



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

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

21 April 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 21 April 2010 at the RM Forrest Memorial Hall, Second Avenue, Onslow, commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Jeff Breen
ACTING CHIEF EXECUTIVE OFFICER

14 April 2010

DISCLAIMER

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

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1.04.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 8:58am.

2.04.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed Mr Rod Barker, Onslow Salt; Mr Mike Edmondson, Chevron; Mr Tim Eckersley & Greg Finch, Rio Tinto; Mr Neil Martin, New Energy Corporation and members of the public to the gallery.

3.04.0 ATTENDANCE

3.04.01 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 S Dann	Pannawonica Ward

Mr K Pearson	Chief Executive Officer
Ms A O'Halloran	Executive Manager Western Operations
Mr J Breen	Executive Manager Engineering Services
Mr F Ludovico	Executive Manager Corporate Services
Miss D Reid	Administration Manager
Ms B Thair	Communications Officer

3.04.02 APOLOGIES

Cr Lisa Shields	Tom Price Ward
Mr L Softley	Executive Manager Community & Economic Services

Council Decision

MOVED: Cr Dias **SECONDED: Cr Thomas**

That Council accept apologies from Cr Lisa Shields and Mr Larry Softley.

CARRIED 6/0

3.04.03 APPROVED LEAVE OF ABSENCE

Cr L Corker	Ashburton Ward
Cr T Bloem	Tom Price Ward

4.04.0 PUBLIC QUESTION TIME

4.04.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary meeting of Council held on 17 March 2010, the following questions were taken on notice

Ms Cecilia Fernandez asked can Council revoke the condition No.1 for the pergolas re state money and keep it in text as it is \$20,000 from any Aboriginal Corporation? Can this be put in writing and it allows IBN to manage the project.?

A written response was sent to Ms Fernandez. The response explained that it was possible for Council to change a resolution of Council, but only if the appropriate procedures were followed. In this context it would be necessary for Ms Fernandez to initiate a request to Council detailing her amended proposal.

Can you please give me an answer to my question about last Financial Report – my name and IBN Corporation received \$4,000 for legal expenditure – I want it in writing?

A written response was sent to Ms Fernandez, the response explained that the payment identified was not paid to her personally, nor her employer. Rather the payment was for legal advise in relation to the appropriate manner to handle a matter where an elected member may have an interest in a shire matter.

4.04.02 PUBLIC QUESTION TIME

A number of questions were put to Council from the public gallery (copies attached)

[4.04.02.01](#)

4.04.02.02 Felicity Brennan, Onslow resident, asked why Council considered it necessary to impose further liquor restrictions on Onslow residents, when, the town have a liquor Accord in place that seems to be working well?

Why did Shire staff recommend that liquor restrictions be put in place without any consultation with the Community, Licence Holders or Shire Councillors?

Why wasn't Onslow's existing Liquor Accord taken into account when voting for these proposals?

The Shire President explained at the Ordinary Meeting of Council on 17 March 2010, Council voted to support the proposal from the West Pilbara Management Group (WPAMG). The group has requested that the Shire make comment on its proposed strategies which, when finalised, will be submitted to the Director of Liquor Licensing who will then determine whether the proposals will be implemented.

4.04.02.03 Margaret Parker, Bindi Bindi, asked Why did the Ashburton Shire go to the government and say that the residents want to leave Bindi Bindi?

Who from the local shire said Bindi Bindi was a waste for Land?

Why is the local government not working with the local residents to improve the quality of living in Bindi Bindi?

The Shire President requested Amanda O'Halloran, Executive Manager Western Operations to respond

Council did not go to the WA Government to move Bindi Bindi. The Shire had discussions with the Department of Indigenous Affairs that some residents of Bindi Bindi were keen to move to new accommodations, not all residents. There were no discussions on closing Bindi Bindi or moving residents.

No one from the Shire said Bindi Bindi was a waste of land, this was a misrepresentation by the media and the Shire has asked for a retraction.

Where possible the Shire has worked with the Bindi Bindi residents to improve conditions, however due to the set up of Local Government there is little the Shire can do directly except to lobby the State Government for better support and funding.

4.04.02.04 Wendy Carson, asked why was a report not made to Council in relation to Bindi Bindi?

Who had discussions with Minister Grylls?

Why has housing been stopped?

Keith Pearson, Shire Chief Executive Officer responded – no report has been made to Council in relation to Bindi Bindi

Council staff have had many general discussions with Minister Grylls and his office, not all are reportable to Council.

Housing for Bindi Bindi does not fall under the Council's responsibilities

4.04.02.05 Bob Harris, Onslow resident asked how long do we have to wait for footpaths and curbing to be done?. We have only had 80 meters done in the last 10 years.

Who is going to pay for the maintenance on the coming projects, Water Park, skateboard track, viewing platform and swimming pool when we already have some of the highest rates in WA

Why was there no public consultation on projects within the town –
(a) A water park when we are already short of water

- (b) A viewing platform over a rotten salt swamp
- (c) Shifting tennis courts which have been rarely used
- (d) A skateboard track, in the south they are being bulldozed because of lack of use

Questions were taken on notice, a written response will be prepared

- 4.04.02.06** Graeme Whitmore, Onslow resident asked why will he not be able to buy takeaway liquor on Sunday, as he doesn't want to have to consume at the Hotel, and possibly lead to people being caught for drunk driving.

The Shire President responded, - this is not a Council responsibility, the liquor initiative, which will be subject to further State Government consultations, was only supported by Council.

- 4.04.02.07** Colin Munro, Onslow resident – Why did Onslow rubbish fees start?

Why haven't Invoices been sent out before now?

The Shire President responded – rubbish tip fees have always been part of the Council's Fee structure and have increased with the tip's now being manned.

- 4.04.02.08** Hal Riley, Onslow resident – Contrary to the beliefs of a few Ashburton Shire Councillors, Onslows Native Title concerns have been extinguished but the preservation of registered sacred sites in the town are the jurisdiction of the Cultural Heritage Act. All issues concerning the sites and future new development must be dealt with by DIA under the Cultural Heritage Act along with consultations with the local Indigenous men of Onslow no matter what language group they belong to.

Information concerning the relocation of Bindi Bindi residents was falsely collected by Shire of Ashburton, under the impression that all residents wanted to be re-housed in the wider community. This is not true and the current petition signed by Bindi Bindi residents must be taken seriously.

The Shire President called on Amanda O'Halloran, Executive Manager, Western Operations to respond.

The process has started and in the next stage it will be part of the Townsite's Structure Consultation group's strategy plan, where it will be looked at in detail. Discussions will then be held with all groups involved.

5.04.0 APPLICATIONS FOR LEAVE OF ABSENCE

An application has been received for Cr Stephanie Dann, Pannawonica Ward for leave of absence for Council meetings 21 July, 18 August and 15 September 2010

Council Decision

MOVED: Cr Dias

SECONDED: Cr Thomas

That Council accept the applications for leave of absence from Cr Stephanie Dann for the Ordinary meetings of Council being held on 21 July, 18 August and 15 September, 2010.

CARRIED 6/0

6.04.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.04.01 PETITIONS

Margaret Parker advised her petition will be forwarded on to Council.

6.04.02 DEPUTATIONS

There were no deputations presented to Council.

6.04.03 PRESENTATIONS

Rod Baker, General Manager, Onslow Salt addressed the meeting at 9:15am. Points emerging from the discussion were:

- Onslow salt was expanding and would be requiring additional housing and plan to construct 9 dwellings this year.
- The Expansion study from 2 Mt PA to 2.6Mt PA was currently underway.

Mike Edmondson, External Affairs Advisor, Chevron addressed the meeting at 9:30am. Points emerging from the discussion were:

- Environmental Impact Statement (EIS) (Federal) and Environmental Review and Management Programme (ERMP) (State) being prepared for Public Review July/August 2010-04-29
- Impacts of Dredging, visual and light, air quality, Noise and other activities on Flora and Fauna, surface and ground water, coastal processes of marine habitats were currently being assessed.

Greg Finch, Manager Pilbara Towns Development, Rio Tinto Pty Ltd addressed the meeting at 10:00am. Points emerging from the discussion were:

- Accommodation for staff was at a premium. Over 10% of Houses in Tom Price and Paraburdoo were unavailable due to maintenance programs. This percentage needs to be reduced.
- Expansion Programs meant that additional accommodation would be required and one of the ways to do this is construct camps
- Rio Tinto had prepared a discussion paper on Fly In Fly Out

Tim Eckersley, General Manager Approvals, Rio Tinto Pty Ltd addressed the meeting regarding the Marandoo Project. Points emerging from the discussion were:

- In order to expand Marandoo a dewatering progame was required.
- Some water would be used in operations and supply to Tom Price. However, there was capacity to use the water for other activities. One option was to irrigate land to produce hay for a cattle feed lot, (in conjunction with Hammersley Station operations)
- Other suggestions on the use of this excess water would be appreciated.

Neil Martin, New Energy Corporation addressed Council at 10:20am. Points emerging from the discussion were:

- Advances in Technology meant that refuse could be sorted and organic material could be “gasified” and be used for general power.
- Their technology had been approved for use by the State of California (USA)

Presentation of Australia Day Active Citizen Award to Mr Pearce Herbert.

President Musgrave presented Mr Pearce Herbert with his Australia Day Active Citizen Award for his contributions to the community of Onslow.

Donna Reid left meeting at 10:20am.

Donna Reid re-entered meeting at 10:25am.

Amanda O’Halloran left meeting at 10:38am.

Amanda O’Halloran re-entered meeting at 10:39am.

Council Decision

MOVED: Cr White

SECONDED: Cr Rumble

That Council adjourn for morning tea at 10:45am

CARRIED 6/0

Cr’s Musgrave, Rumble, Dias, White, Thomas, Dann, Keith Pearson, Jeff Breen, Amanda O’Halloran, Frank Ludovico and Donna Reid left the room at 10:45.

Cr’s Musgrave, Rumble, Dias, White, Thomas, Dann, Keith Pearson, Jeff Breen, Amanda O’Halloran, Frank Ludovico and Donna Reid re-entered the room at 11:08.

Council Decision

MOVED: Cr Dias

SECONDED: Cr White

That Council reconvene from morning tea at 11:08am

CARRIED 6 /0

7.04.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.04.01 ORDINARY MEETING OF COUNCIL HELD ON 17 March 2010

Council Decision

MOVED: Cr White

SECONDED: Cr Dann

That the Minutes of the Ordinary Meeting of Council held on 17 March 2010, as previously circulated on 26 March 2010, be confirmed as a true and accurate record

CARRIED 6/0

8.04.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The President made no announcements.

9.04.0 DECLARATION BY MEMBERS

Cr's Musgrave, Rumble, Dias, White, Thomas and Dann stated they had given due consideration to all matters contained in the agenda before the meeting.

Declaration of Financial Interest

Prior to consideration of this Agenda Item Cr Musgrave and Cr White declared an interest in Agenda Item 10.04.05 in accordance with Section 5.65 of the Local Government Act, the nature of the interest being Crs Musgrave & White business are affected by tip fees.

Crs Musgrave & White left meeting at 11:12 am.

Vice President Rumble took the chair and advised as there was not a quorum, this item lay on the table.

Crs Musgrave & White re-entered meeting at 11:13am.
Cr Musgrave resumed the chair

10.04.0 ENGINEERING SERVICES REPORTS

10.04.05 LANDFILL SITES – RECYCLING AND TIP FEE CHARGES

FILE REFERENCE: LO.ASBN.173, LO.TIPA, TI.R.39084

AUTHOR'S NAME AND POSITION: Margaret Rowe
Engineering Administration Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9th April 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

In order to encourage Recycling in Tom Price, Paraburdoo and Onslow, it is proposed that the Shire's landfill sites will accept separated recyclable materials at no cost from commercial operators. However if the recyclable materials are not separated normal charges will apply.

Background

At present the Shire of Ashburton manages three landfill sites at Tom Price, Paraburdoo and Onslow. The issue of waste management has grown in complexity due to the resources boom and a changing approach from government and community to the disposal of waste.

The Shire needs to re-assess waste management practices with a greater focus on the reduction of the amount of waste going into landfill. The Shire will therefore be increasing the encouragement of recycling practices at all three landfill sites.

Comment

As well as the two existing recycle stations in Tom Price and Paraburdoo (used for the collection of domestic recyclables) all three refuse landfill sites will accept recyclable materials.

Recyclables in Onslow will be dealt with by the following methods. Metal will continue to be collected and stockpiled for disposal.

Glass will be collected and crushed for use in road base as there is no other viable recycling option at present.

Plastics, cardboard, cans, etc will be collected and stored later for processing when volumes are sufficient.

The following recyclables only will be accepted.

- Paper and Cardboard
- Glass
- Aluminium cans, steel cans (clean)
- Plastics (PET or HDPE only)
- Metal waste (excluding large metal shutters, tanks etc, unless cut into sections that can be handled by on site equipment).

Tyres and green waste from commercial operators will be charged as the Shire doesn't yet have the equipment to effectively recycle these materials.

All domestic waste will continue to be accepted at no charge.

Encouragement of commercial operators to participate in the recycling program is an important step in the reduction of waste in landfill.

It is proposed to allow commercial operators to dispose of their recyclables at no charge when they are separated and not contaminated.

However if the recyclables are not separated and /or contaminated, then normal disposal fees will apply.

All other commercial materials will incur the normal fees.

There will be no change to the current Fees and Charges under this proposal. (\$37/m³ inclusive of GST).

The proposed changes will be advertised by flyers and posters and appropriate signage at the landfill sites. It is proposed to implement the changes immediately.

Consultation

Executive Manager Engineering Services
Tip Attendants

Statutory Environment

Not Applicable

Policy Implications

Not Applicable

Financial Implications

There is no significant financial implication for the Shire. There will be a processing cost and marginally reduced fees which will be offset by the reduction in waste going to landfill.

Strategic Implications

Consistent with Strategic Objective 4.1, Total Waste Management Plan of the Shire of Ashburton Strategic Plan 2007 - 2011

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council approves the following tip fee structure for commercial operators disposing of waste and recyclables at all Shire sites.

- **Current Fees Applicable \$37/m3 including GST**
 - **Recyclable materials not separated and/or contaminated**
 - **All other commercial waste**

- **Fees not Applicable**
 - **Separated and uncontaminated recyclables(as defined in the report)**

As there was no quorum the agenda item lay on the table

10.04.06 PLANT HIRE TENDER AWARD

FILE REFERENCE:	AS.TE.10.10
AUTHOR'S NAME AND POSITION:	Jeff Breen Executive Manager Engineering Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 th April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire requires access to various plant and equipment which it is unable to source within its own fleet. Contracts were called for the most appropriate and probable items of plant and equipment that are required for the types of work most commonly undertaken. The existing plant hire contract has been in existence for three years and required renewal to reflect the Shire of Ashburton ongoing works program.

Background

The Shire of Ashburton presently hires subcontract plant and equipment to effectively and efficiently undertake works across all areas of the Shire. It requires both long term and short term hire access to various items of plant. In most cases plant is hired because the Shire does not have the particular item as part of its fleet, in others plant is hired as concurrent works are programmed that both require the same item of Shire owned plant.

The existing plant hire contract has been in place for three years, and since commencement various contractors have either upgraded or extended their fleet. There are also now more contractors available within the Shire boundaries.

Comment

At the time of closure of tender, nine tenders were received. One late tender was received, but not assessed.

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

Tenders were assessed on the basis of price, equipment offered, previous experience (where relevant) and previous service level to the Shire.

Under Part 4, Local Government Act (Functions and General) Regulations 1996, it is non compliant to award a contract to more than one contractor (panel contract). In order to have a sufficient number of contractors to carry out our work, this has required the establishment of a discreet contract for each category of plant by town. Note that contractors are able to operate throughout the Shire and are not restricted to operate within the nominated town.

Two contracts (10/10 Z and AO – Multi Tyre Roller) were not awarded due to lack of availability.

Assessment table will be available for viewing at the Council meeting.

Consultation

Executive Manager Engineering Services
Fleet manager
Road Coordinator

Statutory Environment

Not Applicable

Policy Implications

Not Applicable

Financial Implications

Expenditure will be in accordance with budget as approved by Council

Strategic Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr Dann

That Council approves the award of the following Contracts to the recommended Tenderers for the hire of plant and equipment on Shire supervised works.

