



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

**Ashburton Hall, Ashburton Avenue,
PARABURDOO**

21 July 2010

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 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 July 2010 at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson
CHIEF EXECUTIVE OFFICER

12 July 2010

DISCLAIMER

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

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

1.07.0	DECLARATION OF OPENING.....	5
2.07.0	ANNOUNCEMENT OF VISITORS	5
3.07.0	ATTENDANCE.....	5
3.07.01	PRESENT.....	5
3.07.02	APOLOGIES.....	5
3.07.03	APPROVED LEAVE OF ABSENCE	5
4.07.0	PUBLIC QUESTION TIME.....	6
4.07.01	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4.07.02	PUBLIC QUESTION TIME	8
5.07.0	APPLICATIONS FOR LEAVE OF ABSENCE	8
6.07.0	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	8
6.07.01	PETITIONS.....	8
6.07.02	DEPUTATIONS.....	8
6.07.03	PRESENTATIONS	8
7.07.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	8
7.07.01	ORDINARY MEETING OF COUNCIL HELD ON 16 JUNE 2010	8
8.07.0	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION.....	9
9.07.0	DECLARATION BY MEMBERS.....	9
9.07.01	DECLARATION OF INTEREST	9
10.07.0	ENGINEERING SERVICES REPORTS	11
10.07.15	PROPOSED UPGRADE MUNJINA AIRSTRIP	11
10.07.16	PROPOSAL TO CHANGE PURPOSE OF RESERVE 39500 WILLOW ROAD TOM PRICE TO 'STAFF ACCOMMODATION'.....	14
10.07.17	PROPOSED DEDICATION OF PARSLEY STREET, ONSLOW.....	16
10.07.18	ENGINEERING SERVICES DECISION STATUS REPORT	19
11.07.0	COMMUNITY & ECONOMIC SERVICES REPORTS.....	23
11.07.07	COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT	23
12.07.0	CORPORATE SERVICES REPORTS.....	26
12.07.50	USE OF COMMON SEAL UNDER DELEGATED AUTHORITY	26
12.07.51	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MAY 2010 and PRELIMINARY JUNE 2010.....	28
12.07.52	REVIEW OF STAFF HOUSING POLICY EMP19.....	30
12.07.53	FEES & CHARGES 2010/2011	33
12.07.54	CORPORATE SERVICES STATUS REPORT	35
13.07.0	DEVELOPMENT SERVICES REPORTS	39
13.07.35	DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION – SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO.7	39

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

13.07.36	POSSIBLE RELINQUISHMENT OF SHIRE RECREATION RESERVE R39728, MINE RD, TOM PRICE.....	41
13.07.37	APPLICATIONS FOR PLANNING APPROVAL FOR THE CONSTRUCTION OF A GAS TREATMENT AND COMPRESSION PLANT, AND TRANSIENT WORKFORCE ACCOMMODATION CONNECTED TO THE OFF-SHORE GAS FIELD BY A PIPELINE, AND CONSTRUCTION OF THE PIPELINES FROM THE GAS TREATMENT AND COMPRESSION PLANT CONNECTING TO THE DAMPIER TO BUNBURY NATURAL GAS PIPELINE, ONSLOW ROAD, ASHBURTON NORTH.....	44
13.07.38	PLANNING SCHEME AMENDMENT No. 9 - ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA, ONSLOW – ADOPTION FOR FINAL APPROVAL	71
13.07.39	DEVELOPMENT SERVICES DECISION STATUS REPORT	85
14.07.0	WESTERN OPERATIONS REPORTS	89
14.07.13	RFT 14/10 CONSTRUCTION OF LIGHTING & POWER UPGRADE FOR ONSLOW SPORTING PRECINCT	89
14.07.14	RFT 17/10 DESIGN AND CONSTRUCTION OF WATER SPRAY PARK IN ONSLOW.....	92
14.07.15	WESTERN OPERATIONS DECISION STATUS REPORT	96
15.07.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	99
15.07.14	CONVENING OF SPECIAL MEETING OF COUNCIL TO CONSIDER TWO DEVELOPMENT APPLICATIONS IN RELATION TO PROPOSED MACEDON DOMESTIC GAS PLANT AND PIPELINE	100
16.07.0	CONFIDENTIAL REPORTS	102
16.07.10	CONFIDENTIAL ITEM- DRAFT ONSLOW INFRASTRUCTURE PLANS. MEMORANDUM OF UNDERSTANDING & ASSOCIATED MATTERS.....	104
16.07.08	CONFIDENTIAL ITEM – CHIEF EXECUTIVE OFFICER RECRUITMENT.....	105
16.07.09	CONFIDENTIAL ITEM – CHIEF EXECUTIVE OFFICER’S EMPLOYMENT ARRANGEMENT	106
17.07.0	NEXT MEETING	107
18.07.0	CLOSURE OF MEETING	107

1.07.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 9:04am.

2.07.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed Bill Wallace & Ian Fennell, District Engineers, Main Roads Western Australia, Emily Rechner & Fadi Dorkhom, BHP Billiton and members of the public to the public gallery.

3.07.0 ATTENDANCE

3.07.01 PRESENT

Cr G Musgrave	Shire President, Tom Price Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr T Bloem	Tom Price Ward
Cr L Thomas	Tableland Ward
Cr K White	Onslow Ward
Mr K Pearson	Chief Executive Officer
Mr J Breen	Executive Manager Engineering Services
Mr L Softley	Executive Manager Community & Economic Services
Mr W Male	Western Operations Coordinator
Miss D Reid	Administration Manager

3.07.02 APOLOGIES

Cr L Shields	Tom Price Ward
Cr L Corker	Ashburton Ward
Ms A O'Halloran	Executive Manager Western Operations
Mr F Ludovico	Executive Manager Corporate Services

Council Decision

MOVED: Cr Rumble **SECONDED: Cr Bloem**

That Council accept apologies from Crs Shields, Corker & Mr Ludovico & Ms O'Halloran.

CARRIED 6/0

3.07.03 APPROVED LEAVE OF ABSENCE

Cr S Dann Pannawonica Ward

4.07.0 PUBLIC QUESTION TIME

4.07.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary meeting of Council held on 16 June 2010, the following questions were taken on notice.

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

Q1. When did Council transfer/sell/swap this land in Onslow namely Reserve 30333 Lot 603 Cameron Avenue, Lot 394 Third Avenue & Lot 396 Third Avenue? This question has not been answered to the ratepayer's satisfaction.

Answer

1a) The Shire has not transferred, sold or swapped Reserve 30333 with either the Dept of Housing and Works, or any other party.

- **Why did the Senior Project Manager DHW Community Construction tell me personally that he had been given Shire of Ashburton Blocks by the EMWO? Why would he make this up?**

At no time did the Executive Manager of Western Operations "give" the land in question to the Department of Housing and Works.

- **Why did others in town relay the same story to me?**

The Shire is unaware of any such comments and is therefore unable to comment.

- **Why did T&R Homes cart dirt and gravel to these 3 blocks?**

The Shire is unaware of the reason. The actions were carried out without the Shire's knowledge or approval.

- **Why was a house pad constructed at Lot 603?**

The Shire is unaware of the reason. The actions were carried out without the Shire's knowledge or approval.

1b) The shire retains the management order for the reserve and there is no action in progress to change this situation.

- **This answer is correct (now) as the houses were eventually placed at the Bindi Bindi Community but the community wish to know who initially authorised another government department to cart in material and construct house pads on blocks that the shire retain management orders on?**

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

The Shire is unaware of the reason. The actions were carried out without the Shire's knowledge or approval.

- **They are concerned this could happen again in the future and they think we as Councillors are trying to cover something up. Photos were provided and some blocks still have the pile of dirt on them.**

Neither the Shire Administration nor Councillors were consulted or advised of the proposed works and, therefore, the Shire could not prevent the action.

- **If DHW simply stole the land, ratepayers want to know how DHW thought they could simply take possession of the land, commence earthworks and council could do nothing about it.**

The Shire is unaware on what basis DHW may have acted.

- **If Council do not seek proper answers to these questions and investigate further there are many dissatisfied ratepayers who will take this matter further.**

The Shire has provided all the answers available to it.

Q2. Relates to GST on Waste Service Charges which I have brought up before, the File Note FI.RA.11 – FI.TX.8 states that the Shire applied for a GST Ruling, the attachment show it is in fact a "General Advice" only; not a Ruling and my interpretation of this advice is that the Shire have been advised to check the Treasurers Determination.

Attached I am including a ruling sought by a business in Onslow relating to the same matter. Waste service charges are not subject to GST because they are included in a Determination by the Treasurer under Section 81-5 of A New Tax System (Goods & Services Tax) Act 1999 (GST Act), which renders them not a provision of consideration.

- **Why are we the Shire of Ashburton charging GST on 240 litre collection charges & Shire tip fees?**

An answer to this question will be provided at the July meeting.

- **The Treasurers determination does not differentiate between individuals and business why does the Shire of Ashburton?**

An answer to this question will be provided at the July meeting.

The CEO explained that a combination of a heavy workload and the need to research the background to these questions meant that it was necessary to delay a response until the August meeting of Council.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

4.07.02 PUBLIC QUESTION TIME

No questions were asked.

5.07.0 APPLICATIONS FOR LEAVE OF ABSENCE

Applications have been received from Cr Greg Musgrave & Cr Tony Bloem for leave of absence for the Council meeting being held on 18 August, 2010.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Thomas

That Council accept the applications for leave of absence from Cr Greg Musgrave & Cr Tony Bloem for the Ordinary meeting of Council being held on 18 August, 2010.

CARRIED 6/0

6.07.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.07.01 PETITIONS

6.07.02 DEPUTATIONS

6.07.03 PRESENTATIONS

Bill Wallace & Ian Fennell, District Engineers, Main Roads Western Australia addressed the meeting at 9:15am.

Points emerging from the discussion were:

- MRWA are funding a number of road projects within the Shire over the coming year
- MRWA are looking into the additions of parking bays on the Paraburdoo to Tom Price road.
- MRWA look forward to a closer working relationship with the Shire.

7.07.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.07.01 ORDINARY MEETING OF COUNCIL HELD ON 16 JUNE 2010

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Bloem

That the Minutes of the Ordinary Meeting of Council held on 16 June 2010, as previously circulated on 28 June 2010, be confirmed as a true and accurate record.

CARRIED 6/0

8.07.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President advised that the launch of the Ashburton Vision in Tom Price will be held on the evening of 30 July, 2010, Minister Grylls and dignitaries have been invited. Tom Price schools have been invited to perform the National Anthem and the evening is sure to be a great event. He encouraged all Councillors to participate. The Paraburdoo launch is to be scheduled at a later date.

9.07.0 DECLARATION BY MEMBERS

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

9.07.01 DECLARATION OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.

2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

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

10.07.0 ENGINEERING SERVICES REPORTS

10.07.15 PROPOSED UPGRADE MUNJINA AIRSTRIP

FILE REFERENCE:	TR.AT.1.4
AUTHOR'S NAME AND POSITION:	Keith Pearson Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Brockman Resources Ltd.
DATE REPORT WRITTEN:	12 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 10.03.03 Ordinary Meeting of Council 17 March 2010

Summary

Council at its March 2010 meeting resolved to advise the Department of Transport (DOT) that it did not wish to accept the Department's offer to transfer management responsibility for the Munjina Airstrip to the Shire.

