04

Summary

Expressions of Interest were called for a Structure Review in March 2010. From this EOI four consultants were selected by the assessment panel. These four consultants were invited to submit a RFT. The RFT closed on Friday 17 September 2010.

Tenders were received from Deloitte, Alchimie, Morrison Low and Business Improvements (Ron Bogan).

Background

Council has recognised the need for a Structure Review and has agreed to proceed with a tender process inviting tenders from the four short listed consultants resulting from the Expression of Interest process.

At the May 2010 Council meeting it was resolved 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).”*

Comment

Four tenders were received prior to the tender deadline.

The RFT was for a lump sum price to provide the service. All tenders were conforming except Business Improvements which provided a range of costs.

Tenders were evaluated on the following criteria:

- 1. Non-priced Items** 80% of assessment criteria

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

A) Relevant Experience 30%

Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it “**Relevant Experience**”:

- (a) Provide details of similar work;
- (b) Provide scope of the Tenderer’s involvement including details of outcomes;
- (c) Provide details of issues that arose during the project and how these were managed;
- (d) Demonstrate sound judgement and discretion; and
- (e) Demonstrate competency and proven track record of achieving outcomes.

B) Methodology 40%

Describe how you intend to carry out the work to satisfy the Principal’s objectives. Provide information as an attachment and label it “**Methodology**” .Information should include as a minimum;

- (a) Timeline in Gantt chart format
- (b) Relevant hold points
- (c) Staff/councillor engagement processes
- (d) Review process
- (e) Governance

C) Key Personnel skills and experience 30%

Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:

- (a) Their role in the performance of the Contract;
- (b) Curriculum vitae;
- (c) Membership to any professional or business association;
- (d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and
- (e) Any additional information.

Supply details in an attachment and label it “**Key Personnel**”.

2. Priced Item 20% of assessment criteria

Tenderer	Compliant	Price	Comment
Deloitte		\$289,037	
Alchimie		\$186,000	
Morrison Low		\$98,700	
Business Improvements	No	\$50 to \$60,000	Range of prices provided, however not considered material

MINUTES – ORDINARY MEETING OF COUNCIL 20 OCTOBER 2010

The panel met on 21 September and assessed the consultants on the criteria stated. The panel agreed unanimously that the preferred consultant was Morrison Low, however the commercial experience that was presented in the tender did not appear sufficient. Morrison Low was requested to supply further information and address the commercial aspect of their submission.

On 6 October 2010 a teleconference was held with the panel and Malcolm Morrison and Alison Dalzeil of Morrison Low.

Malcolm Morrison, a director of Morrison Low, presented further information regarding their commercial experience. This experience includes significant corporatisation works for New Zealand councils and Tumut Council as well as personal experience as NZGM for James Hardie and property business experience. The team has also strengthened by the addition of David Taylor who has considerable experience in the finance sector leading strategic and operational change.

Contact was made with the Tumut Council referee who was unstinting in his praise for Morrison Low in the manner in which they conducted their consultancy.

Morrison Low's fee has increased to \$129,600 ex GST plus disbursements. This amount increase has not affected the overall assessment of the tenderer's ratings.

The assessment panel has reviewed the additional information (disseminated by email) and has unanimously agreed that Morrison Low be appointed as the successful consultant for RFT 18/10 Structure Review. Assessment sheet is attached.

ATTACHMENT 15.10.23

Statutory Environment

Section 3.57, Local Government Act 1995 and Part 4, Local Government Act (Functions and General) Regulations 1996.

Financial Implications

All prices are within the budgeted amount

Strategic Implications

Objective 6 - A well managed and contemporary corporation

Voting Requirement

Simple majority

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Corker

That Council:

- 1. Receive the report, and**
- 2. Endorse the assessment panel's recommendation that Morrison Low be awarded the contract for the Structure Review RFT 18/10 for the sum of \$129,600.**

CARRIED 9/0

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.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council close the meeting to the public at 11:30 am pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

Keith Pearson, Larry Softley, Jeff Breen, Amanda O'Halloran and Janyce Smith left the meeting at 11.30 am.

16.10.11 CONFIDENTIAL ITEM – APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

FILE REFERENCE: JA.02

AUTHOR'S NAME AND POSITION: Keith Pearson
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 August 2010

DISCLOSURE OF FINANCIAL INTEREST: The author declares a financial interest in this matter in that he is the current Chief Executive Officer and he is providing information and advice to Council.

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.07.10, Ordinary Meeting of Council 21 July 2010.

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr White

That Council:

- 1. In accordance with Section 5.36 of the Local Government Act 1995 appoint Jeffrey Breen as Acting Chief Executive Officer for the period from 14 November 2010 until 16 February 2011 or to such time as the permanent appointee to the position of CEO takes up the position, whichever comes first,**

and

- 2. In accordance with Section 5.42 of the Local Government Act 1995 delegate to the**

Council Decision

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council re-open the meeting to the public at 11.35 am pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

Keith Pearson, Larry Softley, Jeff Breen, Amanda O'Halloran and Janyce Smith returned to the meeting at 11.35 am.

17.10.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 17 November 2010, at the Barry Lang Centre, Pannawonica commencing at 8:00 am.

18.10.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 11.35 am.