LOCATION	Contract Number 10/10	Hire Type	Equipment/Labour	RECOMMENDED CONTRACTOR
<u>TOM PRICE</u>	A	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer, Bobcat	DINGO DE
	B	Dry Hire	Miscellaneous Plant	COATES HIRE
	C	Wet Hire	Trucks up to 11M3	DINGO DE
	D	Wet Hire	Truck and Trailer up to 20m3	DINGO DE
	E	Wet Hire	Trucks and Trailers over 20m3	DINGO DE
	F	Wet Hire	Prime Mover and Float	DINGO DE
	G	Wet Hire	Grader	DINGO DE
	H	Wet Hire	Loader (wheeled), Backhoe	DINGO DE
	I	Wet Hire	Excavator	DINGO DE
	J	Wet Hire	Roller - Steel Drum	DINGO DE
	K	Wet Hire	Roller - Multi Tyred	DINGO DE
	L	Wet Hire	Dozer	DINGO DE
	M (i)	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine, screening plant	DINGO DE
	M (ii)	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine, screening plant	BAT CONTRACTING
	N	Wet Hire	Water Cart up to 18,000 litres	DINGO DE
	O	Wet Hire	Water Cart over 18,000 litres	DINGO DE
<u>ONSLow</u>	P	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer	BASEFIELD
	Q	Dry Hire	Miscellaneous Plant	NO AWARD
	R	Wet Hire	Trucks up to 11M3	BASEFIELD
	S	Wet Hire	Truck and Trailer up to 20m3	BASEFIELD
	T	Wet Hire	Trucks and Trailers over 20m3	NTC
	U	Wet Hire	Prime Mover and Float	BASEFIELD
	V	Wet Hire	Grader	NTC
	W	Wet Hire	Loader (wheeled) , Backhoe	NTC
	X	Wet Hire	Excavator	NTC
	Y	Wet Hire	Roller - Steel Drum	NTC
	Z	Wet Hire	Roller - Multi Tyred	NO AWARD
	AA	Wet Hire	Dozer	NTC
	AB	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine,	BASEFIELD

			screening plant	
	AC	Wet Hire	Water Cart up to 18,000 litres	NTC
	AD	Wet Hire	Water Cart over 18,000 litres	BASEFIELD
<u>PARABURDOO</u>	AE	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer	PILBARA PLANT HIRE
	AF	Dry Hire	Miscellaneous Plant	GLH
	AG	Wet Hire	Trucks up to 11M3	GLH
	AH	Wet Hire	Truck and Trailer up to 20m3	Rowe Family Trust
	AI	Wet Hire	Trucks and Trailers over 20m3	Rowe Family Trust
	AJ	Wet Hire	Prime Mover and Float	GLH
	AK	Wet Hire	Grader	GLH
	AL	Wet Hire	Loader (wheeled) , Backhoe	GLH
	AM	Wet Hire	Excavator	GLH
	AN	Wet Hire	Roller - Steel Drum	PILBARA PLANT HIRE
	AO	Wet Hire	Roller - Multi Tyred	NO AWARD
	AP	Wet Hire	Dozer	GLH
	AQ	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine, screening plant	MARTEL
	AR	Wet Hire	Water Cart up to 18,000 litres	GLH
	AS	Wet Hire	Water Cart over 18,000 litres	IWATER HAULAGE

CARRIED 6/0

10.04.07 FUNDING OF PROPOSED PERGOLAS, BELLARY, WAKATHUNI ABORIGINAL COMMUNITIES

FILE REFERENCE:	LO.WNDL.134, LO.GRGY.105 & AC.YOBU
AUTHOR'S NAME AND POSITION:	Jeff Breen Executive Manager Engineering Services
NAME OF APPLICANT/ RESPONDENT:	Cecilia Fernandez
DATE REPORT WRITTEN:	14 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 12.07.40, Ordinary Meeting of Council 21 July 2009 Agenda Item 12.09.57, Ordinary Meeting of Council 21 September 2009

Summary

Council at its July meeting considered a proposal, sponsored by Cr Fernandez, that Council include the cost of constructing gazebos in the Bellary Springs, Wakathuni and Youngaleena Aboriginal Communities in the Shire's budget for the 2009/10 Financial Year.

It was estimated that the cost of the proposal to the Shire would be in the vicinity of \$100,000.

The proposal did not receive the necessary support from Council, and a modified proposal was put to the September 2009 meeting.

A sum of \$30,000 was allocated in the 2009/10 budget contingent upon funding of \$20,000 being received from a relevant indigenous corporation and \$50,000 through Royalties for Regions.

A further modification to the proposal is sought.

Background

Council, at its July 2009 meeting, considered a proposal, sponsored by Cr Fernandez, that Council include the cost of constructing gazebos in the Bellary Springs, Wakathuni and Youngaleena Aboriginal Communities in the Shire's budget for the 2009/10 Financial Year.

It was estimated that the cost to the Shire of the proposal would be in the vicinity of \$100,000. The proposal did not receive the necessary support from Council.

A modified request was considered by Council at the September meeting and the following was resolved;

“That Council include the provision of \$30,000 in its budget for the 2009/10 Financial Year as a contribution towards the construction of pergolas at Bellary Springs, Wakathuni and Youngaleena Aboriginal Communities, the Shire’s contribution being subject to;

- (a) The State Government contributing \$50,000 to the project through the Royalties for Regions Grant program, and*
- (b) At least \$20,000 being contributed by the relevant aboriginal corporations in the form of cash and/or labour”.*

A further modification to the proposal is now put to Council for consideration.

Comment

Ms Fernandez proposes to construct, 6m steel framed pergolas at the Wakathuni and Bellary communities.

Three quotes have been provided and the best value price is \$24,790 each.

IBN has committed in writing (Attachment 10.04.07) to provide \$20,000 to the project.

[10.04.07](#)

The combined funding from IBN and Council will enable the construction of the pergolas complete with concrete slabs. Other items such as seat, barbecues, etc will be subject to an application to Lotteries West by IBN.

IBN will manage the construction process.

Consultation

Ms Fernandez
Executive Manager, Engineering Services

Statutory Environment

Local Government Act 1995

Policy Implications

There are no known policy implications relative to this issue.

Financial Implications

As allowed for in the 2009/10 budget

Strategic Implications

Serve and enhance the environment and cultural heritage

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Rumble

SECONDED: Cr White

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.

**CARRIED 6/0
ABSOLUTE MAJORITY**

10.04.08 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	03/10	10.03.03	Decommissioning of Munjina Airstrip	That Council advise the Department of Transport that <ol style="list-style-type: none"> 1. The Shire has no objection to the closing of the Munjina Airstrip subject to prior alternative arrangements being made for Royal Flying Doctor Services and 2. The Shire does not wish to take ownership of the facility. 	Letter sent to DoT
2	03/10	15.03.03	RFT 02/10 Tender for Review of Stormwater Drainage System in Onslow	Council accepts the tender from GHD for \$48,450.00 (exc.GST) for the review of Storm water drainage system in Onslow.	Contract awarded, work commenced
3	03/10	15.03.06	RFT 12/10 Tender for Construction of Concrete Structures Associated with Roadworks	Council accepts the tender from Tuss concrete for \$ 427,977.00 (Exc.GST) for the Construction of Concrete Structures Associated With Roadworks.	Contract awarded, work will commence May 2010
4	03/10	15.03.07	RFT 11/10 Tender for Crushing of Rock for Road Making Materials	Council accepts the tender from SJ Crushing for \$498,670 (exc. GST) for the Crushing of rock for road making materials.	Contract awarded, work will commence May 2010
5	02/10	15.02.02	Proposed Subdivision – Lot 308 Boonderoo Road, Tom Price (WAPC Ref; 141308)	That Council advise the Western Australian Planning Commission that: <ol style="list-style-type: none"> 1. The WAPC Subdivision Application Ref 141308 was lodged by Whelans P/L on behalf of the Shire of Ashburton. 2. Council offers no objection to WAPC Subdivision Application Ref 141308 by Whelans to subdivide land at Lot 308 Boonderoo Road, Tom Price, into 	WAPC approval received in April 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				seven (7) lots with portion of Boonderoo Road to be closed, subject to the following conditions being included in the subdivision approval. (11 conditions)	
6	11/09	10.11.29	Proposed purchase of Reserve 39500 Willow Road and Reserve 40222 Poinsettia Street, Tom Price	That Council agree, in principal, to purchase land in Willow St, Reserve 39500 and Poinsettia St Reserve 40222 subject to the purchase price being good value for money, within Council's financial and budgetary capacity and titles being free of encumbrances that may diminish the effective use of the land.	No new action Ongoing Purchase of Reserve 39500 completed. Settlement in progress for remaining land (Mar 2010)
7	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land Development	That Council; 1. Endorses the Business Plan - Major Land Transaction – Warara Street Strata Title Land Development 2. Directs the CEO to advertise tenders for the work and to report back to Council for acceptance of the tender.	Ongoing WAPC approval for rezoning received. Expressions of Interest to be sought in April for development of site. (Mar 2010)
8	08/09	10.08.22	Temporary Road Closure – Yampire Gorge Road	That Council 1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months. 2. Instruct the Chief Executive Officer to place signage to this effect. 3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road.	Ongoing Closure being implemented (Mar 2010)
9	07/09	10.07.16	Duck Creek Road- Road Closure	That Council, 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	Ongoing MRWA notified, signage being prepared. (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				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.	
10	07/09	10.07.17	Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare	That Council 1. Resolve to support the proposal to convert Creek Road into a one-way thoroughfare, in an anti clockwise direction. 2. Direct the Chief Executive Officer to advise the Minister for Transport of Council's decision and request that Creek Road be formally made one-way.	Ongoing Work has commenced (Mar 2010)
11	07/07	10.07.19	Residential Land Development – Tom Price	That Council approves the staged development and sale of residential land in Tom Price as generally outlined in the report, subject to the costing of the project being incorporated into the Shire's budget for the 2007/08 financial year.	Finalised Purchase of properties finalised. Design in progress (Mar 2010)
12	05/07	10.05.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	That Council; 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	Ongoing WAPC approval received. Design commenced. (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				basis that there is no requirement to accept any tender	
13	04/07	10.04.07	Relocation of Onslow Landfill	<ol style="list-style-type: none"> 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled 'Onslow Landfill Options' subject to environmental approvals being forthcoming. 2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site. 3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design. 	<p>Ongoing</p> <p>Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of land from pastoral lease.</p> <p>.(Mar 2010)</p>

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Dias

That Council note the contents of the Engineering Services Status Report

CARRIED 6/0

11.04.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.04.03 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	10/09	11.10.18	Tender to Lease – Portion Lot 811 Ashburton Ave, Paraburdoo	That Council accept the tender from Skilled Group Ltd to lease part of lot 811 Ashburton Ave Paraburdoo in accordance with its tender submission and instructs the CEO to enter into a lease agreement on the following terms: <ul style="list-style-type: none"> a) Monthly rent offered under the lease agreement for 24 months with a further option of 24 months, monthly rent of \$2166.00. b) Agreement to pay all outgoings and utilities including water, electricity and 50% rates. c) Agreement to complete renovations of subdivision of office by installing partitioning wall and new front doorway to office to the satisfaction of the Chief Executive Officer prior to occupancy 	Finalised. Skilled Services Ltd have returned signed lease. (Feb 2010)
2.	07/09	11.07.12	Location of Entry Statement – Tom Price	Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.	Ongoing Met with Cr Shield Cr Bloem and SOA President Cr Musgrave on 6/01/10. Site Identified full costing for project development by end March prior to project commencing. (Mar 2010)
3.	11/08	15.11.01	Proposed Paraburdoo Mechanical Shovel Tourist Project	That Council: <ul style="list-style-type: none"> a) Support the installation of a “mechanical shovel” to be gifted by Rio Tinto Ltd on the Paraburdoo Caravan Park site, subject to a satisfactory investigation into the impact of the proposal on the proposed Paraburdoo Caravan Park and Public safety. b) Delegation to the Chief Executive Officer the authority to make a final decision in relation to this matter after 	Ongoing Rio Tinto has advised that the shovel will not be available until the second half of this calendar year. (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				having regard to (a) and (ii) above and after consultation with Cr Linton Rumble and Cr Ivan Dias	
4.	05/08	11.05.08	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 Administration Manager has reviewed a number of policies that have been adopted by Council and remaining policy reviews are awaiting legal advice. (Mar 2010)
5.	05/08	11.05.09	Proposed Tom Price Structure Plan & Town Centre Revitalisation Plans	That Council; 1. Form a Tom Price Structure Plan and Town Centre Revitalisation Working Group, consisting of Cr Bloem, Cr Martin & Cr Fernandez, Chief Executive Officer, Executive Manager Community and Economic Services, Executive Manager Engineering Services, representative of Department for Planning & Infrastructure, representative of Department of Industry and Resources, representative of Department of Environment & Conservation, representative of Landcorp, representative of Rio Tinto Iron Ore P/L, and representative of Pilbara Development Commission	Ongoing Stakeholders meeting held 8 th December 2009. Further stakeholder meetings held in Tom Price on the 9 th & 10 th February 2010 and in Paraburdoo 11 th February 2010. (Mar 2010) Final draft plans presented to Tom Price stakeholders and public 14 th April 2010. Paraburdoo draft plans to go to public late April. (April 2010)
6.	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 Council decision as at February 2008 That Council; 1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool;	Ongoing After investigating the status of the works with the onsite foreman I believe that the following is our position: Admin. Building will be 4 weeks away from completion (end April). Plant room will be completed 1 st week April. Grass and reticulation 3 weeks (last week April).

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;</p> <ul style="list-style-type: none"> ○ Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware ○ Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room ○ Demolition of existing toddler's pool and construction of new toddler's of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children's pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm. ○ Demolition and construction of concrete concourse including new drainage ○ Upgrade lighting to required standard ○ Refurbishment of existing office, kiosk, change rooms and toilets; <p>3. Providing that the necessary funds are available, resolves to direct the Executive Manager Community & Economic Services to call a Design and Construct Tender for the works</p>	<p>I believe that the pool will be ready to open 1st or 2nd week May then we will open for 2 weeks to let the Community enjoy the new facility at no cost. This will help iron out any issues that might arise prior to official opening on the September school holidays. (April 2010)</p>

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

That Council note the contents of the Community & Economic Services Status report

CARRIED 6/0

12.04.0 CORPORATE SERVICES REPORTS

12.04.25 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE:	AS.AS
AUTHOR'S NAME AND POSITION:	Pam Hanson Executive Assistant CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 April 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.

Seal 308	Contract between SOA and Holcim (Australia) Pty Ltd, RFT 03/10
Seal 309	Agreement between Country Arts WA Inc and SOA for 2010 Intrastate Tour of the Yabu Road
Seal 310	Town Planning Scheme No. 7 Amendment No. 1
Seal 311	Town Planning Scheme No 7 Amendment No. 6
Seal 312	Deed in between SOA and Beadon Bay Pty Ltd in relation to additional Transient Workforce accommodation Lot 557 & 563 Beadon Creek Road, Onslow
Seal 313	Contract Agreement between SOA and GHD Pty Ltd
Seal 314	Contract between SOA and 20* 20 Pty Ltd for Residential Units in Onslow
Seal 315	Contract between SOA and Tuss Concrete for Roadmaking

Consultation

Chief Executive Officer

Statutory Environment

Section 9.49 of the *Local Government Act 1995*.

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no specific financial implications related to this issue.

Strategic Implications

Strategic Plan 2007-2011 (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 White

That Council note the contents of Use of Common Seal under Delegated Authority report

CARRIED 6/0

12.04.26 RATE DEBTORS FOR WRITE OFF

FILE REFERENCE:	FI.RE
AUTHOR'S NAME AND POSITION:	Nicole Haines Finance Officer - Rates
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 th April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This is a request for writing off Interest and Legal Fees for the Whitmore assessment A1027 L635 H1 Forrest Court, Onslow being \$1,351.58

Background

The proposed write off is as a result of ongoing legal negotiations between the Shire of Ashburton and Mr and Mr Whitmore. The rates dispute became apparent back in 2005/06

Comment

As a result of legal negotiations the Shire agreed to settle the matter with Mr and Mrs Whitmore. Mr and Mrs Whitmore have paid to council the agreed settlement payment of \$3,163.18. The settlement requires Council to write off \$1,351.58 in Interest and Legal Fees.

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Executive Manager Western Operations
Rates Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states, that Council may Write Off any amount of money, which is owed to Local Government

Policy Implications

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

Financial Implications

The total amount of Interest and Legal Fees to be written off is \$1,351.58

Strategic Implications

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

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr White

That Council Write Off \$1,351.58 of Interest and Legal Fees for assessment A1027 L635 H1 Forrest Court, Onslow

**CARRIED 6/0
ABSOLUTE MAJORITY**

12.04.27 BUDGET REQUESTS

FILE REFERENCE:	FI.BU 10/11
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	12 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Nil

Summary The purpose of this item is to ascertain from Councillors if they have any particular activities or projects they wish to be considered in the 2010/2011 Budget process.

Background

Staff have developed the following Timetable with respect to the preparation of the 2010/2011 Budget:

Date	Details
April Council Meeting	Councillors will be asked for New Capital Expenditure items.
30/04/10	Budget worksheets sheets to be submitted to Executive Manager Corporate Services by 30/04/2010.
Late May	Executive staff considers the initial draft of the budget and New Capital Expenditure items.
June	Council considers differential rates and advertises them first budget concept forum.
Late July	Adopt 2010/2011 budget.

Comments

In light of the above 2010/2011 Budget Preparation Timetable, Councillors are requested to provide Administration with their thoughts with respect to any new activities and/or projects of a Capital nature they would like to see occurring within the Shire of Ashburton for the 2010/2011 Financial Year. This will enable Administration to develop costings so the items can be considered during the Budget Process.