Further, Council advised the DOT that it had no objections to the strip being closed, subject to satisfactory arrangements being made for the Royal Flying Doctor Service.

The Shire has now been approached by the Department and Brockman Resources Ltd. with a proposal which would involve the Shire managing the Munjina Airstrip as a commercial enterprise.

Background

Council, at its' March 2010 meeting considered a report in relation to a proposal by the Department of Transport (DOT) to either close the Munjina Airstrip for which it has management responsibility, or transfer management responsibility to the Shire.

Following its deliberations Council resolved:

"That Council advise the Department of Transport that

- 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."*

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Council made this decision after having regard to the fact that the only activity of significance at the strip was likely to be the Royal Flying Doctor Service (RFDS) and it (Council) was of the opinion that this service could be managed by other means.

Since Council considered the future of the airstrip in March, the Shire has been approached by both DOT and Brockman Resources Ltd. with a proposal whereby the Shire would manage the airstrip as a commercial enterprise. This would be as a result of Brockman Resources and possibly other resource companies using the airstrip to fly their workforces to and from nearby mines.

A copy of correspondence received from Brockman Resources is attached.

ATTACHMENT 10.07.15

Comment

Brockman Resources Ltd. is a junior iron ore miner which is undertaking a feasibility study in relation to an iron ore find approximately 60km east of the Auski Roadhouse. It is hoped that the study, which is to be completed by September 2010, will confirm a project with a production target of 18-20 Mtpa with a mine life in excess of 20 years.

The possibility of using the Munjina Airstrip, in an upgraded form, to accommodate up to 100 seater commercial jet aircraft is being investigated, although only an extended gravel strip would be required immediately.

The DOT has suggested that the Shire may find it an attractive commercial proposal to manage the airstrip, on the basis of a long term lease from the Department.

The administration has held preliminary meetings with both DOT and Brockman Resources Ltd. These meetings suggest that the proposal warrants further investigation, including (but not limited to) consideration of the following matters:

- The potential for other use of the airstrip by neighbouring miners
- The cost and sourcing of funds (DOT has advised that an initial \$356,000 is available for upgrade works. Brockman Resources has also indicated that funding to an unknown level would also be available from the company.)
- The ongoing cost/benefits of the Shire operating the facility.

Obviously, a further important consideration is the practicality of the company achieving first production in 2013.

It is not possible at this early stage to make any meaningful assessment of the proposal placed before the Shire. Before further investigations are undertaken, however, Council's attitude towards the proposal is sought.

In the event of the Council being of the opinion that the matter is worthy of further consideration, it is proposed that a Business Plan be prepared in accordance with Section 3.59 of the Local Government Act.

10.07.16 PROPOSAL TO CHANGE PURPOSE OF RESERVE 39500 WILLOW ROAD TOM PRICE TO ‘STAFF ACCOMMODATION’

FILE REFERENCE:	OR.CM.10.4
AUTHOR’S NAME AND POSITION:	Kardeen Black Engineering Projects Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 th July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 10.11.29 Ordinary Meeting of Council 17 November 2009

Summary

Reserve 39500 Willow Road, Tom Price, is currently reserved for recreational purposes vested in the Shire of Ashburton. Council support is sought to change the purpose of the reserve to Staff Accommodation. The Department of Regional Lands and Development has given approval for such a change to proceed.

Council's approval to proceed is now sought.

Background

Previously the Shire has taken steps to ascertain the purchase price of Reserve 39500 with the options of on-selling the land, developing the site or building staff accommodation. Council had, in fact, endorsed the purchase of the freehold, subject to conditions, at its November 2009 meeting.

In practice, there would be no need to purchase the land if it is to be used for staff accommodation.

The reserve, which is located on the south west corner of the Willow St/East Rd intersection Tom Price, is approximately 880m², carries a residential zoning under the Shire’s planning scheme and would be immediately suitable for a residential dwelling/s.

Comment

The Shire is experiencing a major staff housing shortage with all shire-owned houses occupied. A further six houses in Tom Price are on short term lease from RTIO.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

This is a huge risk to Shire operations as the latter houses may not be available after the end of 2010. The impact that this would have on staffing levels and therefore delivery of major projects planned in our towns would be significant.

The provision of staff houses is an integral part of the recruitment process and enables the Shire to attract a higher level of skilled and experienced personnel.

Reserve 39500 is situated in an attractive location for staff accommodation as it is close to the Shire Offices, the central business district and recreational facilities.

The State Land Services section of DRDL has advised that favourable consideration would be given to proceed with changing the purpose of the reserve to 'Staff Accommodation'.

Council's endorsement of the proposed change is required so that the process of changing the reserve purpose, revoking management and issuing a new management order to the Shire can proceed.

Statutory Environment

Local Government Act 1995 s.3.55

Policy Implications

There are no policy implications relative to this issue.

Financial Implications

The cost of developing the reserve will be reduced by no longer having to purchase the land.

Strategic Implications

Strategic Plan 2007 – 2011

1. Diversify and Strengthen the Economy:
 - Facilitate land development throughout region (1.2)

Voting Requirement

Simple majority

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Dias

That Council agrees to proceed with changing the purpose of Shire Reserve 39500 from "Recreation" to "Staff Accommodation".

CARRIED 6/0

10.07.17 PROPOSED DEDICATION OF PARSLEY STREET, ONSLOW

FILE REFERENCE:	ON.PS
AUTHOR'S NAME AND POSITION:	Kardeen Black Engineering Technical Officer
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	2 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest
PREVIOUS MEETING REFERENCE:	Not applicable

Summary

Access to Lots 557 & 563 (Beadon Bay Village) and adjacent Shire owned Lots 555 and 556 Onslow is currently via a section of Parsley Street which has been closed since 1987.

As part of the process to re-open the road, Council's resolution to request the Minister to dedicate the land as a road is sought.

Background

Consultation with the Department of Regional Development and Lands has provided the following background information:

The Shire of West Pilbara requested the closure of Parsley Street, as the light industrial subdivision (Lots 551 – 556) was cancelled and the road was officially closed by notice appearing in the Government Gazette dated 31 December 1987. Subsequently, the owner of Lots 563 & 557 (Beadon Bay Pty Ltd) submitted a Development Application to the Shire of Ashburton for transient workforce accommodation and required direct access to Lot 557. It should be noted that Lots 563 & 557 are conditional tenure land (K762540) issued under section 75 of the *Land Administration Act 1997* (LAA), whereby the condition means that at least 80% of the land is to be used for Caravan Park Land. No more than 10% of the Caravan Park Land shall be used for the purpose of chalets and other tourist short-term accommodation.

The attached plan shows the locations of the former Parsley Street.

ATTACHMENT 10.07.17

With the closure of the road Lots 555 and 556, in the ownership of the Shire of Ashburton, currently have no legal point of access.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Comment

Freehold lots 555 & 556 held in the name of the Shire of Ashburton are now landlocked as access was previously via Lot 563 when all the lots (563, 555 – 557 inclusive) were part of “Caravan Park & Chalets” Reserve 34101 vested in the Shire of Ashburton.

To open the road the Shire of Ashburton is required to comply with Section 56 of the *Land Administration Act 1997* and Regulation 8 of the *Land Administration Regulations 1998* which provides that a local government may request the Minister for Lands to dedicate as a road, land described in a plan of survey, sketch plan or document, or a private road held in fee simple and the local government must indemnify the Crown against costs or claims for compensation.

Regulation 8 of the Land Administration Regulations 1998 states:

For the purposes of preparing and delivering under section 56(2)(a) of the Act a request to the Minister to dedicate land as a road, a local government must include with the request –

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require*

Advice received from the Department of Regional Development and Lands has stated that dedication of the whole of what used to be Parsley Street may not be needed. Only dedication of the road adjoining the freehold and conditional freehold lots would be required.

The proposal was advertised for a period of two weeks in the relevant newspapers and local public notice boards. No submissions were received.

Statutory Environment

The Land Administration Act 1997 s.56 and Land Administration Regulations 1998 r.8 provides that Council may request the minister to dedicate the land as a road. If the request is granted, the local government is required to indemnify the Minister against any claim for compensation.

Policy Implications

Not Applicable

Financial Implications

Not Applicable

Strategic Implications

Not Applicable

Voting Requirement

Simple Majority

Council Decision / Officers Recommendation

That Council; Cr White Cr Bloem

- 1. Resolve to request the Minister for Lands to dedicate land as a road, this being the land currently used to access freehold lots 555 & 556 and conditional freehold lots 557 & 563, formerly Parsley Street Onslow in accordance with the attached plan**

ATTACHMENT 10.07.17

- 2. That on the Minister granting the request, Council indemnifies the Minister against any claim for compensation.**

CARRIED 6/0

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

10.07.18 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/10	10.05.10	Shire Logo and Policy	That Council; <ol style="list-style-type: none"> 1. Approves the Logo Policy (Attachment 10.05.10c) 2. Approves the Tom Price logo and tag line "Experience It" 3. Approves in principle of the logo for the Shire of Ashburton, Paraburdoo, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each. 	Ongoing Policy implementation being implemented internally. Tag lines for towns to be established (July 2010)
2	05/10	10.05.12	Tom Price Town Centre Revitalisation	That Council endorses the Tom Price Town Centre Revitalisation Plan	Ongoing, detailed design in progress (July 2010)
3	05/10	16.05.04	Shire of Ashburton Structure Review	That; <ol style="list-style-type: none"> 1. Council appoints an assessment panel to select the consultant to carry out the structure review comprising Cr Musgrave, Cr Rumble, CEO and EMES. 2. Council delegates the CEO to award the contract to the consultant selected by the assessment panel up to the value of \$350,000 (ex GST) 	Ongoing, delayed by other work (budget, etc) Contract will be let by early August. (July 2010)
2	04/10	10.04.07	Funding of Proposed Pergolas, Bellary Springs, Wakathuni Aboriginal Communities	That Council Approves the contribution of \$30,000 as allocated in the 2009/10 budget to IBN Corporation for the construction of steel framed pergolas at the Wakathuni and Bellary communities.	Ongoing Advised IBN of Council decision. Quotes sighted. Acquittal process being formulated. May 2010

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
7	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.	Ongoing Willow St Reserve 39500 subject of July Council report
8	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land Development	That Council; <ol style="list-style-type: none"> 1. Endorses the Business Plan – Major Land Transaction – Warara Street Strata Title Land Development 2. Directs the CEO to advertise tenders for the work and to report back to Council for acceptance of the tender. 	Ongoing WAPC approval for rezoning received. (Mar 2010) Meeting with RTIO May 2010 re services. Tender for development subject to RTIO meeting outcomes Tender prepared and will be advertised July 2010. Delayed by design and service provision discussions with RTIO (July 2010)
9	08/09	10.08.22	Temporary Road Closure – Yampire Gorge Road	That Council <ol style="list-style-type: none"> 1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months. 	Ongoing Closure being