It should be noted that all projects stated within the Strategic Plan will be considered as a part of the Budget preparation process.

Consultation

Executive Manager Corporate Services

Statutory Environment

Local Government Act 1995

Local Government Finance Regulations

Policy Implications

Nil

Financial Implications

The Development of the Budget will enable to continue to operate.

Strategic Implications

6 – A Well Managed and Contemporary Corporation.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Thomas

That Councillors provide Administration with any activities and/or projects they would like considered in the 2010/2011 Budget process.

CARRIED 6/0

**12.04.28 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS
FOR MONTH OF FEBRUARY 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:	14 April 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 month of February 2010 to Council. Documents included are:

- Schedule of Accounts paid under delegated authority
- Statements of Financial Activity and associated statements including the Financial Variance Report. (This is included in the 2009/2010 Budget Review Item)
- Payroll reconciliation

[12.04.28](#)

Visa Statements for Chief Executive Officer, Executive Manager Engineering Services, Executive Manager Corporate Services, Executive Manager Community & Economic Services and Executive Manager Western Operations are available for February 2010 as well as graphs showing Budget and Actual comparisons.

[12.04.28a](#)

Consultation

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

Statutory Environment

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

Policy Implications

There are no Council Policies relevant to this issue.

Financial Implications

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

Strategic Implications

There are no strategic implications relevant to this issue

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr White

That Council receive the Financial Reports, Schedule of Accounts, Payroll for February 2010 and Visa Credit Card Statements for February 2010

CARRIED 6/0

12.04.29 2009/2010 BUDGET REVIEW

FILE REFERENCE: FI.BU.09.10

AUTHOR'S NAME AND POSITION: Frank Ludovico
Executive Manager Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 April 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

To present the Budget Review for 2009/2010 in accordance with the Local Government (Financial Management) Regulations 1996

Background

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

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

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

[12.04.29](#)
[12.04.29a](#)

Comment

The Budget Review process was initiated on the 24 February 2010 with all Executive Managers being provided workbooks containing details of each account number that came under their responsibility.

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

Budget Impact

The net effect of projected income and expenditure to 30 June 2010 is that Council is expected to have a small surplus from this year operations \$239,000. This surplus however is basically represented by restricted cash at 30 June 2010 and should not be used for other projects in this financial year.

Projects that will be carried over into next year's budget:

- Tom Price Residential Land Development
- Tom Price Industrial Land Development
- Various Road Construction Jobs
- Onslow Airport Upgrade
- Clem Tompson Pavilion Upgrade (seeking additional grants funds)
- Water Wise Gardens (part R4R1)
- Installation of Tourism Signage (part R4R2)

It should be noted that some of these projects are associated with Grant Funds already received and these funds will need to be carried forward/quarantined into the 2010/2011 Budget.

Although the Review indicates that the Shire will be at a surplus position at the close of the financial year, it is still very important to maintain financial controls for the remaining portion of this year. A great deal of work has been undertaken to ensure this result and any variances may pose a significant risk to this outcome.

Consultation

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

Statutory Environment

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

Policy Implications

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

Financial Implications

Detailed above.

Strategic Implications

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

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

1. That Council adopts the 2009/2010 Budget Review and directs the Chief Executive Officer to take action on the issues it raises;
2. That Council adopts the various Budget variations contained in the Shire of Ashburton 2009/2010 Budget Review (Attachments 12.04.29 and 12.04.29a)

**CARRIED 6/0
ABSOLUTE MAJORITY**

12.04.30 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	03/10	12.03.13	Proposed Liquor Sale Restrictions – West Pilbara Alcohol Management Group	That Council advise the West Pilbara Alcohol Management Group that the Shire of Ashburton supports the group's proposals for the area covered by the Shire of Ashburton and Roebourne, as they relate to its proposed submission to the Director of Liquor Licencing (see Attachment)	Item being progressed
2	03/10	12.03.15	Delegations Food Act 2008	That Council adopt Delegations DA046 and DA047 as attached	Delegations Manual Updated Finalised
3	03/10	12.03.17	Local Government Reform	That Council advise the Minister for Local Government that <ul style="list-style-type: none"> • Due to the late provision of the draft model agreement it has not been possible to have meaningful discussion with either neighbouring local governments, or the Pilbara Regional Council, and • Council will provide a more detailed response, once it as had the opportunity to discuss the proposal with neighbouring local governments. • Council's initial assessment is that a Regional Collaborative Group for the Pilbara would appear to duplicate the role and responsibilities of the Pilbara Regional Council. 	Item being progressed
4	03/10	12.03.19	Review of Shire Vehicle Policy	That Council adopt the new Policy "Shire Vehicles" as per the attachment	Policy Manual updated. It will be distributed to affected Staff Finalised.
5	03/10	12.03.23	Annual Report and Annual General Meeting of Electors	That Council:- <ol style="list-style-type: none"> 1. Accepts the Annual Report for 2008/2009 as tabled; and 2. That Council hold an Annual General Meeting of Electors in RM Forrest Hall in Onslow on Wednesday 21 April 2010 commencing at 7.00pm, 3. Hold additional Information Sessions/Electors Meeting at venues to be 	Annual Report sent to the Dept of Local Government. Annual Electors Meeting in

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				determined by the CEO in conjunction with Local Ward Councillors.	Onslow Advertised Information Sessions in other venues have not yet been organised
6	03/10	15.03.04	Audit Contract 2009/2010 – 2011/2012	That Council appoint Chris Burton (Registered Company Auditor 313892) of BDO Audit (WA) Pty Ltd (Registered Company Auditor 285041) to undertake audits for the Shire of Ashburton for the period 2009/2010 to 2011/2012 at an annual fee of \$17,100 inclusive of Disbursements + GST	BDO Audit (WA) advised of the contract. Other applicants advised Finalised
7	02/10	16.02.02	Confidential Report – Chief Executive Officer, Annual Performance Review and Review of Tenure	That Council 1. (a) Nominate, the Shire President, Cr Corker and Cr Shields, Cr White to form a working group to undertake the Chief Executive Officer's annual performance and salary review. (b) Consider the working group's recommendations with respect to the review, when available. 2. Undertake a corporate structure review in order to ensure the Shire is best positioned to meet the demands placed on it, and 3. Instruct the CEO to obtain three written proposals from suitably qualified persons or organisations to undertake an organisation review of the Shires operations and submit these to the March 2010 meeting of Council.	Ongoing Expressions of Interest have been called from qualified people. To be submitted to April Council meeting. (Mar 2010)
8	02/10	12.02.05	Setting Material Variance	That Council adopt a level of materiality of percentage (equal to or greater than	Finalised

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
			for Monthly Financial Statements and Budget Review	10%) or a value (equal to or greater than \$20,000) for the 2009/2010 financial year.	
9	02/10	12.02.08	Review of Local Laws	That Council:- 1. Resolves to undertake a review of its existing local laws; and 2. In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws.	Ongoing Local Government Consultant to have workshop with Council re Local Laws on 17 March (Mar 2010)
10	02/10	12.02.10	Ashburton Land Conservation District Committee - Nomination	That Council:- 1. Nominates Councillor Leanne Corker for the vacant position on the Ashburton Conservation District Committee; 2. Nominates Mr Glen Dellar of Wyloo Station for the vacant position on the Lyndon Land Conservation District Committee.	Ongoing Nomination notices are being processed (Mar 2010)
11	12/09	12.12.75	Quarterly Reporting on the Strategic Plan 2007 - 2011	That Council defer consideration of the agenda item until the February 2010 meeting of Council, the reason being subsequent to the preparation of the agenda item the Shire received two more proposals from the Local Government Advisory Board to amend the Shire's boundary with the Shire of East Pilbara. It was considered appropriate to consider the proposals collectively.	Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals.
12	12/09	12.12.78	Roebourne/Port Hedland Land Conservation District Committee – Committee Nomination	That Council 1. Nominates Councillor Thomas for the vacant position on the Roebourne Port Hedland District Committee. 2. Note that a Shire vacancy exists on the Ashburton and Lyndon Land Conservation District Committees	Finalised 1.LCDC notified of Cr Thomas's successful nomination. 2. Refer agenda item

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
					12.02.10
13	12/09	12.12.80	Annual Report and Annual General Meeting of Elections	That Council:- 4. Accepts the Annual Report for 2007/2008 as tabled; and 5. That Council hold an Annual General Meeting of Electors at 7:00pm on Tuesday, 2 February 2010, at the Tom Price Recreation Centre;	Finalised (Mar 2010)
14	12/09	16.12.19	Confidential Item – Tender Development and Operation of Caravan Park	That Council 1. Advise Gumala Aboriginal Corporation that Council does not agree to a time extension until 31 January 2010 for the corporation to submit its detailed proposals for the site and that Council has resolved not to enter into a contract with the organisation. 2. Call for new tenders to develop and operate the site.	Ongoing No tenders received. Tender being re-advertised (Mar 2010)
15	08/09	12.08.45	Staff Accommodation and Utilities Policy Revision	1. That Council approves the Staff Housing Policy EMP19 as amended attachment 12.08.45 2. Instruct the CEO for further review of the policy and report back to council	Ongoing Staff are signing up to pay for power. Rental deductions will cease 31/3/2010 (Mar 2010)
16	08/09	16.08.13	Shire Financial Management Systems	That Council refer this report to the Audit Committee	Finalised Ongoing Audit Committee meeting deferred consideration of this item in light of

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
					imminent finalisation of Audited Accounts (Mar 2010)

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Dias

That Council note the contents of the Corporate Services Status report

CARRIED 6/0

Amanda O'Halloran left meeting at 11:31am

Rob Paull entered meeting at 11:31am.

Amanda O'Halloran re-entered meeting at 11:33am.

13.04.0 DEVELOPMENT SERVICES REPORTS

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

FILE REFERENCE:	PS.TP.7
AUTHOR'S NAME AND POSITION:	Belinda Main Executive Assistant to Building Services
NAME OF APPLICANT/ RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	8 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
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 Manger Building Services since the last Council Meeting are set out below.

Comment

Seven (7) approvals have been issued under delegation up until the date of this report. These were for:

Bianca Savell	268 Carob Street, Tom Price	Home Occupation Application
GA & JC Whitmore	Lot 453 Beadon Creek Rd, Onslow	Planning Application - Concrete Panel Manufacture
McGrath Homes	Lot 909, House 11 McGrath Way, Onslow	Planning Application - Dwelling
A Jenkinson	Lot 689 Shanks Road, Onslow	Planning Application - Sign & Fence
Maggie Meyer	1025 Gungarri Circuit, Tom Price	Home Occupation Renewal
Robe River Mining Company Pty Ltd	152 - 158 St Georges Tce, Perth	Planning Application - Change of Use
Chevron Australia	White's Beach, Barrow Island	Planning Application - Horizontal directional drilling site

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

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr White

That the contents of the Development Approvals issued under Delegation – Shire of Ashburton Town Planning Scheme No.7 report be noted.

CARRIED 6/0

Declaration of Financial Interest

Prior to consideration of this Agenda Item Cr Musgrave declared an interest in Agenda Item 13.04.16 in accordance with Section 5.65 of the Local Government Act, the nature of the interest being Cr Musgrave's business may benefit from Restaurant upgrade if approved.

Cr Musgrave left meeting at 11:35am

Vice President Rumble took the chair.

**13.04.16 PROPOSED CAFE/RESTAURANT/BAR LOT 21 STADIUM ROAD,
TOM PRICE**

FILE REFERENCE: TP.ST.21

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

**NAME OF APPLICANT/
RESPONDENT:** Leadkinto Pty Ltd

DATE REPORT WRITTEN: 7 April 2010

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

PREVIOUS MEETING REFERENCE: Item 13.04.256 Proposed Restaurant and Sign,
Lot 593 Stadium Road, Tom Price (20 April 2004)

Summary

An application has been received for an 'outdoor bar and grill' for up to 60 persons at Lot 21 Stadium Road, Tom Price and is defined under the scheme as 'restaurant'. The proposed use and development is a 'P' use under the planning scheme which Council must approve, subject to any conditions it considers appropriate. In this regard, the most critical aspect of the development is the extent to which car parking should be provided, if any.

A detailed analysis of car parking within the Tom Price Shopping Centre indicates that the existing parking facilities within the centre are underutilised. For this reason it is recommended that a conditional development approval be granted, without a requirement for car parking.

Background

Lot 21 Stadium Road, Tom Price is zoned 'Commercial and Civic' under the Shire's Town Planning Scheme ('scheme') and the use is defined under the scheme as 'restaurant':

“.....a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and includes cafes and coffee houses and may or may not be licensed to sell liquor”.

The 888^{m2} land originally formed part of the hardware site and has since been subdivided from the ‘parent title’. The ‘Red Breeze’ cafe occupies the existing building and health approval has been issued for up to 100 patrons.

The original restaurant was approved by Council in April 2004. The portion of the land subject of this application is essentially used for informal storage and LPG tank site. The area of the application site was originally used for the purposes of plant nursery and associated storage for the hardware store as approved by Council in May 2003. On this basis, it is calculated that the plant nursery would have up to 9 spaces ‘allocated’ to that use.

13.04.16 (Zoning and Location Plan).

Proposal

Application has been received seeking planning consent to establish an ‘outdoor bar and grill’ at Lot 21 Stadium Road, Tom Price for up to 60 patrons. It is proposed to establish an outside kitchen, bar and pizza oven. A converted ‘sea container’ is to be used for storeroom/coolroom. The applicant intends to share the toilets with the existing toilets used by the ‘Red Breeze’ restaurant

13.04.16a (Applicant advice).

Comment

The subject land is within the Commercial and Civic zone of the scheme. Within this zone a restaurant is a permitted use which Council is required to approve, subject to all conditions imposed by Council in granting planning consent, being satisfied. An assessment of the development application highlights the fact that the most critical aspect of the proposal is whether it is necessary to provide any additional car parking for the expanded land use.

The car parking requirements for development are set out in part 6.17 of the scheme.

Clause 6.17.1 of the scheme states:

6.17.1 Unless otherwise provided by the Scheme, no development is permitted without providing onsite carparking in accordance with the requirements in Appendices 8 and 9 and subclause 6.17.2.

Reference to Appendices 8 and 9 indicates that car parking for restaurant use should be provided at the rate of one per six square metres of dining space. Although the Scheme does not define parking in terms of ‘patrons’, it is reasonable to address the proposal based on patron numbers. Other local governments such as Busselton and Geraldton-Greenough use a modified calculation of 1 space per 4 seats/6^{m2} of public area. Using this calculation, the Restaurant would reflect 16 spaces for 64 patrons. It should be noted that the previous planning scheme (No.3) also had a rate of 1 space per 4 seats available to the public.

Applying this rate to the subject development results in a requirement for 15 additional spaces. The scheme does, however, allow the parking requirement to be modified, depending upon the

individual circumstances of each development. Clause 6.17.3 of the scheme also provides the opportunity for 'cash-in-lieu' contributions for car parking. In summary, the scheme states:

- In the absence of other considerations, the parking requirement for the proposed development is 15 parking spaces.
- Council may agree to a lesser number of spaces where it is satisfied.
 - (a) off-street facilities are sufficient and available, or
 - (b) the applicant agrees to make a cash payment in lieu into a Council sponsored car parking fund

The applicant has submitted that there is no need to provide additional parking spaces for the proposal due to the proximity of a large number of underutilised public spaces. On the supply side there are approximately 246 off street car parking spaces within the Tom Price Shopping Centre. The validity of the submission is dependent on the actual number of spaces available and the demands placed up them. Anecdotal evidence would support this claim as a site inspection carried out between noon and 2pm on Wednesday 7 April 2010 revealed only 10 car parking spaces had been utilised within the immediate parking area.

However, it is noted that a detailed parking assessment for the existing restaurant was undertaken by the Shire in February 2003 (prior to the construction of Muzzys Hardware) while the later "two day" survey was undertaken in April 2004. This assessment concluded that the surveyed peak parking demand is equivalent to a design peak parking for a fully occupied shopping centre of approximately 145 parking spaces. The Report to Council of 20 April 2004 noted:

"In practice, the car parking surveys undertaken in February 2003 and April 2004, indicate that there is presently a significant level of underutilised car parking within the Tom Price Shopping Centre. Indeed, the peak parking demand does not appear to exceed 50-60 percent of available spaces. Furthermore, the parking demand generated by the proposed restaurant (up to 15 parking spaces) will not compromise current parking conditions in the centre."

There has been no significant development change in the shopping centre to conclude that the Shire assessment would have significantly changed since 2004. However, to ensure that the parking arrangements do not deteriorate, it is considered prudent to limit the daylight operations to 30 patrons (reflecting 8 parking spaces) and providing the opportunity for 60 patrons for after hours use when parking needs are at the lowest. This also reflects the way in which Council conditioned the existing restaurant.

Consultation

Chief Executive Officer

Manager Building Services

Under the Scheme, a Restaurant a 'P' use. Neither use requires advertising pursuant to the Scheme.