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ol style="list-style-type: none"> 2. Instruct the Chief Executive Officer to place signage to this effect. 3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road. 	implemented (Mar 2010)
10	07/09	10.07.16	Duck Creek Road- Road Closure	That Council, <ol style="list-style-type: none"> 1. Having noted that no submissions were received in response to public notice of the proposed closure, proceed with the closure to vehicular traffic of Duck Creek Road to vehicular traffic in accordance with Section 3.50 of the Local Government Act 1995. 2. Instruct the Chief Executive Officer, to place signage to this effect, and advise Main Roads Pilbara Region of Council's decision. 	Ongoing MRWA notified, signage being prepared. (Mar 2010)
11	07/09	10.07.17	Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare	That Council <ol style="list-style-type: none"> 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) Fence relocated, signage approve, concreting should be finalised by end June. Delayed by injury to contractor (July 2010)
12	07/07	10.07.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	That Council; <ol style="list-style-type: none"> 1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire. 2. Directs the EMES to seek a valuation of the proposed subdivision and prepare a detailed cost estimate for all works including survey, design and construction. 	Ongoing WAPC approval received. Design commenced, will be

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender	completed by end June. Meeting with RTIO to confirm services. (July 2010)
13	04/07	10.04.07	Relocation of Onslow Landfill	<p>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.</p> <p>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.</p> <p>3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design.</p>	Ongoing Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of land from pastoral lease. Discussions with lease holder revealed objections to the site. Alternatives being investigated. (June 2010)

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Dias

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

CARRIED 6/0

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

11.07.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.07.07 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	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.
2.	11/08	15.11.01	Proposed Paraburdoo Mechanical Shovel Tourist Project	That Council: 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 having regard to (a) and (ii) above and after consultation with Cr Linton Rumble and Cr Ivan Dias	Finalised Rio Tinto has advised that the shovel will not be available until the second half of this calendar year. (Mar 2010) This item is to be removed from the Status Report, but will be reinstated if there are developments.
3.	07/08	11.07.08	Review of Council Policies – Recreation & Culture	Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC07 & 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)
4.	07/08	11.07.09	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	Finalised 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

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				& 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	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)
5. 1	10/08 02/08	11.10.26 11.02.01	Reconstruction of Vic Hayden Memorial Swimming Pool	<p>1. Resolves to bring forward funding of \$400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price.</p> <p>2. Resolves to endorse the early start of construction (pending confirmation of RIFP funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price</p> <p>Council decision as at February 2008 That Council;</p> <p>1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool;</p> <p>2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;</p> <ul style="list-style-type: none"> o Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware o Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room o Demolition of existing toddler's pool and construction of new toddler's of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children's 	<p>Ongoing</p> <p>Due to the contractors leaving site last week of April and early May the administration building has not been completed, however the change rooms and showers will be operational by 17th May, which is the date we will open the pool for a two week period as previously reported. SOA Building Manager Bernie Smith will support the pool opening providing the site is cleaned up of all building debris and orange barriers are up to unfinished areas of the building.</p>

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm.</p> <ul style="list-style-type: none"> o Demolition and construction of concrete concourse including new drainage o Upgrade lighting to required standard o Refurbishment of existing office, kiosk, change rooms and toilets; <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>	

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr White

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

CARRIED 6/0

12.07.0 CORPORATE SERVICES REPORTS

12.07.50 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE:	AS.AS
AUTHOR'S NAME AND POSITION:	Donna Reid Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	13 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

Seal 326	Financial assistance agreement for a Royalties for Regions project – Tom Price Sporting Precinct Facilities
Seal 327	Contract agreement between SOA & NTC Contracting for 1 year Supply of Plant & Equipment
Seal 328	Confidentiality agreement between Chevron Australia & SOA
Seal 329	Licence agreement between SOA & Bodyline Gymnasium
Seal 330	Contract agreement between SOA & GLH Contracting Tender for Works Contract No.: 10/10
Seal 331	Lease agreement between SOA & Pilbara Home & Community Care re Pensioner Unit – Second Ave, Onslow.

Consultation

Chief Executive Officer

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

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 Dias

SECONDED: Cr Bloem

That Council note the contents of this report.

CARRIED 6/0

12.07.51 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MAY 2010 and PRELIMINARY JUNE 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:	5 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

May 2010.

- Statements of Financial Activity and associated statements including the Financial Variance Report as well as graphs showing Budget and Actual comparisons.
- Payroll reconciliation

ATTACHMENT 12.07.51a

June 2010.

- Preliminary Statements of Financial Activity and associated statements including the Financial Variance Report as well as graphs showing Budget and Actual comparisons.
-

ATTACHMENT 12.07.51b

- Schedule of Accounts paid under delegated authority

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

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

ATTACHMENT 12.07.51c

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 White

SECONDED: Cr Bloem

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

CARRIED 6/0

12.07.52 REVIEW OF STAFF HOUSING POLICY EMP19

FILE REFERENCE:	PE.RM.1
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services Teigan Don Project Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 12.02.03 Ordinary Council Meeting of 17 February 2010

Summary

Due to the overheated rental market within the Pilbara, Administration has identified the need for the current Staff Accommodation Policy EMP19 to be updated.

Background

At Council December 2008 and August 2009 meetings, several amendments were made to the Staff Accommodation and Utilities Policy EMP19. These included:

- a) Cease the payment of rents and include the cost in the individual package of the employee's position.
- b) The payment of utilities by staff with no subsidy from the Shire.
- c) Amend the lease agreement to include the payment of \$500.00 bond from the final pay of the employee and the further charging of maintenance expenses as deemed appropriate from the final inspection of the Shire property. All funds not required will be repaid to the employee.
- d) Cease the sundry debtor —bank

At its February 2010 Ordinary Meeting of Council, the issue of Rental Bond was again reviewed and further amendments with respect to the same were made.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Comment

Due to the overheated rental market within the Pilbara, in particular the Town of Onslow, Administration has found it necessary to again review the Staff Housing Policy EMP19.

Accordingly, with respect to “*Full Time Staff Residing in Private Rental or Owned Residence*”, Administration proposes the following rental subsidy/allowance in order to assist employees:

Private Rental Payable	Subsidy
Up to \$250 per week	\$90.00 per week
Between \$250.00 - \$650.00 per week	The difference between \$250.00 and actual
Over \$650.00 per week	No additional subsidy

For example:

Rent:	\$350.00
Subsidy is first \$250 =	\$90.00
\$250 - \$150 =	\$100.00
TOTAL	\$190.00

Or;

Rent:	\$700.00
Subsidy is first \$250 =	\$90.00
\$250 - \$650 =	\$400.00
\$650 - \$700 =	Nil
TOTAL	\$490.00

A copy of the amended Staff Housing Policy EMP19 is attached for Council’s information.

ATTACHMENT 12.07.52

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Local Government Act 1995
Local Government Finance Regulations

Policy Implications

As per attached – Staff Housing Policy EMP19

Financial Implications

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Currently nine staff access the subsidy which totals approximately \$28,000.00.

It is estimated that up to 8 employees will require a subsidy. If market rental is around \$600.00 per week the subsidy payable is \$440.00 per week. Annually this is a subsidy of approximately \$23,000.00 per employee.

However, this needs to be weighed up against the cost of not having the employees to do the work that is necessary, especially with the expected future developments planned for the Shire.

Strategic Implications

Strategic Plan 2007 – 2011 (Incorporating the Plan for the Future)

6 – A Well Managed and Contemporary Corporation

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Thomas

That Council approves the amended Staff Housing Policy EMP19 as attachment.

**ATTACHMENT 12.07.52
CARRIED 6/0**

12.07.53 FEES & CHARGES 2010/2011

FILE REFERENCE:	FI.FE
AUTHOR'S NAME AND POSITION:	Donna Reid Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	13 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Council sets its fees and charges on an annual basis. It is recommended that the Schedule of Fees and Charges be applicable as of 1 July 2010, be adopted.

ATTACHMENT 12.07.53

Background

Local government is required to set fees and charges on an annual basis in accordance with the Local Government Act 1995.

Comment

New fees are proposed for the 2010/11 budget in an effort to recover costs for goods and services provided by Council.

Fees and charges have had an overall increase of 3.8%, in line with WALGA's forecasted Local Government Cost Index for 2011, unless otherwise specified.

The following rates have not changed;

1. Town Planning Fees and other statutory related building fees
2. Dog registration Fees and other dog control statutory related fees
3. Swimming pool fees which were increased significantly last year.

Consultation

Executive Management Team
Program Managers

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Statutory Environment

Local Government Act 1995 Section 6.16 and 6.17

Policy Implications

There are no Council Policies relevant to this issue

Financial Implications

Proposed fees and charges are included in the Draft 2010/2011 Budget.

Strategic Implications

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

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Dias

That the Fees and Charges schedule as per the attachment 12.07.53 be adopted for the year ended June 2011.

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

12.07.54 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	06/10	12.06.42	Review of Council Policy Fin04: Buy Local – Regional Price Preference Policy	That Council advertise Policy FIN04: “Buy Local regional Price Preference Policy” and if no submissions are received adopt the Policy, subject to amending the definitions to read; “This Policy requires the businesses to have been operating out of the local premises for a continuous period of not less than three (3) months.”	Ongoing Policy advertised
2	06/10	12.06.43	Review Of Council Policy Fin12: Purchasing And Tender Policy	That Council adopts the changes as set out in the attached Policies.	Finalised Policy Manual updated
3	06/10	12.06.44	Quarterly Reporting On The Strategic Plan 2007 - 2011	That Council note the contents of this Report.	Completed
4	06/10	12.06.45	Proposed Differential Rates 2010/2011	That Council:- 1. Advertise its intention, in accordance with section 6.36 of the <i>Local Government Act</i> 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2010/11 Financial Year: <ul style="list-style-type: none"> • GRV Rate: 8.1558 cents in the dollar • UV Rate: 26.2030 cents in the dollar • UV Pastoral: 2.4530 cents in the dollar • UV Rural Tourism 12.6076 cents in the dollar • UV Rural/Commercial: 26.2030 cents in the dollar • UV Rural/Industrial: 26.2030 cents in the dollar • UV Mining Lease: 26.2030 cents in the dollar 	Ongoing Advertised on 19 June, submissions closed 12 July, no submissions received.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> • Minimum Rate: \$530.00 <ol style="list-style-type: none"> 2. Apply to the Minister of Local Government and Regional Development to approve council in imposing the Schedule of Rates outlined in point 1 above. 3. Approve a Special Meeting of Council, for the purpose of considering the setting of rates and adopting its budget for the 2010/11 Financial Year, on 28 July, 2010. 	
5	06/10	12.06.46	Country local government fund reallocation	That Council reallocates \$49,793.00 from the Country Local Government Fund Stage 1 from a/c 100051 Paraburdoo Town Centre Redevelopment Project to 113314 Paraburdoo Pool Shade Sails Project.	Ongoing Letter sent to Dept Regional Development.
6	06/10	12.06.49	Offer – Financial Assistance To Undertake Business Planning For Delivery Of Local Government Services Into Indigenous Communities	That Council agrees in principle, to the pooling of funds by the four Pilbara local governments, in order to prepare one regional Business Plan for the Delivery of Local Government Services into Indigenous Communities, subject to final endorsement by Council.	Ongoing Agreement signed with DLG.
7	05/10	12.05.35	Pilbara Regional Council and Kimberley – Pilbara Forum Update	That Council, <ol style="list-style-type: none"> 1. approve the attendance of Cr Musgrave, Cr Rumble, Cr Shields, Cr Thomas, Cr Dias and Keith Pearson at the Local Government Convention from Thursday 5 August 2010 – Saturday, 7 August 2010, and 2. allocate an amount of \$25,000 in the 2010/11 Budget to cover all costs associated with the Convention. 	Ongoing Bookings being made
8	05/10	12.05.37	Repeal of Defunct and Obsolete Local Laws	That Council pursuant to section 3.12 of the Local Government Act 1995, give state wide public notice that it intends to make the Shire of Ashburton Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect being more efficient and effective local government by removing outdated local laws from the public record. (Attachment 12.05.37).	Ongoing Advertisement being drafted by Local Laws Consultant
9	05/10	12.05.39	Tender RFT 09/10 Development and	That Council; <ol style="list-style-type: none"> 1. appoint Condor Enterprises WA Pty Ltd as the preferred Tender for the 	Ongoing. Tenders notified

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
			Operation Paraburdoo Tourist Park, Lot 1, Camp Road, Paraburdoo	<p>Development and Operation of the Paraburdoo Caravan Park.</p> <p>2. instruct the CEO to negotiate all aspects of the Tender with Condor Enterprises WA Pty Ltd; and</p> <p>3. providing negotiations with Condor Enterprises WA Pty Ltd are satisfactory, approve the CEO to award the contract.</p>	of Council decision. Further discussions to be held with preferred tender
10	04/10	12.04.27	Budget Requests	That Councillors provide Administration with any activities and/or projects they would like considered in the 2010/2011 Budget process	Ongoing Submissions have been received
11	02/10	16.02.02	Confidential Report – Chief Executive Officer, Annual Performance Review and Review of Tenure	<p>That Council</p> <p>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.</p> <p>(b) Consider the working group's recommendations with respect to the review, when available.</p> <p>2. Undertake a corporate structure review in order to ensure the Shire is best positioned to meet the demands placed on it, and</p> <p>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.</p>	Finalised CEO's review has been completed. Corporate review the subject of a later report.
12	02/10	12.02.08	Review of Local Laws	<p>That Council:-</p> <p>1. Resolves to undertake a review of its existing local laws; and</p> <p>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.</p>	Ongoing See report to May meeting
13	02/10	12.02.10	Ashburton Land Conservation District Committee - Nomination	<p>That Council:-</p> <p>1. Nominates Councillor Leanne Corker for the vacant position on the</p>	Finalised Letter sent to Dept of

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				Ashburton Conservation District Committee; 2. Nominates Mr Glen Dellar of Wyloo Station for the vacant position on the Lyndon Land Conservation District Committee.	Agriculture advising nominations.
14	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.

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Dias

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

CARRIED 6/0

13.07.0 DEVELOPMENT SERVICES REPORTS

13.07.35 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: 9 July 2010

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest

PREVIOUS MEETING REFERENCE: Not applicable

Summary

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

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

Background

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

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

Comment

Two (2) approvals have been issued under delegation up until the date of this report. These were for:

Greg Rowe & Assoc	563 Beadon Creek Road, Onslow	Planning Application - Laundry
Hamersley Iron Pty Ltd	Loc 61 Between McRae & Bellary Ave, Paraburdoo	Planning Application - ablution, garden sheds, office

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 Bloem

SECONDED: Cr White

That the contents of this report be noted.

CARRIED 6/0

13.07.36 POSSIBLE RELINQUISHMENT OF SHIRE RECREATION RESERVE R39728, MINE RD, TOM PRICE

FILE REFERENCE: RE.MN.R.39728

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

NAME OF APPLICANT/RESPONDENT: Department of Regional Development & Lands, on behalf of Eastern Guruma People

DATE REPORT WRITTEN: 12 July 2010

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

The Department of Regional Development and Lands (RDL) has approached the Shire on behalf of the Eastern Guruma People with a request that the Shire issue the latter with a licence to access the Shire's Recreation Reserve R397278, Mine Road, Tom Price, for the purpose of assessing its suitability for a "workers/residential development".

RDL is considering the availability of land within the vicinity of Tom Price as a part of the process to progress the settlement of the Eastern Guruma Peoples Native Title claim.

It is recommended that Council agree to access to the land being given to the Eastern Guruma People, but that Council advise both the department and Eastern Guruma People that the possible relinquishment of the Shire's management order over the land is subject to detailed discussions between all parties, in relation to the proposed development and use of the land.

Background

The Department of Regional Development and Lands (RDL) has approached the Shire on behalf of the Eastern Guruma People with a request that the Shire issue the latter a licence to access the Shire's Recreation Reserve R397278, Mine Road, Tom Price, for the purpose of assessing its suitability for a "workers/residential development".

The subject land is an undeveloped 8.47 hectare reserve bounded by Mine Road to the south, Doradeen Road to the west, West Road to the North, and the Tom Price Hospital to the east. The attached plan shows the location of the land.

ATTACHMENT 13.07.36

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

RDL is presently reviewing the availability of land within the vicinity of Tom Price as it attempts to progress the settlement of the Eastern Guruma People's Native Title claim.

In correspondence supporting its request RDL stated:

“Whilst RDL is waiting for a concept plan (from Eastern Guruma) so that the Shire and RDL can consider, I would like to offer a licence enabling them to undertake some preliminary investigative works to identify constraints and opportunities on site.

Would the Shire have any objections to the issuing of the licence (?). I realise that formal application will need to be made later to secure Shire agreement to relinquish the reserve. The development will assist RDL in the native title negotiations over the Tom Price townsite.”

Comment

It is important to note that the current request is not for Council to relinquish its interest in the reserve under consideration. Rather, it is simply a request to allow the Eastern Guruma People the right to access the site to investigate its development potential. It is in this context that it is appropriate that Council take the following matters into consideration:

- The reserve is presently in a disused state and would be relatively expensive to develop it for recreation purposes (assuming it was needed for that purpose).
- A major, open, storm water drain generally bisects the site in a north-south direction, thus limiting, in part, the site's development potential.
- The eastern portion of the site abuts the Tom Price Hospital and it would be desirable that an appropriate buffer be provided adjacent to the hospital, in the event of the site being developed.
- Council does not have any idea, at this stage, of the precise form of any possible development by the Eastern Guruma People. It would, for example, be totally inappropriate for the Shire to relinquish its interest in the land, only to have it developed as a low grade, “donga” workers accommodation facility. Alternatively, a “serviced apartment” development may have some attraction to Council.

Having regard to the above, it is recommended that Council agree to the Eastern Guruma People being given access licence to access the reserve for investigative purposes, but that they and RDL be advised that any possible decision by Council to relinquish its management order over the site will be dependent on a number of matters including adequate provision being made for storm water drainage and buffering of the Tom Price Hospital, as well as the proposed development of the site being in a form acceptable to Council.

Consultation

Department of Regional Development & Lands
Executive Manager, Engineering Services

Statutory Environment

Land Administration Act

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Native Title Claim - Eastern Guruma People

Policy Implications

There are no policy implications relative to this matter

Financial Implications

There are no immediate financial implications relative to this matter. In the longer term, if the reserve is developed, the site will generate rates revenue.

Strategic Implications

There are no strategic implications relative to this matter

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Bloem

That Council advise the Department of Regional Development and Lands (RDL) that:

- 1. It has no objection to the Eastern Guruma People being given licence to access the Shire Reserve R397278, Tom Price, for the purpose of investigating the site's potential to be developed for workers/residential purposes.**
- 2. Any proposal resulting in Council relinquishing its management order over the reserve development of the land shall have regard to the need to;
 - a) protect stormwater drainage systems on, and in the vicinity of the reserve;**
 - b) ensure adequate buffering of the Tom Price Hospital from development on the site; and**
 - c) ensure that any development of the site is consistent with Council's strategies for the future development of Tom Price, and in this context low cost workers accommodation facilities on the site would be unacceptable to Council.****

CARRIED 6/0

Declaration of Interest

Prior to consideration of this Agenda Item Crs White & Dias declared an interest in Agenda Item 13.07.37 in accordance with Section 5.60A of the Local Government Act. The interest being they both own shares in BHP Billiton.

President Musgrave advised that there not being a quorum, that this item may be considered at a Special Meeting of Council. The matter of a Special Meeting of Council was the subject of a late agenda item on the agenda.

13.07.37 APPLICATIONS FOR PLANNING APPROVAL FOR THE CONSTRUCTION OF A GAS TREATMENT AND COMPRESSION PLANT, AND TRANSIENT WORKFORCE ACCOMMODATION CONNECTED TO THE OFF-SHORE GAS FIELD BY A PIPELINE, AND CONSTRUCTION OF THE PIPELINES FROM THE GAS TREATMENT AND COMPRESSION PLANT CONNECTING TO THE DAMPIER TO BUNBURY NATURAL GAS PIPELINE, ONSLOW ROAD, ASHBURTON NORTH

FILE REFERENCE: RD.OG.2.7

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

NAME OF APPLICANT/RESPONDENT: MGA Town Planners for BHP Petroleum

DATE REPORT WRITTEN: 10 July 2010

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this matter, however his personal superannuation fund holds 418 shares in BHP Billiton.

PREVIOUS MEETING REFERENCE: Not applicable

Summary

The Shire is in receipt of two Applications for Planning Approval from MGA Town Planners on behalf of BHP Billiton Petroleum as follows:

- Construction of a gas treatment and compression plant connected to the off-shore gas field by a pipeline, transient workforce accommodation and private road (Shire Ref: 20101070) within the general vicinity of the proposed Ashburton North Strategic Industrial Area.
- Construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury Natural Gas Pipeline (Shire Ref: 20101071).

This Report covers both applications.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

The Applications were advertised and 15 submissions were received from State agencies and individual persons/organisations. The majority of submissions draw to the attention of Council the significant issue of flooding and hydrology matters. The Shire has engaged the services of ARUP consulting engineers in order to achieve an independent assessment of the hydrology issues associated with the applications.

ATTACHMENT 13.07.37

Due to a separate assessment being undertaken pursuant to the Environmental Protection Act ('EPA Act'), Council is unable to determine the applications until the Minister for Environment has determined the matters.

Taking into account the submissions and the advice of the Shire's engineering consultant, it is recommended that when the Minister for Environment has provided consent pursuant to the EPA Act, planning approval be issued for both proposals subject to the significant modification to the design of the private road linkage from Onslow Road to the facility being developed essentially 'at grade'. The conditions proposed by staff would, however, allow the applicant to seek road works above grade, but only after a more detailed hydrological assessment to the satisfaction of the Shire and State agencies.

It is recommended that should Council be satisfied with the assessment and recommendations provided in this Report, that the Chief Executive Officer be provided delegation to issue Approvals once the Minister for Environment has provided consent pursuant to the EPA Act.

Background

The Shire is in receipt of two Applications for Planning Approval from MGA Town Planners for BHP Billiton Petroleum as follows:

- Construction of a gas treatment and compression plant connected to the off-shore gas field by a pipeline within the area identified for the proposed Ashburton North Strategic Industrial Area. Associated with these works is a road linking the gas treatment and compression plant with Onslow Road and a temporary construction camp to house the construction workforce. **Attachment 'A'** provides an aerial photo, location plan, site plans, and elevations perspectives of the proposal.

ATTACHMENT 13.07.37 A

- Construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury Natural Gas Pipeline (DBNGP). **Attachment 'B'** provides an aerial photo and pipeline proposal.

ATTACHMENT 13.07.37 B

This Report covers both applications.