Statutory Environment

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

Policy Implications

There are no policy implications that relate to this matter

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr White

That Council:

- A. That Council exercise its discretion pursuant to Clause 16.7.5 of the Shire of Ashburton Town Planning Scheme No.7 and not require off street carparking for the use and development referred to in B below.**
- B. That the development application lodged by Leadkinto Pty Ltd for a restaurant ('outdoor bar and grill') on part Lot 21 Stadium Road, Tom Price in accordance with the submitted plans be approved, subject to the following conditions:**
- 1. A building licence for the development should be obtained prior to 21 April 2012. This Planning Approval lapses if a building licence for the development has not been obtained by 21 April 2012. Further to this, if the development is not substantially commenced in accordance with the building licence by 21 April 2012 then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.**
 - 2. Plans submitted with the building licence are to be generally in accordance with plans submitted showing finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.**
 - 3. The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.**
 - 4. The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing of the Lot shall be a minimum 1.8 metres in height and adequately screen the proposed 'sea container'. Details to be submitted with the building licence application.**

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

6. The uses when established shall at all times comply with the definition of “Restaurant” as contained within the Scheme as follows:

“Restaurant: a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and includes cafes and coffee houses and may or may not be licensed to sell liquor”.

7. Without the written approval of the Chief Executive Officer, seating shall be provided for not more than 30 patrons at between 8.00am and 6.00pm and up to 60 patrons at other times.

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

Advise the Applicant as follows:

- i) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) which are to be approved by the Shire’s Principal Building Surveyor prior to the issue of the Building licence.
- ii) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
- iii) A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- iv) 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 5/0

Cr Musgrave re-entered meeting and resumed the Chair at 11:36am.

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Rumble, Cr Dias, and Cr White declared an indirect financial interest in Agenda Item 13.04.17 and 13.04.18, the nature of the interest being Cr Dias is an employee of Rio Tinto or a subsidiary of Rio Tinto Pty Ltd and Cr Rumble and Cr White are shareholders of Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was necessary from the Minister of Local Government to allow disclosing members Cr Dias, Rumble, and White to debate and vote on Agenda Item 13.04.17 and 13.04.18.

**13.04.17 PLANNING APPLICATION – TRANSIENT WORKFORCE
ACCOMMODATION, PART LOT 61, BETWEEN COPPIN COURT
AND BELLARY AVENUE PARABURDOO**

FILE REFERENCE:	PA.MC.61
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/ RESPONDENT:	Cedar Woods Properties Pty Ltd for Rio Tinto Pty Ltd
DATE REPORT WRITTEN:	April 7, 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Part Lot 61 has a total area of approximately 6.6^{ha} and contains existing transient workforce accommodation. The land is within both a Commercial and Civic zone and Residential R50 zone. Approval is sought to develop fourteen (14) 6 bed permanent transient workforce accommodation units (84 beds in total) and one laundry unit in the area between Coppin Court and Bellary Avenue. A new access linking Coppin Court and Bellary Avenue with parking for up to 12 vehicles is also sought.

The proposal provides for conventional residential styled units and reasonably blends with the existing residential streetscape and character. Matters associated with setbacks, building height, open space and residential amenity have been addressed in the application and are considered satisfactory. The application seeks Council's discretion to provide less car parking than the planning scheme requires which is supported.

It is recommended that conditional approval be issued.

Background

Part Lot 61 has a total area of approximately 6.6^{ha} and contains existing transient workforce accommodation comprising the 'Rocklea Palms Workers Accommodation' complex. The land is in two zones under the Shire of Ashburton Local Planning Scheme No. 7 ('scheme') – being Commercial and Civic zone and Residential R50 zone. The application is only within the Residential R50 zone and covers an area of approximately 7300^m² (note zone and area plan in Attachment)

13.04.17

Transient workforce accommodation is a prohibited use in the Commercial and Civic zone and a discretionary use in the Residential zone. The definition of transient workforce accommodation under the scheme is:

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

Clause 6.9 of the scheme states:

6.9.1 All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.

6.9.2 Except in the residential zone and notwithstanding sub clause 6.9.1, the requirements of the Residential Planning Codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate

Clause 6.9 expressly provides that 'transient workforce accommodation' shall be regarded as residential development and subject to the *Residential Planning Codes*. Importantly, 'transient workforce accommodation' is defined in the Scheme as *"...dwellings intended for the temporary accommodation of transient workers...."*

Proposal

Approval is sought to develop fourteen (14) 6 bed transient workforce accommodation units (84 beds in total) and one laundry unit within the 'Rocklea Palms Workers Accommodation' complex. The proposal is located in the vacant area between Coppin Court and Bellary Avenue, Paraburdoo. The units are to be established on a permanent basis. A new access linking Coppin Court and Bellary Avenue with parking for up to 12 vehicles is also sought. (note development plans in Attachment)

13.04.17a

The Application was originally lodged in September 2008 and incorporated a far more extensive proposal that included units between Jope Court and Bellary Avenue (9x3 bed units totaling 27 rooms) and two storey units within the area fronting Rocklea Road and McRae Road (5x6 bed unit - 30 rooms and 10x3 bed units -30 rooms). However, from

discussions with Shire Staff, the Applicant and RTIO representatives, the application was modified to include only the fourteen (14) 6 bed transient workforce accommodation' units to be located between Coppin Court and Bellary Avenue. The Applicant has advised that it reserves the right to seek further approvals for these areas at a later date.

Comment

The subject site is zoned Residential R50 under the scheme. Within the zone the proposed buildings, works and use are permitted at the discretion of the Council. Further, when determining whether to exercise its discretion, Council is required to have regard to Clause 6.9 of the Scheme which states, (amongst other things) that the application should be assessed against the Residential Design Codes ('R Codes') of Western Australia.

In accordance with Clause 6.9.1 of the scheme, whether transient workforce accommodation is to be a permanent or temporary structure, it is regarded as residential development and subject to the provisions of the R Codes. Under the R Codes, each transient workforce accommodation unit falls under the definition of single bedroom dwelling. The R Codes cover a range of matters, including open space requirements, building setbacks and separations, car parking and landscaping.

The proposal provides for conventional residential styled units essentially forming a perimeter to the site. The applicant has sought to establish a design that reasonably blends with the existing residential streetscape and character of Coppin Road and Bellary Avenue.

The R Codes standards when applied to transient workforce accommodation are somewhat unrealistic as they apply private open space requirements. These have been developed on the basis they are suitable for houses or flats and therefore are somewhat excessive when applied to workers accommodation. The proposal under consideration is relatively well spaced when compared with other accommodation facilities within the Shire.

While the applicant has not provided a detailed assessment of the proposal against the Residential Planning Codes, an assessment suggests that the Code requirements can readily be satisfied. Importantly, matters associated with setbacks, building height, open space residential amenity have been addressed in the application and are satisfactory. In the event of it resolving to grant approval it is suggested that Council should exercise its discretion pursuant clause 6.9.2 of the scheme and vary the requirements of the R Codes to the standards contained on the submitted plans.

The proposed does however raise two other issues of potential interest, being:

- car parking implications; and
- impact on landscaping

With respect to car parking implications, it is noted that the scheme requires two parking spaces per three sleeping units of workers accommodation, thus resulting in a total parking requirement of approximately 28 parking spaces for the proposal. An increase of 12 spaces is proposed by the applicant and it is not anticipated that the proposal will have a material or adverse impact on

parking conditions onsite. There are approximately 130 on-site parking spaces available for the existing workers for the whole of the site.

There have however, been no identifiable parking problems in the past. In the unlikely event that they parking issues did arise, there is ample land to extend the existing on-site car parking provision. The applicant has suggested that should the Shire consider parking to be an issue, it would be acceptable to include a condition to provide additional parking should the need arise.

However, it is queried why the parking area associated with the development should require road access to both Coppin Road and Bellary Avenue? In this regard, it is considered that the Bellary Avenue road access be deleted and either landscaped or reduced to a pedestrian pathway only.

The issue of landscaping is also not expected to be of major significance. The proposed development may result in a number of existing plants/trees in the immediate vicinity of the buildings being removed. The applicant has, however, maintained an extremely high standard of landscaping on the site, and there is no reason to believe that this will change in the future. In addition, the siting of the buildings along with parking/access should be designed to avoid the removal of vegetation where possible.

It is recommended conditional approval be granted.

Consultation

Chief Executive Officer

The Application was formally advertised for 14 days in October 2008 and no objections were received. The application was modified however there was a lessening of the impacts associated with the proposal and further advertising was not considered necessary.

Statutory Environment

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

Policy Implications

Advertising was undertaken in accordance with the Shire's Local Planning Policy - *Consultation for Planning Proposals*.

Transient workforce accommodation should be consistent with the provisions of Council's adopted Local Planning Policy *Transient Workforce Accommodation*. Specifically, the Policy States: *4.5 Location of Camps*

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

- *in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction;*
- *adjacent to recognised tourist routes, unless suitably screened or designed for permanent use;*

- *within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones:*
 - *Rural Residential;*
 - *Industrial and mixed Business/Development;*
 - *Industry; or*
 - *Mixed Business.*

The land is within a zone that the Policy accepts as being appropriate for transient workforce accommodation. The proposal would be classified as a 'TYPE A Camp' which are: "... located within or in proximity to existing urban or resident populations, typically on land zoned for residential or commercial purposes. These camps may be further categorized into long term operational camps and (generally) shorter term construction camps".

Under the policy, Type A camps should not exceed 200 accommodation rooms and in this regard, the proposal complies with the policy. Also relevant to the proposal is Local Planning Policy "Transportable Dwellings, New and Second-hand" which states: 5.1

For all transportable housing:

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

The proposal complies with the above policy directions.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

The Shire's Strategic Plan (2007-2011) notes the following 'Business Plan Objectives for the Shire:

“Facilitate the release of land for tourism, accommodation, housing, commerce and industry to support economic development

- *Structure Plans, Town Planning Scheme Amendment, and*
- *Land Corp and Utility Providers involvement”.*

It is considered that the Application reflects the intent and direction of the Shire's Strategic Plan (2007-2011).

The application under consideration reflects what many operators have found in Paraburdoo which is that there is a very limited supply of housing and accommodation in the town. The accommodation deficiency means that there is a lack of immediate, short term accommodation even for non RTIO associated contractors. Some industry operators have established transient workforce accommodation on land zoned 'Industry'. Such uses are prohibited in that zone.

However, it highlights the need for dialogue with RTIO and State Land Services to address the availability of land for accommodation in Paraburdoo.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Dias

That Council:

- A. That Council exercises its discretion pursuant to Clause 6.17.5 and 6.9.2 of the Shire of Ashburton Local Planning Scheme No.7 for the use and development referred to in B below.**
- B. Approve the development application made by Cedar Woods Properties Pty Ltd, to erect and use buildings on Part Lot 61 between Coppin Court and Bellary Avenue, Paraburdoo for the purposes of transient workers accommodation, in accordance with the attached plans, subject to the following conditions:**
 - 1. Prior to the commencement of any works, plans are to be submitted generally in accordance with the plans and elevations submitted by the applicant and modified to remove vehicle access to Bellary Avenue.**
 - 2. A building licence for the development should be obtained prior to 21 April 2012. This Planning Approval lapses if a building licence for the development has not been obtained by 21 April 2012. Further to this, if the development is not substantially commenced in accordance with the building licence by 21 April 2012, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.**
 - 3. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy, the Health Act, the Building Code of**

Australia, the Western Australian Fire Board Regulations and Local Laws.

4. All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Shire. Plans must be submitted prior to issue of a building licence showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.
 5. A landscaping plan must be submitted and approved for the area immediately surrounding the subject buildings and on the boundary prior to the issue of a Building Licence or any works commencing. For the purpose of these conditions a detailed landscaping plan shall show the following:
 - i) the location and type of proposed trees and shrubs;
 - ii) any lawns to be established;
 - iii) those areas to be reticulated or irrigated.
 6. The landscaping and those areas to be reticulated or irrigated landscaping area shall be installed within thirteen (13) weeks of the use commencing or occupation of the development, and shall be maintained thereafter by the owner/occupier to the satisfaction of the Shire.
 7. Car parking spaces shall be provided as detailed on the submitted plans and be established to the satisfaction of the Shire of Ashburton.
 8. Car parking, manoeuvring and vehicle circulation areas are to be suitably constructed, drained, kerbed, maintained and marked to the specifications and satisfaction of the Shire of Ashburton.
 9. The design and layout of the buildings shall be consistent with the provisions of the Residential Planning Codes
- C. Request the Chief Executive Officer to write to RTIO and State Land Services seeking a meeting with representatives from those organisations in order to address the availability of land in Paraburdoo with the particular goal of improving the supply of land for housing and accommodation for commercial, industrial operators and contractors in Paraburdoo

Advice

1. You are reminded to submit a landscape plan in accordance with Condition (5) of this approval at your earliest convenience so as to avoid any unnecessary delay at the building licence stage
2. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by

the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building licence.

3. The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
4. Please note for future reference that levels, contours, drainage and sewer lines, etc must be shown on development plans to ensure a proper assessment can be made. Failure to provide this information may require design changes at the building licence stage, resulting in possible delays and inconvenience.
5. 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).
6. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website <http://www.dia.wa.gov.au/Heritage/default.aspx>.

CARRIED 6/0

13.04.18 PROPOSED RETAIL HIRE, LOT 229 COOGELUP WAY, TOM PRICE

FILE REFERENCE:	TP.CJ.229
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Alison Sherriff (Rio Tinto Iron Ore Pty Ltd property)
DATE REPORT WRITTEN:	9 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

An application has been received seeking planning approval to use 20^{m2} of the existing house on Lot 229 Coogelup Way, Tom Price for costume hire. The land is zoned 'Residential' and the scheme provides the opportunity for commercial uses to be considered in the zone.

The application has been advertised and no objections received. It is recommended that approval be issued to allow for costume hire, subject to conditions.

Background

An application has been received seeking planning approval to use 20^{m2} of the existing house on Lot 229 Coogelup Way, Tom Price for costume hire by appointment only. One person is to be involved in the hire (occupant of the dwelling) and the area of the sales is no greater than 20m². (note Attachment 1 – location and plan)

[13.04.18](#)

Comment

The scheme allows a 'shop' as a discretionary use (subject to advertising) within the Residential zone.

In a strategic sense, the desire of the Shire is to establish a vibrant town centre which is depicted with the efforts undertaken through the current revitalisation program. The Scheme Report that defined the current planning scheme noted:

"The 1990 strategy also identified a number of separate precincts in the Town Centre according to their function. It recommended the possible location for additional retail development at the rear of the existing shopping centre and other improvements relating to carparking and pedestrian facilities. Although expansion may be possible, it is recommended that a consolidation and

upgrading of existing facilities may be a higher priority than expansion. This could include a more detailed assessment of carparking, pedestrian facilities and urban design issues”.

Clearly commercial uses should be located in the town centre, however, the business proposed offers the town a service as there are no costume hire operating in town. Importantly, there does not appear to be any vacant premises within the Commercial and Civic zone that provides for such an outlet.

In essence, the operation will reflect the use of the land for home occupation purposes. Local Planning Policy ‘Non-Residential Land Uses in the Residential Areas Location’ applies due to the retail nature of the proposed business. In this regard, the policy has the following assessment requirements:

- **Location of the property within the existing residential area.**

Comment

Coogelup Way is a residential street in the form of a circuit. Lot 229 is located on the southern extent of Coogelup Way.

- **Residential amenity and Noise generation**

Comment

The scale of the development in that it is similar in nature to a home occupation is unlikely to adversely affect the amenity of adjoining landowners.

- **Essential services and waste disposal**

Comment

The proposed use does not involve the provision of any additional essential services.

- **Traffic Implications**

Comment

Subject to limitations on the operation, the proposed use is unlikely to significantly increase traffic and adversely impact on the street or its amenity.

- **Building modifications**

Comment

The appearance and predominant use of the building will retain its residential character.

- **Signage**

Comment

Signage for any 'Non-Residential' use in a residential area is to be a maximum of 0.2m².

The application reflects the requirements of the '*Non-Residential Land Uses in the Residential Areas Location*' Local Planning Policy.

It is considered that an initial limited approval could be considered as it would probably best serve the needs of all parties involved while maintaining the scheme objectives. As the retail hire will be undertaken from an existing house, the normal conditions of home occupation should apply with a requirement that all potential customers are appointment only. This would ensure that the business would remain low-key. To ensure that the use does not lead to amenity issues for the neighbourhood, a time limit of 12 months should be placed on any approval.

Consultation

The application was advertised for 14 days by sign on site and letter to adjoining neighbours and owners. No objections were received.

Statutory Environment

Local Planning Scheme No.7.

Policy Implications

Local Planning Policies - 'Non-Residential Land Uses in the Residential Areas Location' is relative to this matter.

Financial Implications

There are not financial implications relative to this matter.

Strategic Implications

There are no strategic implications relative to this matter.

Voting Requirement

Simple Majority Required.