Comment

Environment Protection Authority Assessment

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

The Environmental Protection Act 1986 (EP Act) stipulates certain obligations on developers. The Applicant has advised that they referred the project to the Environmental Protection Authority (EPA) for assessment under Part IV. The EPA has released advice and recommendations to the Minister for Environment within agreed timelines and set an Environmental Protection Statement (EPS) level of assessment on the proposal by BHP Billiton Petroleum Pty Ltd to construct a subsea pipeline from the Macedon Gas Field (100 kilometres west of Onslow) to an onshore gas treatment and compression plant at Ashburton North Strategic Industrial Area (15 kilometres southwest of Onslow) with a domestic gas pipeline linking to the Dampier to Bunbury Natural Gas Pipeline, approximately 80 kilometers inland.

In a press release, EPA Chairman Paul Vogel has advised that it is unlikely that the EPA's objectives would be compromised, provided there is satisfactory implementation by the proponent of the recommended conditions:

“The predicted air quality is well within National Environment Protection Measure standards in Onslow, Urala and at popular camping and recreation spots and greenhouse gas efficiency design features have been included in the proposal”. Dr Vogel said.

The EPA notes that the Macedon Gas Development and the Wheatstone Project (Chevron Australia) are the first proposals for development in the Ashburton North Strategic Industrial Area (SIA).

“The impacts of the Macedon Gas Development are small in comparison to those of other proposals within the SIA and are unlikely to be critical in a cumulative impact assessment being undertaken by the EPA,” Dr Vogel said.

A two-week public appeal period on the report and level of assessment closes on 19 July 2010. The Shire is unable to formally determine the applications until further advised by the EPA.

The Macedon Gas Development project

The Macedon Gas Development project is a proposal by BHP Billiton to develop the Macedon gas field, located in Commonwealth waters offshore approximately 40km north of Exmouth and 100 km west of Onslow. The project will involve construction and operation of the following major components:

- Drilling of four gas projection wells and installation of subsea trees, connectors, flow lines and a manifold to feed the projected gas into a wet gas pipeline. Up to three additional wells may be drilled over the lifetime of the project.
- Installation of a subsea wet gas pipeline for the transport of gas from the gas field to a mainland shore crossing adjacent to the existing Griffin Joint Venture (GJV) pipeline shore crossing west of the Ashburton River on Urala Station.
- Installation of a subsea electro-hydraulic umbilical control line from the shore to the field to control the subsea wells. The umbilical will be controlled from the plant site.

Construction is expected to occur over a 30 months period. After 12 months of operation, the plant will be closed down for a 2-week period of maintenance activity. The Applicant proposes that temporary construction camp facilities remain in-situ for a total period of less than 4 years.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

The Applicant has advised that available gas volumes and other technical factors do not justify liquefaction for export with the result that the reserve is ideal for supplying the domestic market. It is anticipated that the resource will supply the domestic market for approximately 20 years.

The gas resource occurs at approximately 1,000 m below sea level in water depths ranging from 120 to 180 m.

The gas from the Macedon field is a “lean” gas with a predominant methane component (>93% methane) with only small amounts of condensate and trace quantities of heavier hydrocarbon components. Other constituents include nitrogen (about 5%), and a small amount of carbon dioxide (less than 0.5%).

It is important to note that the Macedon gas field and parts of the offshore sections of the wet gas pipeline and umbilical routes are located in Commonwealth waters. The Shire’s responsibility under the Scheme is for land-based development and waters up to the high water mark.

BHP Billiton advise that the onshore infrastructure comprises:

- Installation of the onshore component of the wet gas pipeline from the shore crossing to the plant site
- The umbilical and wet gas pipeline will be laid in parallel
- Construction of a gas treatment and compression plant and associated infrastructure on a site located some 15 km to the southwest of Onslow known as Ashburton North
- Installation of condensate storage and loading facilities for the export by road of small amounts of produced condensate (between 250 and 2,500 L/day)
- Establishment of a temporary construction camp to accommodate the workforce during construction phase. Operation personnel will be located in Onslow and BHP Billiton will try to recruit based on residential status.

A number of development and technical studies have been undertaken by BHP Billiton to establish the technical and commercial viability of the field. These include extensive geophysical and geodynamic studies and volume/reserve estimates, a reservoir simulation model, well drilling and completion design and costs.

The onshore component of the project is proposed to be located in the vicinity of the coastal town of Onslow. The gas processing plant is proposed to be located approximately 15 km to the southwest of Onslow. The plant site is within the Urala Station pastoral lease. The proposed permanent lease area for the gas processing facility, associated infrastructure (including the ground flare and evaporation pond), construction lay down areas and construction/operations accommodation areas, covers approximately 300 ha. The extent of this area is likely to be refined following detailing and commencement of operations. The project has been submitted as two Applications and involves construction and operation as follows:

Planning Application 20101070

Construction of a gas treatment and compression plant, connected to the offshore gas field by a pipeline and road comprises

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

- Drilling and completion of four subsea wells, with the potential for up to three additional wells if required.
- Connection of the subsea wells via flow lines and a subsea manifold to the wet gas pipeline
 - A subsea wet gas pipeline and an onshore wet gas pipeline to the plant site.
 - A control umbilical running from the onshore gas plant to the offshore gas field providing for well control, corrosion inhibition and hydrate control.
 - A single train onshore gas plant with a nominal capacity of 200 million standard cubic feet per day comprising the following main components:
 - gas conditioning (mercury removal, dehydration, and hydrocarbon dewpoint control)
 - wet gas compression
 - flares
 - sales gas compression
 - condensate storage
 - central control room
 - plant infrastructure
 - utilities
 - evaporation pond
- An access road to link the plant site to Onslow Road
- A temporary construction camp to accommodate the workforce (of up to 300 persons) during the construction period.
 - Various quarry materials to provide road base, sand for concrete, heavy rocks for pipeline stabilisation (all of these will be sourced from existing licensed quarries)
 - Concrete batch plant, desalination plant and wastewater treatment plant.

Planning Application 20101071

A sales gas supply pipeline (nominally 500 mm diameter) to take gas from the plant along a route adjacent to the plant access road and Onslow Road easement to a metering and injection point on the DBNG Pipeline.

Land details

Planning Application 20101070

Construction of a gas treatment and compression plant, transient workforce accommodation connected to the offshore gas field by a pipeline and road comprises as follows:

- Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd.
- Lot 153 on Deposited Plan 220110 contained in Crown Land Title LR 3135/585 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd.

Planning Application 20101071

Construction of the pipelines from the gas treatment and compression plant connecting to the DBNGP comprises as follows:

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

- Lot 149 on Deposited Plan 220384 contained in Crown Land Title LR 3058/1000 subject of Pastoral Lease CL 864 / 1967 to Jundaree Aboriginal Corporation.
- Lot 150 on Deposited Plan 220207 contained in Crown Land Title LR 3046/473 and existing as Unallocated Crown Land.
- Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd.
- Lot 153 on Deposited Plan 220110 contained in Crown Land Title LR 3135/585 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd.
- Lot 162 on Deposited Plan 220265 contained in Crown Land Title LR 3098/711 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd.
- Lot 163 on Deposited Plan 220110 contained in Crown Land Title LR 3135/584 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd.

Statutory Planning Processes

As noted, the Applications are subject to the provisions of the Shire of Ashburton Local Planning Scheme No.7 ('Planning Scheme'). However, the Applications will need to be assessed against other planning matters of State significance (as follows).

State Planning Framework

The Western Australian Planning Commission (WAPC) has adopted a range of State Planning Policies (SPP) which are to be taken into account in making planning decisions, as prescribed in the SPP's themselves and Clause 5.9 of the Scheme. A number of SPP's have direct relevance to the Applications.

SPP 2 – Environment and Natural Resources Policy - recognises the importance of minerals and petroleum resources to the state. With particular regard to the petroleum industry, the Policy advises:

"The Western Australian Petroleum Industry accounts for a substantial portion of the State's earnings from resources development. Onshore gas fields and pipelines carrying gas to domestic markets, processing plants and other industrial sites, require protection in the form of setback distances and dedicated easements, that safeguard the infrastructure and the safety of local communities. The activities of the oil and gas industries are administered by the Department of Mineral and Petroleum Resources (now Department of Mines and Petroleum), using petroleum legislation and regulations."

The pipeline routes are to be contained in easements that are to be accommodated within reserved areas under the Scheme. These routes have been referred to the relevant State agencies for comment and no objection in principle is offered. Any approval will need to ensure appropriate conditions are included to reflect the advice of the State agencies.

SPP 3.4 – Natural Hazards and Disasters – states that the project is within an area prone to cyclonic activity advising that: *"Requirements for structures to be able to withstand cyclonic winds and rain are contained within the Building Code of Australia. This policy confirms those requirements, and incorporates them by reference"*.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

All components of the project will need to be constructed in accordance with the Building Code of Australia and Australian Standards. SPP 3.4 also notes the potential impact of storm surge:

“Where storm surge studies have been undertaken and show that inundation may occur, new permanent buildings should be constructed to take account of the effects of storm surge”

Planning Application 20101070 shows pipelines to be buried and therefore be secured from the effects of wind and overland water flow. They are to have corrosion protection and will be subject to regular monitoring. Again, this is also subject to further environmental approvals.

SPP 4.1 – State Industrial Buffer Policy - applies to all industries including resource processing. Since publication of this SPP in 1997, a draft review of the policy was released in July 2004 and remains to be finalised. The SPP requires the assessment of buffer requirements as necessary on a case by case basis. A major factor in respect of oil and gas industries is risk assessment and this assessment has been undertaken as part of the Environmental Protection Statement still under consideration.

Regional Structure Planning - The Department of Planning (DoP) is completing a “Pilbara Framework” for the WAPC which will identify planning directions for the region and which is expected to be finalised in late 2010. The “Pilbara Framework” will update and expand upon strategies contained in the State Planning Strategy (1997) that recognises the importance of the minerals, oil and gas resources of the region.

Importantly the Applications were referred to the DoP and no objection in relation to the “Pilbara Framework” was raised.

Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’) - the Scheme Area extends into the ocean and the umbilical and wet gas pipeline are partially located within this area. Under the Scheme, the Application for construction of a gas treatment and compression plant is defined as ‘*industry - resource processing*’ is major industry which would normally involve:

- a) *the processing of natural resources (including chemical industries),*
- b) *substantial capital investment,*
- c) *significant employment in either the construction or operational phase, and*
- d) *a need for substantial separation or buffer distance to sensitive uses.*

Under the Scheme “*industry - resource processing*” is an ‘A’ use – which Council must advertise before considering the application. This was undertaken and discussed further in ‘Consultation’.

The accommodation component of the application is ‘*transient workforce accommodation*’ is defined as ‘... *dwelling intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas*’.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Under the Scheme *'transient workforce accommodation'* is an 'D' use – which Council is not obliged to advertise before considering the application. However, the application was included in the overall advertising.

The application for pipelines from the gas treatment and compression plant connecting to the DBNGP is *'infrastructure'* and defined as *"...physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include domestic infrastructure less than one metre in width or height and does not include industry"*.

Under the Scheme *'infrastructure'* is an 'D' use – which Council is not obliged to advertise before considering the application.

However, the application was included in the overall advertising and discussed further in 'Consultation'. The ocean is shown on the Scheme Map to be coloured light blue but there is no corresponding designation within the Scheme Map Legend, however, it is likely that the light blue classification of the ocean indicates that this part of the Scheme Area is reserved for "Waterways".