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Dias

1. **Approve the Planning Application made by Alison Sherriff for retail hire (costume hire) at Lot 229 Coogelup Way subject to the following conditions:**
 - a) **Compliance with all the requirements of Council's Principal Environmental Health Officer and Building Surveyor.**
 - b) **This Planning Approval is personal to Ms Alison Sherriff. The written consent of the Chief Executive Officer is required for it to be transferred to a third party.**
 - c) **The operator of the shop shall not employ any person that is not a member of Lot**

229 Coogelup Way household.

- d) The retail hire shall be undertaken in an area within the existing house no greater than 20m².**
- e) The operation of the retail hire shall be by appointment only. All promotion and advertising (including signage) shall make customers aware that retail hire is by appointment only.**
- f) All vehicles associated with the use are to be parked on the site at all times.**
- g) All loading/unloading of goods to be conducted within the site at all times.**
- h) All signage is to be a maximum of 0.2m².**
- i) Without the further written consent of the Chief Executive Officer, this Planning Approval lapses on 21 April 2012.**
- j) The operation of the retail hire shall not cause injury to or adversely affect the amenity of the neighbourhood.**

Advice:

- 1. 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 6/0

**13.04.19 DEVELOPMENT APPLICATION – REPLACEMENT BUILDING
ONSLOW ADMINISTRATION CENTRE, LOT 353 SECOND
AVENUE, ONSLOW (50^{M2} TRANSPORTABLE BUILDING)**

FILE REFERENCE: ON.SE.353

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

**NAME OF APPLICANT/
RESPONDENT:** Shire of Ashburton

DATE REPORT WRITTEN: 9 April 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire has lodged a Planning Application for a 50^{m2} replacement colourbond clad transportable building associated with the existing Onslow Administration Centre. No additional staffing is anticipated as the purpose of the extension is to relieve existing cramped working conditions. The building will replace an existing 30^{m2} asbestos clad building in poor repair. The new building does not generate the need for any additional car parking.

The Application has been assessed and found to comply with the relevant provisions of the Scheme. Accordingly, it is recommended that Planning Approval issue subject to conditions.

Background

The site has a total area of 1012^{m2} and currently contains buildings, sheds and car parking associated with the Shire's Onslow Administrative office.

Proposal

The Application is to erect and use a 50^{m2} transportable building for office and toilets associated with the existing Onslow Administration Centre. The building will replace an existing 30^{m2} asbestos clad building in poor repair. No additional staffing is anticipated as the purpose of the extension is to relieve existing cramped working conditions. The new building will be 'hidden' behind the existing building ('Community Development') that fronts Second Avenue.

[13.04.19](#) (Plans)

Comment

Clause 6.15 of the Shire of Ashburton Local Planning Scheme No.7 ('scheme') 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:

- (a) whether the structure is to be permanent or temporary,*
- (b) the location and design of the structure in relation to surrounding structures and other physical features,*
- (c) the footings or other methods of stabilising the structure, and*
- (d) proposed landscaping to be associated with the structure.*

6.15.2 Local Government may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.

6.15.3 Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures.

The proposed transportable building is to replace a 30 m² skid mounted building, clad in asbestos and in poor repair. It is considered that the proposed transportable building generally closely matches the existing Shire offices in terms of colour, however due to the proposed building being colourbond, it is unlikely that there will be a direct match to the existing painted buildings.

The design more accurately reflects the existing prefabricated Community Development Office that fronts Second Avenue. Neither the Community Development Office nor the proposed transportable building reflects the design of the Onslow Shire Offices. The intent is that the replacement building will be located behind and in line with the Community Development Office and therefore will not directly front Second Avenue.

The scheme 'parking provisions' (Clause 6.18) applies to all use and development in the Shire. As no additional staff are intended to be occupied within the building, no additional parking is recommended. This position is consistent with the decisions of Council to issue Planning Approval in June 2009 for a 22.5m² doctors examination building (transportable building) associated with the existing Tom Price Medical Centre (Item 13.06.24) and approval to extend the Shire's Administrative Centre in Tom Price with a 108m² transportable building (Item 13.09.59), where no additional car parking was required by Council.

Importantly, the actual office area of the replacement building (less toilet, storage and passageway) is approximately 30m² which is the same office area of the building to be replaced. The transportable building is considered by the Shire to be the most effective means of relieving the immediate shortage of work space at the Onslow Administration Centre. It is proposed to 'hide' the building behind the existing Community Development Office which is considered appropriate.

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.

Consultation

Chief Executive Officer
Executive Western Operations

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.

Policy Implications

There are no policy implications that relate to this matter.

Financial Implications

The Application generates a fee of \$132. The Council is able to waive planning fees associated with this Application as it is for Shire and community use.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr Dias

SECONDED: Cr Dann

1. Resolve that Council:

- A. Waive the Planning Application fee of \$132 due to the Application being for Shire and community use and advertising is not required.**
- B. Approve the Planning Application made by the Shire of Ashburton to erect a 50^{m2} replacement transportable building for the purpose of office at Lot 353 Second Avenue, Onslow (Onslow Administration Centre) in accordance with the submitted plans and subject to the following conditions:**
 - 1. A Building Licence for the development should be obtained prior to 21 April 2012. This Planning Consent lapses if a Building Licence for the development has not been obtained by April 2012. Further to this, if the development is not substantially commenced in accordance with the Building Licence by April 2012, then this Planning Consent lapses at that date.**

2. 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.
3. 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.
4. The design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Details to be submitted prior to or with the building licence application.
5. The building shall be connected to a reticulated water supply and reticulated sewer to the satisfaction of Water Corporation prior to occupation of the development.
6. That Council review usage in 3 years time.

Advice Notes

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. The provision of water supply services to Onslow is at capacity and it is possible that there could be some servicing issues with the proposal. It is suggested that the applicant contact the Water Corporation to determine the provision of a reticulated water supply.

Note: Officer Recommendation was amended by adding point B6

CARRIED 6/0

**13.04.20 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING
AT LOT 418 (8) CAMERON AVENUE, ONSLOW**

FILE REFERENCE: ON.CA.418

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

**NAME OF APPLICANT/
RESPONDENT:** A G Jenkinson and P Wilson
(Owners and Applicant)

DATE REPORT WRITTEN: 10 April 2010

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

Application has been submitted by the owners of Lot 418 (8) Cameron Avenue, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

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

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

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

Background

Lot 418 (8) Cameron Avenue, Onslow has an area of 1011^m² and is occupied by a three (3) bedroom dwelling that has in the recent past been used as a bed and breakfast accommodation.

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.

Proposal

Application has been submitted by the owner of Lot 418 (8) Cameron Avenue, Onslow to operate a “residential building” use within the existing dwelling on the subject site. A location plan is included as Attachment

[13.04.20](#)

Comment

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

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

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

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

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

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

The subject land is zoned Residential in the Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5/30. Within such a zone a Residential Building is a ‘D’ use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions no objection has been received.

Planning Policy

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

While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

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

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

Clause 4.5 of the Policy states:

- a) *Applications will be examined with regard to the following:*
- i) *potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - ii) *to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - iii) *car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and*
 - iv) *residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
- i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
 - ii) *where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;*
 - iii) *smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;*
 - iv) *any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;*
 - v) *car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
 - vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

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

Location

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

Residential Amenity

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

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

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

While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

The Applicant has provided a 'fire escape plan' that shows an assembly area within the driveway of the dwelling. It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required.

Building Modifications

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

Statutory Environment

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

Policy Implications

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority required.

Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dann

That Council subject to the preparation of a site and layout plan

- 1. Approve the development application made by A G Jenkinson and P Wilson to use the existing dwelling at Lot 418 (8) Cameron Avenue, Onslow for the purposes of a residential building subject to the following conditions:**
 - a. The development shall comply with the Shire of Ashburton's Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.**
 - b. Not more than six (6) guests shall be accommodated within the premises at any one time.**
 - c. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.**
 - d. All car parking generated by the use shall occur within the boundaries of the property.**
 - 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 Lot 418 (8) Cameron Avenue, Onslow.**

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 5/1

Cr Musgrave voted against the motion.

**13.04.21 DEVELOPMENT APPLICATION – GROUPED HOUSING (3 UNITS),
LOT 318 SECOND AVENUE, ONSLOW**

FILE REFERENCE:	ON.SE.318
AUTHOR'S NAME AND POSITION:	Rob Paull Town Planning Consultant
NAME OF APPLICANT/ RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	9 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire has lodged a Planning Application for three (3) grouped dwelling units at Lot 318 Second Avenue, Onslow. The Application has been assessed and found to comply with the relevant provisions of the Scheme and the R -codes, although some clarification on the plans associated with set backs, car bay length the provision of open space to each unit is required. Normally an application of this nature is determined under delegation. The application is referred to Council as the Shire is the applicant.

It is recommended that Planning Approval issue subject to conditions.

Background

Lot 318 Second Avenue Onslow has an area of 1019^{2m} site, is flat and vacant.

Proposal

The application seeks to develop three (3) grouped dwelling units, consisting of three (3) two (2) bedroom dwellings with a dining/kitchen area, an indoor living area, outdoor living area, bathroom, laundry, porch, and carport. The design also incorporates store rooms for each unit.

It should be noted that normally an application of this nature is determined under delegation. The matter is referred to Council due to the fact that the Shire is the applicant. A location and zoning plan along with floor plans are included as an attachment.

[13.04.21](#)

Planning Provisions

The subject land is zoned *Commercial and Civic* under the Shire of Ashburton Planning Scheme

No. 7 ('scheme'). It is also included in the 'Onslow Coastal Hazard Areas Special Control Area' and in this regard, the minimum floor height in the 'Onslow Coastal Hazard Areas Special Control Area' is required to be 4AHD. This has been depicted on the submitted plans.

Clause 6.10.3 of the scheme provides:

"The density of residential development in the Commercial and Civic and Tourism zones shall not exceed R50, with the exception of land located within the Onslow Hazard Special Control Areas, where residential development shall not exceed R30".

Accordingly, the density provision that applies to the land is R30. Group dwelling development requires an average density of one dwelling per 300^{m²} and a minimum area of 270^{m²}.

Comment

A planning assessment of any development under the Residential Design Codes (R-Codes) requires consideration of such elements as streetscape, boundary setbacks, open space, access and parking, building height, privacy, design for climate and incidental development requirements. Assessment is done either by using the 'Acceptable Development' provisions or the 'Performance Criteria'.

The Residential Design Codes also prescribes that a development which may in the opinion of the Council adversely affect the amenity of an adjoining property should be referred to the affected landowners with appropriate information for them to comment on the proposal.

The application reflects the provisions of the R-Codes although clarification from the designer in two areas is required as follows:

- set back of units B and C to the side boundary;
- car bay length; and
- adequate provision of open space to each unit.

Set back

For the unit design proposed (Units B and C), it is calculated that a 1.5m setback to the side boundary is required. The plans show a 1.1m setback. It is possible that a 1.1m can be achieved (through raised window sill height and window modification). The plans and elevations do not show how the reduced setback will be achieved. In this regard, should Planning Approval be issued it should be conditional on either providing a 1.1m setback or appropriate sill height/window openings.

Car bay length

The plans show car bays at 5.4m whilst the Scheme states they need to be 5.5m. It would appear that there is scope to provide them at that length. Should Planning Approval be issued it should be conditional on the car bays being 5.5m.

Open Space

The plans note that outdoor areas reflect the requirements of the R-Codes but it is not demonstrated in the design. Should Planning Approval be issued it should be conditional on the open space and outdoor living areas being clearly defined.

Conclusions

One aspect that will need to be considered is access to the rear ROW and sealing of the ROW to the crossover. This should be a condition of any approval.

The design reflects the requirements of the scheme and the R-Codes and should be conditionally approved.

Consultation

Chief Executive Officer
Executive Manager Western Operations
Manager Building 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') where the land is zoned *Commercial and Civic* under the Scheme and within the '*Onslow Coastal Hazard Areas Special Control Area*' where the minimum floor height is 4AHD.

Policy Implications

There are no policy implications that relate to this matter.

Financial Implications

The Application generates a fee of \$2,556. The Council is able to waive planning fees associated with this Application as it is for Shire and community use.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr White

Resolve that Council:

- A. Waive the Planning Application fee of \$2,556 due to the Application being for Shire use and advertising is not required.**
- B. Approve the development application made by the Shire of Ashburton to construct group housing (3 Units) at Lot 318 Second Avenue Onslow generally in accordance with the attached plans and subject to the following conditions:**
 - 1. Plans to be submitted that are generally in accordance with plans and elevations submitted by the Applicant with the following modifications**
 - car parking to reflect the provisions of the Scheme;
 - the set back of units B and C to the side boundary to reflect the 'Acceptable Development' provisions of the Residential Planning Codes (R-Codes); and
 - open space to each unit to reflect the 'Acceptable Development' provisions of the R-Codes.
 - 2. This Planning Consent lapses if a Building Licence for the development has not been obtained by 21 April 2012. Further to this, if the development is not substantially commenced in accordance with the Building Licence by 21 April 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 Council.**
 - 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 Council**
 - 5. The building shall be connected to a reticulated water supply and reticulated sewer to the satisfaction of Water Corporation prior to occupation of the development.**
 - 6. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed and drained to the satisfaction of the Council prior to occupation. These areas shall thereafter be permanently maintained by the owner/occupier as vehicle parking and manoeuvring areas to the satisfaction of Council.**
 - 7. The vehicular crossover between the subject land and Second Avenue to be designed, constructed, sealed and drained to the satisfaction of Council prior to occupation.**

8. Should vehicle access be sought to the ROW, the requirements of condition 7 will apply and the applicant responsible for sealing the length of the ROW from the nearest adjoining road to the crossover.
 9. A geotechnical report covering the development area being prepared by the Applicant at the Applicant's cost and to the satisfaction of Council. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 10. Compaction and stabilisation must be carried out to the specifications and satisfaction of Council. Details to be submitted with the building licence application.
 11. Prior to the issue of a building licence, the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of Council. The Plan should indicate the location and:
 - type of fencing to be installed;
 - reticulation to be installed; and
 - type of paving to be installed.
- The Plan should also include a plant schedule nominating each species, the spacing of each species, the numbers of plants required; and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity. The Plan should identify and include any adjoining road verges. The Plan must be submitted and approved prior to the issue of a building licence.
12. Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the development and thereafter maintained to the satisfaction of Council.
 13. The provision of a suitably screened bulk bin area/s for refuse to the specifications and satisfaction of Council prior to occupation of the development. Details to be submitted with the building licence application.

Advice Notes

- A. 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.
- B. The provision of water supply services to Onslow is at capacity and it is possible that there could be some servicing issues with the proposal. It is suggested that the applicant contact the Water Corporation to determine the

provision of a reticulated water supply.

CARRIED 6/0

**13.04.22 PLANNING APPLICATION – PROPOSED RESIDENTIAL
BUILDING AT LOT 582 (NO. 1) HEDDITCH STREET, ONSLOW**

FILE REFERENCE: ON.HE.582

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

**NAME OF APPLICANT/
RESPONDENT:** Janet Chisholm
(Owner and Applicant)

DATE REPORT WRITTEN: 10 April 2010

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

Application has been submitted by the owner of Lot 582 (No. 1) Hedditch Street, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

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

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

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

Background

Lot 582 (No. 1) Hedditch Street, Onslow is occupied by a four (4) bedroom dwelling and sheds.

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.

Proposal

Application has been submitted by the owner of Lot 582 (No. 1) Hedditch Street, Onslow to operate a “residential building” use within the existing dwelling on the subject site. A location plan and letter accompanying the Application are attached.

[13.04.22](#)

Comment

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

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

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

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

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

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

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

Planning Policy

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

While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

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

- Building modifications

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

Clause 4.5 of the Policy states:

- a) *Applications will be examined with regard to the following:*
- potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - 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*
 - residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
- approval is a particular approval, and is not transferable without prior written approval of Council;*
 - 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;*
 - 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;*
 - 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;*
 - car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
 - in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

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

Location

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

Residential Amenity

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

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

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

While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

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

Building Modifications

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

Statutory Environment

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

Policy Implications

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Dias

That Council:

- 1. Approve the development application made by Ms Janet Chisholm to use the existing dwelling at Lot 582 (No. 1) Hedditch Street 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. All car parking generated by the use shall occur within the boundaries of the property.**
 - d. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.**
 - e. 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.**
 - f. 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 Lot 582 (No. 1) Hedditch Street, Onslow.**
 - g. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.**

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 5/1

Cr Musgrave voted against the motion

13.04.23 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT LOT 669 (NO. 6) ANKETELL COURT, ONSLOW

FILE REFERENCE:	ON.AN.669
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Andrew Bishop (Owner and Applicant)
DATE REPORT WRITTEN:	10 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Application has been submitted by the owner of Lot 669 (No. 6) Anketell Court, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

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

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

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

Background

Lot 669 (No. 6) Anketell Court Onslow has an area of 1107^m² and is occupied by a three (3) bedroom dwelling.

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.

Proposal

Application has been submitted by the owner of Lot 669 (No. 6) Anketell Court, Onslow to operate a “residential building” use within the existing dwelling on the subject site. A location plan and letter accompanying the Application has been provided as an attachment. The Applicant has advised that the building is to be managed by a real estate agent from Karratha.

[13.04.23](#)

Comment

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

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

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

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

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

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

The subject land is zoned Residential in the Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5/30. Within such a zone a Residential Building is a ‘D’ use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions no objection has been received.

Planning Policy

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

While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

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

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

Clause 4.5 of the Policy states:

b) *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*
- vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

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

Location

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

Residential Amenity

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

Management

As noted, the Applicant has advised that the building is to be managed by a real estate agent from Karratha. Although not a direct policy requirement of Council, it has been practise for the Council to require management to be from within Onslow so that any 'management' issues can be resolved locally. To date, the Shire has not been informed of any such management issues. As the approval is for 12 months and that the manager is located in Karratha (not an unreasonable distance from Onslow), it is recommended the request by the Applicant that manger not reside in Onslow be accepted on a trial basis.

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

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

While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

Emergency Escape Plan

The Applicant has provided a 'fire escape plan' that shows an assembly area within the driveway of the dwelling. It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required.

Building Modifications

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

Statutory Environment

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

Policy Implications

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

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Thomas

That Council:

- 1. Approve the development application made by Mr Andrew Bishop to use the existing dwelling at Lot 669 (No. 6) Anketell Court, Onslow for the purposes of a residential building subject to the following conditions:**
 - b. 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.**
 - c. Not more than six (6) guests shall be accommodated within the premises 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 should be required and approved in writing by the Shire of Ashburton.**
 - e. All car parking generated by the use shall occur within the boundaries of the property.**
 - f. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.**
 - g. 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.

- h. 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 Lot 669 (No. 6) Anketell Court Onslow.

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 5/1
Cr Musgrave against the motion.

13.04.24 PLANNING SCHEME AMENDMENT No. 9 - ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA, ONSLOW

FILE REFERENCE:	RD.OG.2.6/TP7.8
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 March 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.12.89, Ordinary Meeting of Council 15 December 2009 Agenda Item 14.12.20, Ordinary Meeting of Council 16 December 2008 Agenda Item 13.03.03. Ordinary Meeting of Council 17 March, 2009 Agenda Item 13.10.63, Ordinary Meeting of Council, 27 October, 2009

Summary

Amendment No. 9 to the Shire of Ashburton Town Planning Scheme was initiated by Council at its 15 December 2009 meeting. As part of the initial Amendment process, it was referred to the EPA for environmental assessment and to the Department of State Development (DSD) and the Western Australian Planning Commission (WAPC) for advice.

The EPA has since resolved that the Amendment does not require 'assessment' however it has recommended several modifications. Officers from the Department of Planning (DoP) responded on behalf of the WAPC advising that Amendment No. 9 is in a form suitable for advertising and that this should be actioned as soon as practicable.

The DSD has suggested modifications to the Amendment to reflect the State's position on Ashburton North. The majority of these changes are textual changes and do not alter the direction or intent. However, there are some matters that DSD has recommended that are not supported by the Shire. These are reflected in Schedules 1 and 2. A further modification recommended by the Shire that ensures that when a scheme amendment is sought for the Ashburton North SIA that a review of the existing Onslow SIA is undertaken.

This will clarify the position of the Shire that the existing Onslow SIA is not required

and removal will allow opportunities for further town expansion if deemed necessary. Accordingly, it is recommended that Council adopt the modifications to Amendment No. 9 to establish a 'Special Control Area' along with planning controls and structure planning requirement for the Ashburton North SIA and advertise the Amendment for 42 days in accordance with the in accordance with the *Town Planning Regulations 1967*.

Background

Amendment No. 9 to the Shire of Ashburton Town Planning Scheme was initiated by Council at its 15 December 2009 meeting. As part of the Amendment process, it was referred to the EPA for environmental assessment and to the DSD and the WAPC for advice.

Comment

As noted in the previous agenda items, the Shire's preference is for the Ashburton North area to be defined within a 'planning precinct' and for that to be in the form of a 'Special Control Area' under the Shire of Ashburton Town Planning Scheme No. 7 ('scheme'). The general area of the 'Special Control Area' is depicted in Attachment

[13.04.24](#)

As defined in Amendment No. 9, the 'Special Control Area' requires the preparation of a structure plan (or possibly several structure/development plans of varying detail) to be approved by the Shire and the WAPC. The structure plan and the 'Special Control Area' will define the 'Ashburton North SIA' area for LNG development, port area, multi-use corridor, construction camp area and infrastructure contributions. The structure plan will need to be prepared either prior to or in association with, the rezoning of land to 'Strategic Industry' zone. Any rezoning would need to reflect approved structure plan/s.

The layout of the port facility will lead to a structure plan for the industrial area for LNG and domestic gas processing. The Shire has been advised that Chevron Australia is intending to lodge a port facility plan for State evaluation. It is difficult to move forward on the site until this is agreed. Following the port plan, planning for the infrastructure corridor will begin.

Agency Comments

The comments from the agencies are included in Schedule 1 to this Report. Extended comments from DSD are also included in Schedule 2. In relation to comments from agencies on Amendment No. 9, the following is noted:

- The EPA has resolved that Amendment No. 9 does not require 'assessment' however it has recommended several modifications. These modifications are accepted and sought to be reflected in the Amendment as follows:

“An adequate level of environmental information must be provided prior to undertaking structure planning for the SIA. It is appropriate that the environmental issues addressed are included in any rezoning and/or structure planning for the SIA as follows:

- Flora and vegetation

- Terrestrial fauna
- Groundwater
- Soils and landform
- Aboriginal cultural heritage”

In addition, the Scheme Report should include a copy of the EPA/DEC advice.

- Officers from the Department of Planning (DoP) responded on behalf of the WAPC advising that Amendment No. 9 is in a form suitable for advertising and this should be actioned as soon as practicable.
- The DSD has suggested modifications to the Amendment to reflect the State’s position on Ashburton North. The majority of these changes are textual changes and do not alter the direction or intent. However, there are some matters that DSD has recommended that are not supported by the Shire.

The agency comments are considered in Schedules 1 and 2.

[13.04.24a](#)

Modifications to Amendment No. 9

Modifications recommended by EPA are accepted and those by DSD are accepted in part (refer to Schedules 1 and 2). Modifications to Amendment No. 9 recommended by the Shire are as follows:

Existing Onslow SIA

A further modification is recommended that ensures that when a scheme amendment is sought for the Ashburton North SIA that a review of the existing Onslow SIA is undertaken. This will clarify the position of the Shire that the existing Onslow SIA is not required and removal will allow opportunities for further town expansion if deemed necessary. In this regard, the Policy Statement of Amendment No. 9 should be modified to read:

“The Council does not support two strategic industrial areas associated with Onslow. The Council believes that existing Onslow strategic industrial area is not required and its removal will allow opportunities for further town expansion and a mix of other uses. The establishment of the SIA allows Council and the government to review the need for retaining the existing Onslow strategic industrial area.

When a scheme amendment is sought for the SIA, the scheme report will review the need or otherwise for retaining the existing Onslow strategic industrial area and this information will be used by the local government to prepare an amendment concurrent with the proponent’s amendment”.

Potential to extend the SIA

From discussions with DSD staff, it was suggested that the SIA be expanded to reflect the ‘taking order’ for the SIA. It is noted that this suggestion was not formally recommended by DSD. However, rather than adding area to the SIA, it is recommended that Amendment No. 9 be

modified to include a provision that allows the Council to accept that a structure plan can extend outside the SIA should it considered necessary. In this regard, the Policy Statement of Amendment No. 9 should be modified to read:

“The *Ashburton North Strategic Industrial Area* is indicative. Rather than continuously modifying the area on the scheme map, if considered necessary by Council it may agree that a “Strategic Industry” zone and Structure Plan can extend outside the *SIA*”.

In addition, the Planning Requirements section of the Amendment should also be modified to include as follows:

“With the consent of Council, the *Ashburton North Strategic Industrial Area Structure Plan* may extend outside the *SIA*”.

When considering a request to initiate rezoning of land within the *SIA* to “*Strategic Industry*”, the local government shall only initiate an Amendment when it is satisfied that the proponent has prepared a structure plan that meets the Policy Statement and Purpose of this policy and the *Ashburton North Strategic Industrial Area Structure Plan* and has demonstrated: –

- The need to extend outside the area of the “*Ashburton North Strategic Industrial Area*;

Conclusion

Should Council accept the modifications to Amendment No. 9, it will be extensively advertised for 42 days and any submissions referred back to Council for considering prior to final adoption.

Accordingly, it is recommended that Council modify Amendment No. 9 to the scheme in accordance with the advice provided in this Report (modifications in bold).

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Chairman, Western Australian Planning Commission
Department of Planning
Department of State Development
Department of Environment and Conservation
Chevron representatives

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the EPA after which public advertising of the proposal occurs (this is where this ‘draft Amendment’ currently sits in the process).

After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC.

Statutory Environment

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

Policy Implications

The (draft) Onslow Structure Plan will reflect the Government and Council direction of a new Strategic Industrial Area at Ashburton North.

Financial Implications

The initial financial implications relate to travel costs to Perth/Onslow for the Workshop Meetings and other meetings as associated with both the (draft) Onslow Structure Plan and a new Strategic Industrial Area at Ashburton North. It is possible that further costs may be associated with modifications to the draft) Onslow Structure Plan, however if they are outside existing Budget allocations, these will be reported back to Council.

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

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 Government however the Shire's Strategic Plan (2007-2011) would 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.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

That Council:

1. **In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 9 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes:**

1. **Modifying Clause 6.11.8 of the Scheme to read as follows:**

“6.11.8 When considering applications for planning approval in the “Strategic Industry” zone, Local Government shall ensure that the proposal:

- (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;
- (b) reflects any endorsed Structure Plan;
- (c) is significant to the regional and/or state economies; or
- (d) provides goods and services which directly support or compliment industries described in (a) and (b) of this subclause; and
- (e) minimises or offsets impacts on local infrastructure, economic and community development”.

2. Modifying Clause 7.1 of the Scheme to read as follows:

“7.1 Operation of Special Control Areas

7.1.1The following special control areas are shown on the Scheme map:

- (a) Tidal Inundation Areas
- (b) Onslow Coastal Hazard Area
- (c) Onslow Strategic Industrial Buffer
- (d) Onslow Airport Height Restrictions Area
- (f) Cane River Water Reserve Area
- (g) Turee Creek, Mt Lionel and Mt Stevenson Borefields
- (h) Wittenoom
- (i) Ashburton North Strategic Industrial Area”

3. Adding Clause 7.9 of the Scheme to read as follows:

“7.9 Ashburton North Strategic Industrial Area

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

7.9.2 The Local Government may consider a domestic gas processing plant within the *Ashburton North Strategic Industrial Area* prior to rezoning to “Strategic Industry” zone and the preparation of an *Ashburton North Strategic Industrial Area Structure Plan* where the local government is satisfied that the proposal reflects the Policy Statement and Purpose of the *Ashburton North Strategic Industrial Area*. **7.4.3** Caretakers dwelling shall not be permitted within the *Ashburton North Strategic Industrial Area”*.

4. Adding Appendix 11 to the Scheme to read as follows:

APPENDIX 11 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA (SIA)

Policy Statement

The State Government has announced that it intends to create a Strategic Industrial Area (SIA) at Ashburton North to cater for proposed Liquid Natural Gas (LNG) and domestic gas processing as well as promoting related downstream opportunities. The creation of the Ashburton North SIA will promote regional development; provide a gas hub to monetise small sub-economic gas fields in the Carnarvon Basin; and promote more diverse sources of domestic gas.

The creation of the SIA will facilitate investment in LNG processing facilities and, via gas aggregation, provide opportunities to commercialise many of the relatively small gas fields in the southern Carnarvon Basin. Both Chevron and BHPB Petroleum/ExxonMobil are proposing domestic gas plants at Ashburton North, so the SIA will assist the development of more diverse sources of domestic gas.

It will also provide land and new port facilities to service other potential gas processing development at Onslow and in the western Pilbara. The SIA is to include a port precinct, multi-user facilities on the coastal strip, land allocations for specific proponents as well as land for users that are yet to be determined, and multi-user infrastructure corridors. In total, the area is approximately 8,000ha.

It is intended that the creation of the SIA is to be proponent driven and it does not imply a commitment from either State or local government to assemble land or provide the necessary transport and other infrastructure required to make the area function.

The SIA must be accessible by multiple users. As part of determining whether the site is suitable for industrial purposes, proponents have been given access to the site for a period of three years to undertake detailed site investigations. The site investigations will consist of numerous environmental heritage and technical studies and related works. Data is being supplied to both State and local government to facilitate analysis of proposals.

An adequate level of environmental information must be provided prior to undertaking structure planning for the SIA. It is appropriate that the environmental issues addressed are included in the rezoning and/or structure planning for the SIA as follows:

- Flora and vegetation
- Terrestrial fauna
- Groundwater
- Soils and landform
- Aboriginal cultural heritage

In order to provide strategic direction for the establishment of the SIA, an *Ashburton North Strategic Industrial Area Structure Plan* will need to be

prepared. The Plan will set the context for specific projects development within the SIA and is to be prepared either prior to or in association with, the rezoning of land for any particular proponent to "Strategic Industry".

The *Ashburton North Strategic Industrial Area Structure Plan* will need to address State Planning Policies, (in particular *SPP 2.6 State Coastal Planning Policy*), clearly define multi-user infrastructure corridor/s, road infrastructure, development staging, along with assessing the cumulative impacts of development on the whole SIA and under what criteria they can be established.

The SIA is indicative. Rather than continuously modifying the area on the scheme map, if considered necessary by Council it may agree that a "Strategic Industry" zone and Structure Plan can extend outside the SIA

The Council of the Shire of Ashburton does not support "fly- in, fly-out" as it considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. Council acknowledges 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. Any such camps are to be identified in the *Ashburton North Strategic Industrial Area Structure Plan*. The development of the SIA will have a significant impact on the demographic and population growth profile for Onslow. The *Ashburton North Strategic Industrial Area Structure Plan* is to address the methodology to identify community needs and infrastructure for Onslow.

The plan must also specify the key trigger points for the provision of facilities for and contribution from proponents within the *Ashburton North SIA*.

The Council does not support two strategic industrial areas associated with Onslow. The Council believes that existing Onslow strategic industrial area is not required and its removal will allow opportunities for further town expansion and a mix of other uses.

The establishment of the SIA allows Council and the government to review the need for retaining the existing Onslow strategic industrial area. When a scheme amendment is sought for the SIA, the scheme report will review the need or otherwise for retaining the existing Onslow strategic industrial area and this information will be used by the local government to prepare an amendment concurrent with the proponent's amendment.

In addition, Council understands that the Onslow community expects to retain the current level of coastal access (including road access) to Hooleys Creek. In this regard, either community access to Hooleys Creek should be retained or an alternative acceptable to the community be provided. This will need to be negotiated with the community, respective companies, leaseholders and the government as part of the Structure Plan process.

Planning Requirements

1. An *Ashburton North Strategic Industrial Area Structure Plan* shall to be prepared either prior to or in association with the rezoning of land, within the Ashburton North SIA, to “Strategic Industry”. The Structure Plan is to address (but is not limited to) following matters: multi-user infrastructure corridor/s; road infrastructure; development staging; *cumulative impacts*; and relevant State Planning Policies, in particular SPP 2.6 State Coastal Planning Policy.
2. With the consent of Council, the *Ashburton North Strategic Industrial Area Structure Plan* may extend outside the *Ashburton North Strategic Industrial Area*.
3. Unless otherwise provided for in the *Ashburton North Strategic Industrial Area Structure Plan*, land which is the subject of any proposed subdivision or development within the Ashburton North SIA shall be zoned Strategic Industry.
4. All subdivision and development within the Ashburton North SIA shall be in accordance with the *Ashburton North Strategic Industrial Area Structure Plan*.
5. The predominant use and development within the *Ashburton North SIA* shall be LNG and hydrocarbon related processing industry and compatible industries.
6. The environmental impact of any industrial development shall be subject to environmental assessment and approved by the Minister for Environment in accordance with the *Environment Protection Act 1986*. In the preparation of any rezoning or preparation of a structure plan, the following environmental issues shall be addressed to the requirements of the Environmental Protection Authority:
 - Flora and vegetation
 - Terrestrial fauna
 - Groundwater
 - Soils and landform
 - Aboriginal cultural heritage
7. Developer(s)/Proponent(s) shall be required to identify social impacts of their proposals including assessment of potential pressures on community facilities and services on Onslow prior to development occurring or rezoning being considered. Where necessary, these assessments must include strategies to mitigate identified issues.