Consistent with the lack of any inclusion of this light blue area within the Scheme Map Legend, there are no specific provisions of the Scheme Text applying to this area either. However, what can be concluded is that there is ample precedent for pipelines to be permitted within that part of the Scheme Area under the ocean. There are sub-sea pipelines in existence within that part of the Scheme Area.

A section of the pipeline from the coast to the Ashburton River is within land reserved for "Conservation, Recreation and Natural Landscapes". East of the Ashburton River to the Gas Plant Site, the importing pipeline is located within land zoned "Rural". The route of the domestic gas pipeline to the Onslow Road and beyond until it reaches the Cane River Conservation Park is also on land zoned "Rural". The section of the pipeline through the Cane River Conservation Park is reserved in the Scheme for "Conservation, Recreation and Natural Landscapes".

With respect to the portions of the pipeline situated on land reserved "Conservation, Recreation and Natural Landscapes", Clause 3.2.5 of the Scheme Text advises:

3.2.5 The Conservation, Recreation and Natural Landscapes reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.

The Applications have been referred to the Department of Conservation and EPA where the conservation issues were addressed in responses.

It is recommended that should Council support the applications that as a condition of any Approval/s that the project site be included in a scheme amendment rezoning the SIA to the

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

“Strategic Industry” zone while the pipeline be reserved “Other Purposes – Infrastructure”. This would be included as a condition on both approvals reflected as an agreement to be entered into with the Shire.

Ashburton North Strategic Industrial Area (Amendment No. 9)

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 BHP Billiton 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. Amendment No 9 to the Scheme proposes the establishment of a SIA provision in the Scheme to allow for 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.

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”.

Under the provision, the SIA acknowledges the possible establishment of the ‘BHP Billiton’ Applications before Council.

Hydrology

In order for the Shire to be in a position to assess the hydrological impact of the Applications (in particular, the private road connection from Onslow Road to the facility), the services of ARUP consulting engineers were sought to provide advice to the Shire.

BHP Billiton’s Macedon Project site is located in an area of low topographic relief, adjacent to the outlet of the Ashburton River that is prone to tidal influx. Areas adjacent to the project site have a significant amount of storage and may be slow draining. These areas also have the potential to be inundated regularly due to high sea levels. The proposed plant footprint is 168 ha and is located on a slightly elevated area of land, surrounded by a low-lying area that has the potential to be inundated. The Ashburton River drains via major and minor floodway or tributaries that run

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

adjacent to the proposed plant site. Several drainage paths that drain upstream from the Ashburton River catchment intersect the proposed road alignment.

The base case flooding scenarios for the 10 year, 20 year and 100 year ARI across the proposed road alignment were modelled and the outcomes were as follows:

- Max flow height across the road alignment during the 10 year ARI event is 3.4m AHD
- Max flow height across the road alignment during the 20 year ARI event is 5.9m AHD
- Max flow height across the road alignment during the 100 year ARI event is 6.5m AHD

BHP Billiton modelled the effect of the proposed access road and site in its developed state for several different drainage design iterations. These simulations were used to evaluate the function of the conceptual drainage designs of the access road and estimate resultant flood levels upstream of the road and at the plant location. The conceptual drainage of the access road was designed for a 10-year ARI rainfall event. The function of the final conceptual drainage design was evaluated under the conditions of a 20 year and 100 year ARI design rainfall event.

The impacts of the development identified include:

- loss of floodplain storage;
- changes to rainfall runoff rates;
- impedance of surface flows;
- impacts on surface water quality ; and
- operational impacts

For the chosen concept design the 10 year ARI flood event allows flows to pass across the road, however, with some retardation upstream. In particular at the location closest to the proposed plant pad, there is flood flow back up. However, BHP Billiton acknowledges that this will require a review of the capacity at detailed design.

For the 20 year ARI event the road overtops and causes an increase in the area of flow retardation both on the plant site and near Onslow Road.

For the 100 year ARI event the road also overtops and there is further wide spread retardation of flows as the flood flows exceed the design flows of the drainage infrastructure.

In the base case high current speeds are found at the sea outlet of the main drainage area and the flow speeds are reduced in the developed case, which indicates that flow is being restricted in the developed case.

Although several concept designs were modelled, the findings acknowledge that the chosen concept design still causes flood waters to be detained upstream of the road although to a lesser extent than the reject concept designs. In terms of the identified impacts the effects of these impacts are identified as follows:

Loss of floodplain storage - there is a loss of floodplain storage of 1.7sq km storage but the impact of this is considered to be low as the plant footprint is located on elevated land and it is

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

stated that it only slightly encroaches on the floodplain in the south east corner. The flows from the plant site may need to be contained on site to prevent impacts on surface water quality downstream. The development may result in increased velocities downstream, which could result in increased sedimentation downstream.

Impedance of surface flows - is considered to be potentially the most significant impact and may have the effect of increased flood levels, prolonging inundation times and redirection of some of the flow to the eastern adjoining catchment across Onslow Road. For the Old Onslow Road for events greater than the 10year ARI the development is expected to extend the inundation time of the road and thus impact the operation of the road. A similar impact is expected on Onslow Road south of the proposed intersection.

Operational impacts - sudden failure of the access road could cause flash flooding and impacts on operations downstream, such as Onslow Salt.

The information provided by BHP Billiton's consultants has yet to satisfy ARUP nor many of the State Agencies. However, it is likely that further detailed information will eventually achieve a position where the flood matters referred to above are resolved. In relation to determining the Applications, it is recommended that approvals be issued but for the design and method for the private road linkage from Onslow Road to the facility to be essentially 'at grade'. Conditions recommended to Council will allow the applicant to seek road works above grade but subject to additional information and design that satisfies the needs and requirements of the Shire and State agencies.

Impacts on Onslow town residents – noise and light spill

It is likely that the development will have some impact on the residents of Onslow through some residual background noise and light spill. However this would be generally for a limited time during construction and due to the distance from the town the impact would not be unreasonable. With respect to worker influx, it is reasonable to suggest that the town has already been affected by workers associated with investigations for the development of the Macedon project and Wheatstone proposal. This impact has been identified by both the planning consultant in the application and the social impact adviser for BHP Billiton in preparation of the Social Impact Statement accompanying the Application.

Increased traffic on North West Coastal Highway / Onslow Road

The development of Macedon and the SIA will lead to an increase in traffic on North West Coastal Highway / Onslow Road.

It is possible that some upgrade and improvement will be required to be established between BHP Billiton and Main Roads WA.

Offshore pipe laying activities disturbance

The issue of the off shore pipeline is a matter for the Federal and State Governments to determine. It is understood that the EPA assessment has made recommendations with respect to off shore impacts and the turtle population.

Possible disturbance of sites of Indigenous or European heritage (Old Onslow)

Prior to any development, an assessment to the satisfaction of the Department of Indigenous Affairs in consultation with the Thalanyji non-exclusive Native Title holders will continue, separate to the planning process. The development, as sought will not directly impact Old Onslow, however, the influx of workers with time on their hands could impact. It would be necessary for arrangements to be established with BHP Billiton in association with the Shire and Heritage Council that will limit access to Old Onslow and for BHP Billiton to contribute to its conservation.

Visual impact of plant

The facility and pipeline will not be visible from Onslow however, it will have some form and impact on the view from Old Onslow. In this regard, should Planning Approval be issued, it is recommended that a landscape plan be sought that not only addresses the normal requirements Council would have for landscaping, but one that seeks to lessen the impact from Old Onslow.

Transient Workforce Accommodation and workforce influx in Onslow

It intended that any Planning Approval have arrangements that would minimise impacts on the town through BHP Billiton limiting access to workers during the construction period. However, as defined in the application, it is intended that should approval be issued that a condition be placed for a limitation on the number of workers and for this to be limited to construction and 'shut down' workers only. BHP Billiton operational staff will be required to be housed in Onslow.

The scheme identifies a series of more significant controls for transient workers accommodation than it does for holiday accommodation. These are largely set out in Clause 6.9, which states, in part:

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 subclause 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.

6.9.3 Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitate or developed for a different use intended for the site.

Clause 6.9.1 of the scheme regards transient workforce accommodation, whether a permanent or temporary structure as residential development and is therefore subject to the provisions of the Residential Design Codes ('R Codes'). Under the R Codes, each transient workforce accommodation unit falls under the definition of single bedroom dwelling.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Under Clause 6.1.3 A3 of the R Codes the minimum site area of a single bedroom dwelling may be reduced by up to one third, taking the average lot size of the R30 density code from 300m² to 200m².

The R Codes cover a range of matters, including open space requirements, building setbacks and separations, carparking and landscaping. 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.

For this reason it is suggested that Council should exercise its discretion pursuant clause 6.9.2 of the scheme and vary the requirements of the code to the standards contained on the submitted plans, in the event of it resolving to grant approval.

Conclusions

The two Applications reflect an important development within the Shire and for Onslow in particular. The proposal will require significantly more detailed assessment prior to the commencement of any works. This assessment reflects the information required by State agencies and the Shire.

However, the level of information provided is sufficient to support the two applications, subject to conditions.

Consultation

Chief Executive Officer
Executive Manager Engineering Services
Executive Manager Western Operations
Manager Building Services
Department of Planning and Infrastructure
Department of Environment and Conservation

Community consultation was undertaken via an advertisement in the West Australian newspaper and Pilbara News with the period for submissions open for 21 days. The Shire directly referred the Amendment to:

- Buurabalayji Thalanyji Association Incorporated
- Chevron Australia Pty Ltd
- Dampier Port Authority
- Department of Environment and Conservation
- Department of Health
- Department of Indigenous Affairs
- Department of Main Roads WA
- Department Mines & Petroleum
- Department of Planning

- Department of Regional Development and Lands
- Department of State Development
- Department of Transport
- Department of Water
- Environment Protection Authority
- FESA
- Fortescue Metals Group
- Landcorp
- Onslow Salt
- Water Corporation

During the advertised period fifteen (15) submissions were received and are addressed in the Schedule of Submissions 1 and 2. The recommendation reflects the Shire response to the submissions.

Statutory Environment

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

Policy Implications

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

Financial Implications

The Shire is able to recoup costs associated with processing this development application from the Applicant.

Strategic Implications

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

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

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

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

"New Industry

Measures and Targets

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

It is suggested that the modifications to the Scheme as sought will assist in achieving the above objectives.

Voting Requirement

Simple majority required

Officers Recommendation

It is recommended that Council:

1. Acknowledge Planning Applications:

i. Construction of a gas treatment and compression plant, connected to the off-shore gas field by a pipeline, transient workforce accommodation and private road (Shire Ref: 20101070) at:

- Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd; and**
- Lot 153 on Deposited Plan 220110 contained in Crown Land Title LR 3135/585 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd.**

ii. Construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury Natural Gas Pipeline (Shire Ref: 20101071) at:

- Lot 149 on Deposited Plan 220384 contained in Crown Land Title LR 3058/1000 subject of Pastoral Lease CL 864 / 1967 to Jundaree Aboriginal Corporation;**
- Lot 150 on Deposited Plan 220207 contained in Crown Land Title LR 3046/473 and existing as Unallocated Crown Land;**
- Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd**
- Lot 153 on Deposited Plan 220110 contained in Crown Land Title LR 3135/585 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd;**
- Lot 162 on Deposited Plan 220265 contained in Crown Land Title LR 3098/711 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd; and**
- Lot 163 on Deposited Plan 220110 contained in Crown Land Title LR 3135/584 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd.**

2. Note that Council does not oppose the issue of Planning Approval for the above use and development subject to conditions as addressed in the Shire report, however Council cannot determine the applications until the Minister for Environment has considered the Environmental Protection Statement (EPS) level of assessment (and

resolved any objections) on the proposal by BHP Billiton Petroleum Pty Ltd for the Macedon Gas Development.