8. **Transient workforce accommodation will not be permitted other than as provided for in the *Ashburton North Strategic Industrial Area Structure Plan*.**
9. **When considering a request to initiate rezoning of land within the *Ashburton North Strategic Industrial Area* to “*Strategic Industry*”, the local government shall only initiate an Amendment when it is satisfied that the proponent has prepared a structure plan dealing with the following matters:**
 - a) **The area to which the Amendment applies;**
 - b) **The need to extend outside the area of the “*Ashburton North Strategic Industrial Area*;**
 - c) **Key opportunities and constraints of the site including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and services;**
 - d) **State Planning Policies (in particular, SPP 2.6 State Coastal Planning Policy);**
 - e) **The planning context for the site including relevant strategies, Scheme provisions and policies, indicating how the Amendment is to be integrated into the surrounding area;**
 - f) **Proposed major land use/s;**
 - g) **Planning of the multi-user infrastructure corridor/s in its totality and reflecting the needs defined in the Policy Statement and representing the known needs of all users”;**
 - h) **Industrial buffers both within and outside the site (where buffers are proposed outside the boundary of the site, the method of control and ownership of land affected by the buffer will be required to be addressed);**
 - i) **The proposed indicative lot pattern (if appropriate) and general location of any major buildings;**
 - j) **Estimates of future employment numbers;**
 - k) **The provision of suitable short and long term workers accommodation;**
 - l) **The provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;**
 - m) **The proposed road networks;**
 - n) **The timeframe and staging of development along with an anticipated schedule for decommissioning;**

Special Control Area” approximately 16km south west of the Onslow Townsite (and excluding Hooleys Creek) as set out in the Amendment Map.

That Chevron Australia, BHPB, Dampier Port Authority and the Department of State Development all be requested to attend a public forum in Onslow prior to the completion of public consultation for Amendment No. 9, advising the community as to the anticipated level and location of development at Ashburton North, access to Hooleys Creek (or alternative).”

Reason: the Additions considered issues not considered in the Officer Recommendation.

13.04.25 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	03/10	13.03.11	Town Planning Scheme Amendment No 1 – Lot 300 Boonderoo Road, Tom Price – Ministers Approval – Subject to Modifications	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note the decision of the Minister for Planning in relation to Amendment No. 1 to the Shire of Ashburton Town Planning Scheme No. 7. 2. Request the Chief Executive Officer to proceed with the Amendment as follows: <ol style="list-style-type: none"> i) Write to the proponent advising of the Minister's decision and requesting that the Amendment document be modified accordingly; ii) Upon receipt of the modified document, duly sign and refer the Amendment to the Department of Planning for processing; and iii) Upon return of the modified document from the Department of Planning, advertise the finalised Amendment in the Pilbara News and Government Gazette. 	Finalised – documents adopted and sealed and referred to WAPC for signing. (April 2010)
2.	03/10	13.03.12	Proposed Additional Transient Workforce Accommodation Units, Beadon Bay Village, Lots 557 & 563 Beadon Creek Road, Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approve the development application made by Greg Rowe and Associates, to erect and use buildings on Lot 557 and 563 Beadon Creek Road for the purposes of transient workers accommodation, in accordance with the attached plans, subject to the following conditions: 	Finalised Development approval issued (April 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> a) Prior to the commencement of any works, plans are to be submitted generally in accordance with the plans and elevations submitted by the applicant and modified to provide a setback for all buildings on Lot 558 of at least 5.0 metres. b) A building licence for the development should be obtained prior to 17 March 2012. This Planning Approval lapses if a building licence for the development has not been obtained by 17 March 2012. Further to this, if the development is not substantially commenced in accordance with the building licence by 17 March 2012, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended. c) Prior to the development being occupied the "owner of the land" shall at the expense of the owner and accepting Council's costs, prepare and enter into a signed agreement with the Shire. The agreement shall: <ul style="list-style-type: none"> i) absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events; ii) require the use of the structures to cease by 17 March 2013 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days; 	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> iii) provide that should either Lot 557 or Lot 563 be individually sold or not form part of 'Beadon Bay Village', the transient workers accommodation on Lot 563 shall be removed or alternatively the owner shall to the satisfaction of the Shire, ensure that all infrastructure, recreational and service facilities are independently provided on Lot 563; and iv) upon the written direction of the Chief Executive Officer, new access to Lots 557 and 563 shall be established in accordance with the endorsed plans and all access to 'Parsley Road' shall be closed. In this regard, an appropriate floodway management assessment for the crossing of the drainage easement on Lot 563 shall be undertaken ensuring that any such access shall not interfere with the drainage easement, with all access constructed to the Shire of Ashburton's specifications. All such access and drainage modifications will be at the owner's expense. d) The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy, the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws. e) All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as 	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>directed by the Shire. Plans must be submitted prior to issue of a building licence showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.</p> <p>f) The buildings shall have a minimum floor level of at least 4.0 metres AHD.</p> <p>g) A landscaping plan must be submitted and approved for the area immediately surrounding the subject buildings, on the boundary to Lot 558 and facing Beadon Creek Road prior to the issue of a Building Licence or any works commencing. For the purpose of these conditions a detailed landscaping plan shall show the following:</p> <ul style="list-style-type: none"> i) the location and type of proposed trees and shrubs; ii) any lawns to be established; iii) those areas to be reticulated or irrigated. <p>h) The landscaping and those areas to be reticulated or irrigated landscaping area shall be installed within thirteen (13) weeks of the use commencing or occupation of the development, and shall be maintained thereafter by the owner/occupier to the satisfaction of the Shire.</p> <p>i) Car parking spaces shall be provided as detailed on the submitted plans along with a minimum of three (3) additional oversize vehicle parking bays to be established to the satisfaction of the Shire of</p>	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>Ashburton.</p> <p>j) Vehicle parking, manoeuvring and vehicle circulation areas are to be suitably constructed, drained, kerbed, maintained and marked to the specifications and satisfaction of the Shire of Ashburton.</p> <p>k) The design and layout of the buildings shall be consistent with the provisions of the Residential Planning Codes.</p> <p>2. Advise the applicant of its right of appeal pursuant to Part 14 of the Planning and Development Act 2005.</p> <p>3. Advise the applicant that the issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the complex unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.</p> <p>4. Advise the applicant that the Shire has only recently been advised that the provision of water supply services to Onslow is at capacity and it is possible that there could be some servicing issues with the proposal. It is suggested that the applicant contact the Water Corporation to determine the provision of a reticulated water supply and to be aware that they may need to supplement or provide alternate means for such supply. If holding tanks or other infrastructure is required, consent from the Shire may also be necessary.</p> <p>5. Advise the applicant that the approval will result in 40 single bedroom dwellings on Lot 563 and a total of 84</p>	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				approved single bedroom dwellings on Lot 557.	
3.	03/10	13.03.13	Proposed Home Occupation, (Retail Sales) Lot 636 Coolaroo Street, Tom Price	<p>That Council advise Ms Kym Ettridge, the applicant for a home occupation Lot 636 Coolaroo Street, Tom Price that as the proposal involves retail sales, Council is unable to approve the application. Accordingly, the application be refused on the following ground:</p> <p>1. The 'home occupation' is prohibited due to retail sales being sought.</p> <p>Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).</p> <p>That Council advise Ms Kym Ettridge that subject to the application being modified and formal advertising and the consideration of any submissions received, Council is willing to consider an application for a limited shop at Lot 636 Coolaroo Street, Tom Price subject to (but not confined to) the following conditions:</p> <p>Compliance with all the requirements of Council's Principal Environmental Health Officer and Building Surveyor.</p> <p>The operator of the shop shall not employ any person that is not a member of Lot 636 Coolaroo Street, Tom Price household.</p> <p>The shop shall not occupy an area within the existing house greater than 20m².</p>	Finalised – applicant advised of Council decision. (April 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>The hours of operation shall be as follows:</p> <p>9 am – 3pm Monday to Friday; and 9 am – 12 noon Saturday.</p> <p>The promotion, advertising (including signage) and operation of the shop shall be by appointment only.</p> <p>All vehicles associated with the use are to be parked on the site at all times.</p> <p>All loading/unloading of goods to be conducted within the site at all times.</p> <p>No outside storage of goods.</p> <p>The approval not being transferable.</p> <p>Signage to be a maximum of 0.2m².</p> <p>The approval limited to a period of 12 months.</p> <p>The operation of the shop shall not cause injury to or adversely affect the amenity of the neighbourhood.</p> <p>The Chief Executive Officer be delegated authority to approve an Application referred to in 3., above subject to the satisfactory conclusion of advertising.</p>	
4.		15.03.05	Notice of Intention to take Land for "Wheatstone Alternative Campsite, Onslow Road,	<p>That Council:</p> <p>1 Advise the Department of State Development (DSD) and Chevron Australia that the:</p>	Finalised – Minister and DSD advised in writing of

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			'Ashburton North', Onslow	<p>i) 'Wheatstone Alternative Campsite' is strongly opposed by the Council as it is removed from the SIA and would establish the same sort of 'camp entry statement' to the Onslow as found in other North West towns. In addition, it would create a precedent for other proponents to establish camps in similar locations and circumstances.</p> <p>ii) Shire is willing to discuss with DSD and Chevron Australia alternate sites for the Wheatstone Campsite that are more appropriate than that shown on the NoITT.</p>	Council's position (April 2010)
5.	02/10	13.02.05	Proposed 15 Dwelling Grouped Dwelling Development, Lot 327 Warara Street, Tom Price	<p>That:</p> <ol style="list-style-type: none"> Subject to the Minister for Planning approving Scheme Amendment No. 5 thus rezoning Lot 327 to Residential R30, Council provide CEO with delegation to approve the development application from the Shire of Ashburton to construct and use 15 single storey grouped dwellings on Lot 327 Warara Street, Tom Price, generally in accordance with the submitted plans subject to 23 conditions. 	Approval Issued as Minister has approved Amendment No. 5) (April 2010)
2.	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"> That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</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</i> 	Ongoing – documents sent to the WAPC/Minister for final approval) (April 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p><i>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></p> <p>2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</p> <p>3. That the Council refer the draft Amendment so adopted for final approval, of the Hon. Minister for Planning.</p> <p>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</p>	
3.	12/09	13.12.88	Advertising of Draft Townsite Strategy, Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note this Report. 2. Request the Chief Executive Officer to: <ol style="list-style-type: none"> a) advertise the draft Onslow Townsite Strategy for a period of 60 days; b) directly notify Onslow land owners and surrounding pastoral lease holders (by mail) advising of the draft Onslow Townsite Strategy and inviting comment; c) erect a display in the Shire Offices at 	<p>Ongoing</p> <p>(a) Advertising closed 6 March 2010 (b) Completed (c) Completed (d) Completed (e) Complete (f) Complete (g) Submissions are being assessed. Report to be</p>

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>Onslow and place the whole draft Onslow Townsite Strategy on the Shire Website;</p> <p>d) place an advertisement for the draft Onslow Townsite Strategy in the Pilbara Times on two occasions and the Onslow Times on at least one occasion;</p> <p>e) directly notify the following State Agencies:</p> <ul style="list-style-type: none"> • Civil Aviation and Safety Authority; • Dampier Port Authority; • Department of State Development; • Department of Planning; • Department of Indigenous Affairs; • Department of Environment and Conservation; • Department of Education; • Department of Health; • Department of Mines and Petroleum; • Department of Regional Development and Lands; • Department of Water; • FESA; • Horizon Power; • Landcorp; • Main Roads WA; • Police Service of WA; • Tourism Commission of WA; and • Water Corporation; 	<p>submitted to April and May meetings (April 2010)</p>

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>f) directly notify the following companies/organisations;</p> <ul style="list-style-type: none"> • Thalanyji representatives; • BHP/Billiton; • Chevron; • Exxon; and • Onslow Salt; <p>3. refer (any) submissions received during the advertising period back to Council so that a decision on to whether to adopt the draft Onslow Townsite Strategy with or without modifications can be undertaken.</p>	
4.	12/09	13.12.89	Draft Planning Scheme Amendment to Establish North Ashburton Strategic Industrial Area, Onslow	That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 9 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes: (extensive text follows)	Ongoing Report submitted to be April Council meeting (April 2010)
5.	12/09	13.12.90	Planning Application – Hotel/Motel Development Comprising 132 Tourist Accommodation Units and Ancillary Restaurant, Cafe, Gymnasium and Associated Car Parking at Lot 3011, Central Road, Tom Price	That Council: A. With respect to the Planning Application made by Auzcorp Pty Ltd for Hotel/Motel Development comprising 132 Tourist Accommodation Units (96 Single Bedroom Villas, 20 Single Bedroom Apartments, 16 Two Bedroom Tourist Units) and Restaurant, Café, Gymnasium and Associated Car Parking at Lot 3011, Central Road, Tom Price, Council note the submissions to the application lodged by RTIO and WA Tourism Commission.	Finalised Awaiting proponent to submit amended plans. Matter now in the hands of the applicant (April 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>B. Approve the Planning Application made by Auzcorp Pty Ltd for Hotel/Motel Development comprising 132 Tourist Accommodation Units (96 Single Bedroom Villas, 20 Single Bedroom Apartments, 16 Two Bedroom Tourist Units) and Restaurant, Café, Gymnasium and Associated Car Parking at Lot 3011 and part Lot 3017 Central Road, Tom Price, subject to the following conditions:</p>	
6.	11/09	13.11.77	Draft Town Planning Scheme Amendment Modifications to Strategic Industrial Zone to Prohibit Transient Workforce Accommodation	<p>That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes to:</p> <ol style="list-style-type: none"> 1. That the zoning table be modified as follows: <ul style="list-style-type: none"> (a) Identifying 'Transient Workforce Accommodation' as an 'X' use class in the 'Strategic Industry' zone; 2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967. 3. That following advertising of the draft Amendment, the 	Ongoing Draft amendment Submitted to EPA (April 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				matter be referred back to Council for further consideration.	
7.	08/09	13.08.41	Draft Town Planning Scheme Amendment No 5 – Comprising modifications to the scheme to rezone Lot 327 Warara Street to Residential R30, to clarify the Land in special use 1 zone and to prohibit sea containers as caretaker dwellings (considerations of adoption for final approval)	5. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i> , adopt draft Amendment No. 5 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of: (Standard Conditions Attached)	Minister has Approved final Amendment. To be Gazetted by Shire. (April 2010)
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 and will be available for May Meeting
15	03/08	13.03.11	Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation	That Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i> ("Act"), adopt for community consultation purposes draft Amendment No. 2 ("Amendment") to <i>Shire of Ashburton Town Planning Scheme No. 1</i> ("Scheme") that proposes: 1. That the zoning table be modified as follows: (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 Tom Price Structure Plan and review of Transient Workers

#	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>	Accommodation policy (April 2010)

Rob Paull left meeting at 12:16am.

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr Thomas

That Council note the contents of the Development Services Status Report

CARRIED 6/0

14.04.0 WESTERN OPERATIONS REPORTS

14.04.04 RFT 08/10 DESIGN & CONSTRUCTION OF A PUBLIC ABLUTION FACILITY IN ONSLOW

FILE REFERENCE:	AS.TE.08.10
AUTHOR'S NAME AND POSITION:	Megan Walsh Project Coordinator, Western Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 th April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton invited tenders for the design and construction of a public ablution facility on the Thalanyji Oval, Third Avenue Onslow.

Two tenders were received. This is a Design and construct tender with a recommendation required to further evaluate tenders

Council approval is sought to delegate authority through the CEO to accept a proven value for money tender

Background

The construction of the public ablution facility is part of stage one of the Onslow sporting precinct upgrade. The facility will be constructed in an area which is best suited to service the existing playground, the proposed water spray park and other activities being held/played on the Thalanyji oval.

The tender for the design and construction of a public ablution facility was advertised in the 20th March edition of the West Australian newspaper and the 24th March edition of the Pilbara News. Public notices were also displayed on notice boards throughout the Shire and on the Shire's website.

Comment

The tender closed at 4.00pm on the 6th April. Two Tenders were received from

1	Henlyn Construction	Maylands
2	Pindan Construction	Belmont

The Tender from Henley Construction was technically non compliant as they did not supply details of a draft scoped concept plan with details of proposed methodology or materials
The tender from Pindan Construction was compliant but the price amount could be reduced based on a modification of scale of their draft design.

An evaluation panel, comprising of officers from project management, executive manager of western operations and consulting engineers individually assessed each tender against the documented compliance and qualitative criteria in conjunction with the pricing submitted by each tenderer.

Qualitative Criteria

Price	50%
Previous similar projects	15%
Time Frame	15%
Design innovation	15%
Financial Capacity	5%

Discussion

The tender from Henley Construction requires further evaluation based on the supply of further information detailing the proposal ablutions configuration, aesthetic design and materials.

The Pindan Construction tender through redesign of space could reduce overall cost of construction. Both tenders should be further evaluated to obtain the best value for money tender to council. It is suggested that delegated authority be given to the CEO to continue these negotiations to a maximum value. This process will still allow the Shire to not accept any tender and retender if a suitable opinion is not available through further negotiations.

Consultation

Jeff Breen – Executive Manager Engineering Service
Geoff Shoemark – Consulting Project Coordinator
Amanda Ohalloran- Executive Manager Western Operations
Bernie Smith – Manager Building Services
Marius Olsen – Environmental Health Officer

Statutory Environment

Section 3.57, Local Government Act 1995 and Part 4, Local Government Act (functions and General) Regulation 1996
Section 5.42 and 5.43 Local Government Act 1995, Delegations of some powers and duties to CEO

Policy Implications

Purchasing and Tender Policy FIN 12

Financial Implications

Budgeted allowance for this project is \$300,000.00 with funding received from Royalties for Regions as part of the Onslow Sporting Precinct Upgrade.

The assets maintenance, running and cleaning costs will be incorporated into an annual budget.

Strategic Implications

Strategic plan 2007-2011

Strategic Objective 2: Include and engage our community

5. Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability.

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dann

That Council delegate authority in accordance with the provisions of section 5.42 and 5.43 of the Local Government Act 1995 to the CEO to accept tender 08/10 design & construction of public ablution facility in Onslow up to the value of \$300,000.00 (exc.GST) through further negotiations with the two submitted tenderers to achieve value for money

CARRIED 6/0

14.04.05 UPGRADING OF ONSLOW SPORTING PRECINCT FACILITY IN ONSLOW

FILE REFERENCE:	ON.R.306686/ ON.R.42090
AUTHOR'S NAME AND POSITION:	Megan Walsh Project Officer, Western Operations
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 April 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire has been working on a sporting precinct master plan for Onslow as per the Strategic plan 2007-2011. The project was intended to develop a plan that would service the current and future needs of the Onslow Community.

Background

The Onslow Community has been consulted on community infrastructure needs and aspirations on many occasions over the last 6-7 years. The Shire itself has commissioned a number of the consultation processes. These opportunities included the *Onslow Structure Plan* review by GHD and on 2 occasions through strategic planning consultation. Both Chevron and BHP Billiton have conducted community need studies and have published their findings locally and on the internet. The Shire is confident that by researching this data they have a clear picture of the community expectations in regards to sport and recreational needs and desires in the Onslow community.

An audit of the existing Onslow sporting and community infrastructure was undertaken by the Shire. During this assessment it was found that whilst Onslow has a reasonable level of sporting facilities (the precinct currently accommodates a basketball court, children's playground, football oval, tennis courts, bowling green and small sports club.), they are rundown and some of the facilities have not been operational for some time.

The Department of Sport and recreation have been encouraging the Shire to undertake a sport and recreational facility master planning process for a number of years. This process is to assist the Shire and the Department in local and regional planning and help the Shire meet the complex funding processes that exist in the various government and non government funding rounds each year.

Comment

A scope of work was designed based on the extensive community consultation data available to the Shire and quotations were sought from the following organizations.

1	MCG Architects
2	Peter Architects
3	Banham Architects
4	CCS Strategic Management

The Shire conducted an evaluation of each quotation, Respondents were required too -

1. Demonstrate to the Shire of Ashburtons satisfaction, details of two recent, completed projects which demonstrate their company's ability to complete projects on time, on budget and to agreed quality standards.
2. To nominate and provide contact details of at least two referees who can verify or provide information from a client perspective regarding previous experience, quality of work, performance and timely completion of projects

Mcg Architects (MCG) were commissioned to design the master plan for the upgrade of Onslow's existing sporting precinct and future needs as per initial project scope (see attachment).

[14.04.05](#)

MCG were requested to present a 3 stage draft plan. Onsite direction and consultation was carried out with Shire Officers and Cr Kerry White.

[14.04.05a](#)

Key features of the submitted plan are -

- Increasing the area of the Sporting Precinct over two sites enables Onslow to maintain the location of the foot ball oval, tennis courts and Bowling Green while establishing new facilities on the second site. Both sites are linked by paths and vehicle access roads.
- Design of a community pool in the heart of the precinct creates links to all others sporting areas within the site including new basketball courts, water play area, recreation centre, netball courts, designated outdoor theatre and Skate Park.
- The key to the overall design has been within the landscaping and linked pathways. Native plants have been suggested to capture the essence of Onslow through colour and texture. Artistic sculptures provide further shading to the pathways, barbeque areas and roads while creating interest within the natural landscape.

The basic design concept for the overall site is to inject colour and free flowing curves and shapes into the existing natural landscape to bring to life the area and enhance the natural contours of the site while creating an environment modern and fun to attract residences and tourists to use the new facilities.

It needs to be noted that Council has currently designed the master plan over reserves 42090 and 30686. Council doesn't have tenure of reserve 42090, this reserve is under the management order of the Education Department. The Shire is in negotiations with the Department of Education to negotiate an alternative school site and discuss options for the Shire to apply for the management order over the reserve. These negotiations are ongoing and whilst the Education Department is in agreement with the Shires future plans, legal processes are required to be worked through prior to formal land tenure being secured.

Stage 2 of the plan involves projects earmarked for the reserve in question and it is planned that legal tenure would be secured prior to projects taking place.

Consultation

Onslow Community
Department of Education
WA Land Services
MCG Architects
Chief Executive Officer
Building Manager
Executive Manager Engineering Services
Rob Paull Consultant Planner
Geoff Shoemark Project Manager
Cr Kerry White

Statutory Environment

Land Administration Act 1997

Policy Implications

NIL

Financial Implications

The Overall Sporting Precinct Master Plan is costed at \$16.5 million. This includes the \$10.5 million stage one works (Multi Purpose Complex, Tennis Courts upgrade, Water Playground, Car Parking, Stage One Landscaping and Thalanyji Oval Upgrade, currently funded and underway. Further funding is being sought for the resulting stages.

Strategic Implications

Strategic plan 2007-2011

Strategic Objective 2: Include and engage our community

Point 5- Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability.

Voting Requirement
Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dann

Council adopt the Onslow Sporting Precinct Master Plan as per attachment 14.04.05a

CARRIED 6/0

14.04.06 LOT 944 FIRST STREET, ONSLOW RESERVE 42626

FILE REFERENCE:	ON.FR.944
AUTHOR'S NAME AND POSITION:	Sue Lennard Executive Assistant EMWO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	April 10, 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.12.18 OMC December 15, 2006 Agenda Item 14.05.12 OMC June 17, 2008 Agenda Item 14.05.04 OMC May 19, 2009 Agenda Item 14.11.16 OMC November 17, 2009

Summary

At the November 2009 meeting of Council it was resolved that Council

- (a) refer the report of heritage architect Mr Philip Griffiths to the Onslow Townscape Advisory Group for their ideas on alternative uses for this property and to
- (b) make arrangements for an "open day" to be held at the property for the general public to view and make suggestions as to the end-use for the property and to
- (c) report the results back to Council

This report details the outcomes of these actions and proposes several alternatives for the future of this property.

Background

The property at 944 First Street Onslow (Reserve 42626) is currently under a management order to the Shire for the purpose of "staff housing" this order having been altered from the previous purpose of "preservation of historical building".

The property is listed on the Shire's "Inventory of Heritage Places and Buildings" as a Category B building which is defined as:

"Category B:

Worthy of high level of protection: to be retained and conserved; provide maximum encouragement to the owner under the Shire of Ashburton Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be

undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered.”

In order for Council to consider viable staff housing options for this Reserve the Shire administration proposed to remove the property from the Shire’s “Inventory of Heritage Places and Buildings” to allow for redevelopment of the site.

Council however, resolved at its June 2008 meeting that public comment be sought in relation to the possible demolition of the property. The public comment received was:

- *1 submission in favour of demolition and redevelopment*
- *1 submission in favour of retention and restoration and*
- *A petition of 22 names in favour of retention and restoration*

It was decided, to further approach all those who had demonstrated an interest in this matter to elicit information and guidance on this and other more general heritage matters via a questionnaire. Of the 24 questionnaires posted to all submitters, 4 were returned.

Information collated from the public comment initiative was presented to Council at their meeting of May 2009 at which time Council resolved to engage the services of a heritage architect to assess the property and provide a report a report to Council outlining future options and costs and to include the cost in the draft 2009/10 budget.

Mr Philip Griffiths principal of Philip Griffiths Architects was thus engaged and visited Onslow during September 2009 to conduct this work. Mr Griffiths’ report was tabled at the November 2009 meeting of Council when it was resolved to refer this matter to the Onslow Townscape Advisory Group for their ideas on end-uses for this property if it were to be restored and also to conduct an “open day” at the property when the general public would be invited to inspect the property and give their views as to an end-use.

Councillors of the day viewed the property whilst in Onslow for the September 2009 meeting of Council.

Comment

This matter was tabled at the February 2010 of the Onslow Townscape Advisory Group which proffered no firm , end-use ideas, preferring instead to hold the “open-day” and receive broader advice from community members attending this event.

The well publicised “open day” was scheduled and held from 10am to 12noon on Saturday, March 27th 2010 when it was expected that the weather would be reasonably mild. (see poster attached)

14.04.06

The 2 individual submitters to the public comment period, both long-term residents of Onslow, one for redevelopment and one against, were invited to be in attendance during the “open day” (and did so) along with the author of this report.

A personal letter of invitation was sent to 20 of the 22 petitioners (see letter attached)

[14.04.06a](#)

Two petitioners were known to have left Onslow and were not sent a personal invitation.

General publicity and the personal invitations sent also offered the opportunity for individual inspections of the property, should the timing of the “open day” be unsuitable due to shift work, leave or other commitments.

At the time of submitting this report for inclusion in the April agenda, a 1 person has viewed the property.

The “open day” was not well patronised. In total, 6 adults and 1 child attended. One other comment was received by email.

A summary of the comments received from the attendees and others follows:

- (Email response) knock it down and build some multi storey accommodation, we never have enough accommodation in Onslow;
- nice feel vibe, art centre plus;
- a huge undertaking, would like to see it done as per posters ie; open verandah/ shops etc. Would be great for the future of Onslow; (3 views)
- community use, visitor centre to suit new road into town, coffee shop, public toilets, incorporate a collection of police memorabilia to show previous use;
- artists’ colony for locals, also musos so they don’t annoy their neighbours; one could teach another; talks on music, art, gardening, fishing seminars; general purpose mature-age, learn anything hang-out “if there’s anything to be learnt, you could learn it at the Pink House”. I would be willing to teach.

Other uses for the property that have come from informal conversation include:

- Public library
- Visitor centre
- Council chambers
- Resource company offices/shop-front
- DVD shop
- Chemist

It should be noted that of the 20 letters sent to individual petitioners, only 1 attended the “open day”.

Despite previous interest via the 22 name petition tabled and the “open day” event, there is still no clear community consensus or direction as to the end-use for this property should it be restored - ***other than a general desire for it to remain accessible to the community in some form.***

Therefore, Council may consider calling for expressions of interest in an attempt to attract a local group of like-minded residents keen to develop a non-profit art and cultural centre for Onslow. Such a community-based group would include Shire representation on any management or steering committee and may choose to auspice grant funding to facilitate staged restoration of the property.

In this way, although the Shire would retain the management responsibility for the property, but the Onslow community would take “ownership” for the utilisation of the property.

This would be similar to the way the Shire retains the management responsibility for the Goods Shed Museum property but the ongoing use of the property rests with the Onslow Tourism and Progress Association (aka Onslow Visitor Centre) and the Goods Shed Museum committee. A similar model of shared responsibility exists for the Onslow Occasional Day Care Centre where the Shire owns the property but the operation of the facility is managed via a community committee.

This model of shared responsibility/use has been quite successful to date and has provided the Onslow community with facilities that otherwise might not have been possible.

In the absence of budgeted Shire funds for the redevelopment of staff housing at this location, there could be some merit in this concept of shared responsibility/use for 944 First Street, given that there are few community venues available in Onslow. As has been noted above, the ambience of this property does appear to lend itself for use as an arts and/or cultural venue.

Current focus in Onslow is directed at sporting and outdoor recreational installations and upgrades. 944 First Street may provide an opportunity to redress the balance for arts and cultural pursuits and development opportunities whilst retaining, making use of and progressively restoring this MHI listed property.

Whilst the property remains untenanted, unoccupied and unused, it continues to deteriorate.

Supported by Council, the presence of a community arts and cultural group may provide a relatively low-cost way to provide ongoing care and basic maintenance for the property as well as an additional cultural venue for Onslow.

A brief inspection of this property by Marius Olsen, Shire of Ashburton Environmental Health Officer revealed no major obstacles to the property being put to use as a community arts and cultural venue. Should a commercial coffee shop/food premises become part of the restoration then Australian Standards would need to be followed for this purpose.

Following the “open day”, informal discussion with the Lotterywest advisor on heritage matters (Faye Overheu) indicated that to be eligible for funding the property would need to have a community use or focus. Funding to restore the property for use as staff housing would not be favourably viewed. The annual Lotterywest heritage funding pool totals around \$1.75m and competition is fierce.

It is possible that restoration funding for community use may be obtained via a future application to the Royalties for Regions programme.

Similarly, Heritage Council of WA advice in respect of funding for local government initiatives of this type indicates that restoration works are unlikely to be funded by their grants.

The first stage of any grant funding would be to have a Conservation Plan prepared for the property. This plan would prioritise future restoration works and form the basis for more accurate costing. Much of the work required to establish a Conservation Plan has already been completed by the assessment of Philip Griffiths, heritage architect.

Depending on the funding source, Council could expect substantial outlay (circa \$250,000 minimum which represents 50% of the conservative estimate provided by Philip Griffiths) to match grant funded restoration work. Ongoing care and maintenance or subsidies to provide affordable rentals for mixed retail outlets. Support for a community venue such as an art and cultural centre would also impact on future budgets.

Should Council choose to restore the property for mixed commercial/retail use, then Ministerial approval for “the power to lease” must be sought and secured.

The current Management Order reflects that this Reserve is vested for “staff housing”, and Council may choose to proceed with the removal of this property from the MHI in order to demolish and redevelop the site accordingly.

Council also has the option to relinquish the management order of this Crown Reserve property to the State to do with as they choose.

It should be noted that the location of this property could be rezoned as “commercial civic” as per the proposals of the Draft Onslow Townsite Strategy.

Consultation

Onslow Townscape Advisory Group
Onslow community
Faye Overhue, Lotterywest
Heritage Council of WA
Marius Olsen, Shire of Ashburton EHO

Statutory Environment

Shire of Ashburton TPS 7
Management Order Reserve 42626

Policy Implications

SoA MHI 1999 (currently under review)

Financial Implications

Should Council choose to proceed with restoration of this property then matching cash or in-kind funding may need to be listed in future annual budgets circa \$250,000 minimum.

Strategic Implications

Strategic Objective #1 – “diversify and strengthen the economy”

Strategic Objective #2 – “include and engage our community”

Strategic Objective #4 - “conserve and enhance the environment and cultural heritage”

Strategic Objective #5 – “a well managed and contemporary corporation”

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

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**

CARRIED 6/0

14.04.07 WESTERN OPERATIONS DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
ENGINEERING					
1.	11/09	14.11.16	Lot 944 First Street, Onslow Reserve 42626	That Council instruct the Chief Executive Officer to: <ul style="list-style-type: none"> a. refer this matter to the Onslow Townscape Advisory Group for their ideas on alternative uses for the property at 944 First Street, Onslow and b. to make arrangements for an “open day” to be held at the property for the general public to view and make suggestions as to the end-use for the property and c. to report the results of (a) and (b) back to Council 	Ongoing Arrangements are being made to carry out the actions endorsed by Council. Open day was held – Report to Council ASAP. (April)
2.	03/09	15.03.01	Mosquito Management Plan	That Council <ul style="list-style-type: none"> 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 	Waiting for finalised document from Health Team. (April)
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 <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> a. The community infrastructure and services components of the 	Met with Janette Tuttle March 2010. Working on way forward.

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>plan lack definition, are limited in scope and are largely uncostered</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 Piund; • 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 	Work is ongoing – both Rio and Shire committed to outcome before end of financial year

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				(20) hours. 5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis.	
DEVELOPMENT					
1.	12/05	13.12.408	Proposed Transfer of Emergency Services Building	That :- 1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- 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 effect the transfer be implemented. 3. The present designation of Lot 971 in the Shire's Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow. 4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued.	Ongoing Land issues finalised – Negotiating with FESA to finalise building handover.

Council Decision/ Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Dann

That Council notes the contents of the Western Operations Status Report

CARRIED 6/0

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

16.04.0 CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Dias

That Council close the meeting to the public at 12:34pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995

CARRIED 6/0

16.04.03 CONFIDENTIAL REPORT - SHIRE OF ASHBURTON STRUCTURE REVIEW

FILE REFERENCE: OR.CM.9

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9th April 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Please refer to Confidential Item Attachment under separate cover

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dann

That Council;

- 1. Endorses the process for the appointment of a consultant to carry out a structure review consistent with the attached brief**
- 2. Approves expenditure of up to \$350,000 being \$50,000 from the 2009/10 budget and \$300,000 from the 10/11 budget.**

CARRIED 6/0

Council Decision

MOVED: Cr Thomas

SECONDED: Cr Dann

That Council re-open the meeting to the public at 12:40pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995

CARRIED 6/0

The Decision of Council was announced to the Public

17.04.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 May 2010, at Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 9:00am.

18.04.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 12:42pm.