3. Subject to the Minister for Environment determining the level of assessment and any objections pursuant to 2. above, authorise the Chief Executive Officer to issue Planning Approval for the construction of a gas treatment and compression plant, connected to the off-shore gas field by a pipeline, transient workforce accommodation and road (Shire Ref: 20101070) at Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd, and Lot 153 on Deposited Plan 220110 contained in Crown Land Title LR 3135/585 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd subject to, but not necessarily limited to, the following conditions:
 1. Prior to the commencement of any works, information is to be submitted by the Applicant showing the proposed private road connection from the facility to the Onslow Road to be constructed essentially at grade, with the purpose of limiting any build up of flood waters that may affect the Onslow Road and nearby salt operations, all to the requirements and satisfaction of the Shire of Ashburton. The Shire may permit the construction of an alternative road design subject to specific conditions as provided for in this Planning Approval.
 2. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to the preparation of a flood water risk mitigation strategy takes a strategic approach to flood mitigation and addresses how future cumulative impacts from flood water may be managed all to the requirement of the Department of State Development and the satisfaction of the Shire of Ashburton.
 3. After the preparation of the flood water risk mitigation strategy referred to in 2 the Shire may consider the construction of a road above grade where information is to be submitted by the Applicant that addresses the following:
 - i the means by which road and plant design will not cause back up effects which will have an impact on existing infrastructure and future development of the area;
 - ii the means by which the proposed development will not cause redirection of any flow to the adjoining catchment across Onslow Road;
 - iii the means by which the proposed development will not cause an extended inundation time for any of the existing roads, including Old Onslow Road;
 - iv the road drainage including the culverts will be sized to cater for the ultimate road design (i.e. the case where the road does not overtop in the 100 year ARI storm as specified by Main Roads Western Australia) to allow for the future construction of the road to utilise the existing formation and culverts;
 - v the stormwater outflow from the proposed development that will not cause adverse downstream impacts including increase in potential for erosion or flood hazard;
 - vi a cross section to clarify the location of the pipeline;
 - vii the overall height of the access road and the location and size of culverts;

- viii detailed flood modelling be undertaken by the proponent and include flooding scenario, drainage scenario and environmental drainage shadow issues, calibrated against the 1997 flood event;
- ix a hydrology study of Hooleys Creek and the anticipated impacts on areas that are affected by Hooleys Creek floodwaters; and
- x written confirmation from the Department of State Development that ensures the plans are in alignment with the State's overall concept plan for the ANSIA;

all to the requirements of the Department State Development, LandCorp Main Roads WA, Department of Water and the Dampier Port Authority and the satisfaction of the Shire of Ashburton.

4. Prior to the commencement of any works, the applicant is to prepare a drainage strategy of the total development (including road construction) that ensures that the water quality targets specified by the Shire of Ashburton and other relevant State agencies are met for the stormwater outflow from the proposed development in respect of the suspended solids, phosphorous and nitrogen, to preserve health of the receiving waters.

5. Prior to the commencement of any works, information is to be submitted by the Applicant as follows:

- i a preliminary design concept for the pipeline crossing the Ashburton River is demonstrating how the developer plans to overcome seasonal flooding events that may expose a buried pipeline;
- ii the proposed pipeline separation between the new pipeline and the existing Griffin (GJV) pipeline at the sections, showing where they will be aligned parallel to each other and at the shore crossing;
- iii the planned dedicated 50m wide common user pipeline easement is to accommodate up to 3 pipelines;
- iv the separation distance allocated for each pipeline;
- v preliminary advice against the EPA Guidance Statement No. 2 – Guidance for Risk Assessment and Management: Off-site individual risk from Hazardous Industrial Plant and considering risk determined distances to neighbours, commercial developments, residences etc;
- vi risk contour assessment to ensure that the level of risk at the plant site boundaries is appropriate for the operation of the facility and does not present a risk to surrounding uses;

all to the requirements of the Department of Mines and Petroleum, Land Corp and the satisfaction of the Shire of Ashburton.

6. Prior to the commencement of any works, a water management strategy shall be prepared that reflects the site constraints and risk to water resources and to include but not limited to:

- i site constraints;

- ii flood Risks;
- iii water management;
- iv fit-for-purpose water source planning; and
- v design and management objectives;

Shire all to the requirements of the Department of Water and the satisfaction of the of Ashburton.

7. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to the proposed road as follows:

- i the proposed road in a location that fits into the overall concept plan for the multiuser infrastructure corridor currently being established by LandCorp;
- ii the proposed road and the gas sales pipeline alignment planned such that it does not limit the available space within the infrastructure corridor; and
- iii cross sections and further detail of the alignments.

all to the requirements of the Department State Development, LandCorp and the Dampier Port Authority and the satisfaction of the Shire of Ashburton.

8. Prior to the commencement of any works, information is to be submitted by the applicant in relation to the proposed wet gas pipeline and the sales gas pipeline providing the specifications of the gas pipelines whereby the gas plant would be constructed to the residential gas pipeline requirement (i.e. deeper burial and greater wall thickness) to ensure that no constraint is placed on the development of the proposed Ashburton North Strategic Industrial Area, all to the requirements of the Department of State Development and the satisfaction of the Shire of Ashburton.

9. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to the proposed shore crossing advising:

- i as to the umbilical termination to facilitate gas transfer from the offshore well system into the wet gas pipeline;
- ii information on the number of tanks with hydraulic equipment to be constructed within the lease and;
- iii information on whether this area will be fenced;

all to the requirements of the Department of State Development and the satisfaction of the Shire of Ashburton.

10. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to the proposed river crossing, providing details on the river crossing for the wet pipeline as follows:

- i the depth the pipeline will be buried;
- ii when work near the river is sought;

- iii means to address the potential conflict between tourists and pastoralists using the river and the river crossing;
- iv changes to the drainage patterns as a result of the Macedon development; and
- v how it may have an follow-on effect on erosion and sediment deposition that may impact on the mouth of the Ashburton River;

satisfaction all to the requirements of the Department of State Development and the of the Shire of Ashburton.

11. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to sharing infrastructure, such as the pipeline, along with information showing the location where a provision for future connection(s) to the BHP Billiton sales gas pipeline will be made, all to the requirements of the Department of State Development and the satisfaction of the Shire of Ashburton.

12. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to:

- i the life of the sales gas pipeline;
- ii whether this means that the system will need to be replaced (say, after 20 years);
- iii means by which disruption to future industries within the Ashburton North Strategic Industrial Area or impact on road traffic, or third party pipeline user would be minimised; and
- iv maintenance information of the pipelines, including the timing of maintenance events and the number of people required;

satisfaction all to the requirements of the Department of State Development and the of the Shire of Ashburton.

13. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to:

- i comprehensive traffic impact assessment, addressing the impacts on regional and local roads, particularly Onslow Road, including anticipated traffic volumes and the timing of peak traffic;
- ii peak traffic on the Ashburton North Strategic Industrial Area access road;
- iii potential impact on other users of the SIA; and
- iv the preparation of a traffic management/consultation plan;

all to the requirements of Main Roads WA and the Department of State Development and the satisfaction of the Shire of Ashburton. All road upgrading works identified shall be constructed at the Applicant's expense.

14. Prior to the commencement of any works, the Applicant shall contribute to

cumulative flood modelling taking into account the staged development of the SIA. This modelling should assess the impacts of the proposed road on flood levels and period of inundation within and outside the SIA. Appropriate mitigation measures should also be identified.

15. Prior to the commencement of any works an assessment to the requirements of the Department of Indigenous Affairs pursuant to the *Aboriginal Heritage Act 1972* shall be undertaken to the satisfaction of the Shire of Ashburton.
16. Prior to the commencement of any works the Applicant shall submit a dust management plan to the specifications and satisfaction of the Shire of Ashburton to address the construction phase of the development.
17. Should the development be not substantially commenced by 21 July 2012, then this Planning Approval lapses at that date. With the written permission of the Shire of Ashburton, this Planning Approval may be extended.
18. Plans submitted shall show finished ground levels and where necessary, finished floor levels to the satisfaction of the Shire of Ashburton.
19. Prior to the commencement of the use of the gas treatment and compression plant or the issue of a building licence (whichever comes first), the the Applicant shall prepare a social impact assessment identifying pressures on community facilities and services within Onslow, along with the method of to implement funding by developer contributions identified in the Ashburton to the satisfaction of the Shire of Ashburton.
20. 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.
21. A geotechnical report covering the development area being prepared by the Applicant at the Applicant's cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
22. Prior to the commencement of the use of the gas treatment and compression plant or the issue of a building licence (whichever comes first), the minimum car and bus parking numbers shall be determined to the requirements and satisfaction of the Shire.
23. Prior to the commencement of the use of the gas treatment and compression plant or the issue of a building licence (whichever comes first), the provision on-site of the minimum number of car/4x4 and bus parking bays as determined by the Shire of Ashburton shall be undertaken by the Applicant. The parking area(s), driveway(s) and point(s) of ingress and egress [including crossover(s)] to be

designed, constructed, sealed, drained, marked and thereafter maintained to the specifications and satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.

24. Prior to the commencement of any works, a legal agreement prepared at the Applicant's expense (including legal expenses incurred by the Shire of Ashburton) and to the requirements and satisfaction of the Chief Executive Officer, shall be submitted for the purposes of the following:
- i An agreement by the developer to request the Council to rezone the facility to an Strategic Industrial zone prior to completion of the facility. The designation to be determine in association with advice from the Department of Planning. The fees for rezoning will be in accordance with the relevant regulations.
 - ii The transient workforce accommodation shall be used only for the accommodation of construction staff. Maintenance staff will also be permitted but only for a 3 week period (after 12 months of operation) when the plant is closed down for maintenance activity. The transient workforce accommodation will be a temporary camp facility and remain in-situ for a total period 4 years or other as agreed to by the Chief executive Officer. All operational staff shall reside in Onslow.
 - iii The necessary arrangements shall be established by BHP Billiton in association with the Shire and Heritage Council that will limit access to Old Onslow for those persons employed and indirectly employed by BHP Billiton. BHP Billiton shall contribute to the conservation of Old Onslow.
 - iv The necessary arrangements shall be established by BHP Billiton for the limitation of those persons employed and indirectly employed by BHP Billiton to be permitted in Onslow at any one time.
 - v The preparation an implementation of a Workforce Management Plan that addresses the impact of the overall development on Onslow (in particular on services and accommodation) an implements appropriate contributions as defined in Condition 18.
25. Prior to the use of the gas treatment and compression plant or the issue of a building licence (whichever comes first) information as to the road design and construction as follow;
- i access from the facility and connection to Onslow Road is to be designed, constructed with road signage, markings and necessary street lighting particularly the Onslow Road intersection and provided by the Applicant;
 - ii the design of the road should include underground access points, so that livestock and vehicles can freely cross from one side to the other; and

- iii the road being fenced at the cost of the Applicant in the form of stock proof fencing constructed in the same style as existing boundary fencing. The fencing must be erected prior to any construction works being carried out so that there are no exposed construction works;

all to the requirements of Main Roads WA and the Department of State Development and to satisfaction of the Shire of Ashburton.

26. Prior to the use of the gas treatment and compression plant or the issue of a building licence (whichever comes first), a Fire Management Plan and Emergency Services Plan shall be prepared by the Applicant to the satisfaction prior of the Shire.
27. The proponent is required to demonstrate the land suitability for onsite effluent disposal to the satisfaction of the Department of Health and the Shire's Health Surveyor.
28. The installation of an approved effluent disposal system to the satisfaction of the Shire of Ashburton and / or the Health Department of WA prior to occupation of the development. Such a system is to be designed and submitted by a plumbing consultant or other suitably qualified person and based on a geotechnical report on the absorptive capacity of the soil and the anticipated water usage. Details to be submitted with building licence application.
29. 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.
30. Details of the means and method of providing a potable water supply to be submitted to, and approved by, the Shire of Ashburton and the Department of Health prior to the issue of a building licence.
31. Prior to the use of the gas treatment and compression plant and/or transient workforce accommodation or the issue of a building licence (whichever comes first), the Applicant shall submit a landscape plan and a landscape assessment to the satisfaction of the Shire of Ashburton. The Plan should indicate:
- location and species of all trees to be removed and / or retained;
 - the type of fencing to be installed;
 - the location and type of reticulation to be installed; and
 - the location and type of paving to be installed.

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

In relation to the landscape assessment, the Applicant shall, in consultation the Heritage Council, design the landscape plan with the objective of lessening the visual impact of the gas treatment and compression plant from Old Onslow.

32. Landscaping and reticulation to be established in accordance with the approved plan(s) prior to occupation of the terminal building and thereafter maintained to the satisfaction of the Shire of Ashburton.
33. Vegetation to be removed to be chipped/mulched and reused on-site to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
34. The design of the transient workforce accommodation shall reflect the provisions of Clause 6.9 of the Shire of Ashburton Local Planning Scheme.

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) 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.
- ii. LandCorp recommends that BHPB contribute to cumulative flood modelling taking into account the staged development of the SIA. This modelling should assess the impacts of the proposed road on flood levels and period of inundation within and outside the SIA. Appropriate mitigation measures should also be identified.
- iii. 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.
- iv. Approval to be obtained from the Fire and Rescue Services of WA.
- v. A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- vi. Please note for future reference that levels, contours, retaining walls, 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.
- vii. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State

Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

- viii. 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 [://www.dia.wa.gov.au/Heritage/default.aspx](http://www.dia.wa.gov.au/Heritage/default.aspx).
- ix. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website [.environment.wa.gov.au](http://environment.wa.gov.au).
- x. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting [://www.deh.gov.au/epbc/assessmentsapprovals/index.html](http://www.deh.gov.au/epbc/assessmentsapprovals/index.html).
4. Subject to the Minister for Environment determining the level of assessment pursuant to 2. above, authorise the Chief Executive Officer to issue Planning Approval for the construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury Natural Gas Pipeline (Shire Ref: 20101071) at:
- Lot 149 on Deposited Plan 220384 contained in Crown Land Title LR 3058/1000 subject of Pastoral Lease CL 864 / 1967 to Jundaree Aboriginal Corporation;
 - Lot 150 on Deposited Plan 220207 contained in Crown Land Title LR 3046/473 and existing as Unallocated Crown Land;
 - Lot 152 on Deposited Plan 238333 contained in Crown Land Title LR 3098/710 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd;
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 - Lot 162 on Deposited Plan 220265 contained in Crown Land Title LR 3098/711 subject of Pastoral Lease CL 56/1967 to Forrest & Forrest Pty Ltd; and
 - Lot 163 on Deposited Plan 220110 contained in Crown Land Title LR 3135/584 subject of Pastoral Lease CL 330/1967 to BHP Billiton Petroleum (Australia) Pty Ltd.
- subject to, but not necessarily limited to, the following conditions:
1. Prior to the commencement of any works, information is to be submitted by the applicant in relation to the proposed wet gas pipeline and the sales gas pipeline providing the specifications of the gas pipelines whereby the gas plant would be constructed to the residential gas pipeline requirement (i.e. deeper burial and greater wall thickness) to ensure that no constraint is placed on the development of the proposed Ashburton North Strategic Industrial Area, all to the requirement of

the Department of State Development and the satisfaction of the Shire of Ashburton.

2. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to the sharing of share infrastructure, such as the pipeline, along with information showing the location where a provision for future connection(s) to the BHP Billiton sales gas pipeline will be made, all to the requirement of the Department of State Development and the satisfaction of the Shire of Ashburton.
3. Prior to the commencement of any works, information is to be submitted by the Applicant in relation to:
 - i the life of the sales gas pipeline;
 - ii whether this means that the system will need to be replaced (say, after 20 years);
 - iii means by which disruption to future industries within the Ashburton North Strategic Industrial Area or impact on road traffic, or third party pipeline user would be minimised; and
 - iv maintenance information of the pipelines, including the timing of maintenance events and the number of people required;
4. Prior to the commencement of any works an assessment to the requirements of the Department of Indigenous Affairs pursuant to the *Aboriginal Heritage Act 1972* shall be undertaken to the satisfaction of the Shire of Ashburton.
5. Prior to the commencement of any works the Applicant shall submit a dust management plan to the specifications and satisfaction of the Shire of Ashburton to address the construction phase of the development.
6. Should the development be not substantially commenced by 21 July 2012, then this Planning Approval lapses at that date. With the written permission of the Shire of Ashburton, this Planning Approval may be extended.
7. Plans submitted shall show finished ground levels to the satisfaction of the Shire of Ashburton.
8. The proposed gas pipeline easement to be coincident with the proposed Onslow Road western road reserve boundary to the requirements of Main Roads WA to the satisfaction of the Shire of Ashburton.
9. Prior to the commencement of any works, a legal agreement prepared at the Applicant's expense (including legal expenses incurred by the Shire of Ashburton) and to the requirements and satisfaction of the Chief Executive Officer, shall be submitted for the purposes of the following:
 - i An agreement by the developer to request the Council to rezone the pipelines

to an appropriate zone or reservation prior to completion of the pipeline. The designation to be determined in association with advice from the Department of Planning. The fees for rezoning will be in accordance with the relevant regulations.

- ii The transient workforce accommodation shall be used only for the accommodation of construction staff. Maintenance staff will also be permitted but only for a 2 week period (after 12 months of operation) when the plant is closed down for maintenance activity. The transient workforce accommodation will be a temporary camp facility and remain in-situ for a total period 4 years or other as agreed to by the Chief executive Officer. All operational staff shall reside in Onslow.
 - iii The necessary arrangements shall be established by BHP Billiton in association with the Shire and Heritage Council that will limit access to Old Onslow for those persons employed and indirectly employed by BHP Billiton. BHP Billiton shall contribute to the conservation of Old Onslow.
 - iv The necessary arrangements shall be established by BHP Billiton for the limitation of those persons employed and indirectly employed by BHP Billiton to be permitted in Onslow at any one time.
10. Prior to the commencement of any works, access and connection to Onslow Road is to be designed and constructed at the cost of the developer to the requirements of Main Roads WA and to satisfaction of the Shire of Ashburton.
11. Vegetation to be removed to be chipped/mulched and reused on-site to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.

Advise the Applicant as follows:

- i. Approval to be obtained from the Fire and Rescue Services of WA.
- ii. A separate application being made for all advertising signs in accordance with the Shire's Local Law relating to Signs and Other Advertising Devices.
- iii. Please note for future reference that levels, contours, retaining walls, drainage and sewer lines, etc must be shown on development plans to ensure a proper assessment can be made.
- 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).
- v. The Shire of Ashburton contains many places of Aboriginal Heritage

significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following [://www.dia.wa.gov.au/Heritage/default.aspx](http://www.dia.wa.gov.au/Heritage/default.aspx).

- vi. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website [.environment.wa.gov.au](http://environment.wa.gov.au).
- vii. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting [://www.deh.gov.au/epbc/assessmentsapprovals/index.html](http://www.deh.gov.au/epbc/assessmentsapprovals/index.html).

This item was not considered due to there not being a quorum.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

13.07.38 PLANNING SCHEME AMENDMENT No. 9 - ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA, ONSLOW – ADOPTION FOR FINAL APPROVAL

FILE REFERENCE: PS TP 7.9

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 July 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.04.24 Ordinary Meeting of Council 21 April 2010
Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009
Agenda Item 13.10.63, Ordinary Meeting of Council 27 October, 2009
Agenda Item 13.03.03 Ordinary Meeting of Council 17 March, 2009
Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008

Summary

Amendment No. 9 to the Shire of Ashburton Town Planning Scheme ('Scheme') was initiated by Council at its 15 December 2009 meeting in order to establish a '*Special Control Area*' along with planning controls and structure planning requirement for the Ashburton North Strategic Industrial Area, which is located approximately 15 kms south west of Onslow.

At the Council meeting of 21 April 2010 Council resolved to adopt and advertise the Amendment for 42 days. The Amendment was advertised and eleven (11) submissions were received. The submissions are addressed in the attached Schedules 1 and 2.

After considering the submissions, it is recommended that Council adopt draft Amendment No. 9 for final approval, with modifications, and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

Background

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

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

(WAPC) for informal advice prior to being considered for advertising. The Amendment was modified (prior to advertising) to reflect the advice received from EPA, DSD and the Department of Planning (DoP).

At the Council meeting of 21 April 2010 Council resolved to adopt and advertise the Amendment for 42 days in accordance with the in accordance with the *Town Planning Regulations 1967*.

Amendment No.9 proposes changes to the Scheme by establishing the Ashburton North Strategic Industrial Area (SIA) within a 'planning precinct' in the form of a 'Special Control Area' under the Scheme. The 'Special Control Area' approach represents a compromise between the needs of various industry proponents all of whom have different time frames for development.

The 'Special Control Area' requires the preparation of a comprehensive structure plan to be approved by the Shire and the Western Australia Planning Commission (WAPC). This plan to be called the Ashburton North Strategic Industrial Area Structure Plan ('structure plan') will set out the provisions of the 'Special Control Area' by defining the Ashburton North Strategic Industrial Area sites for Liquid Natural Gas 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 specific sites in line with standard processes. Any application to rezone a specific site would need to reflect the approved structure plan.

The eventual layout of the port facility will allow a detailed structure plan to be developed for specific proponent areas related to LNG and domestic gas processing. It is noted that the proposed port facilities areas within the 'Special Control Area' are outside of the high-water mark and therefore the Shire's statutory involvement is limited. The Special Control Area as defined in Amendment No. 9 establishes the criteria for preparation of required structure plan(s) and any 'strategic industry' rezoning.

The attached plans shows the location of the proposed strategic industrial area.

ATTACHMENT 1 - 13.07.38

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 Scheme.

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 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 layout of the port facility will lead to a structure plan for the industrial area for LNG and domestic gas processing. It is noted that the Dampier Port Authority will be the responsible agency for the port facility and will utilise its conferred powers under its Act. The Shire has been

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

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 by developed, planning for the infrastructure corridor will begin.

The submissions received during the advertising of Amendment No. 9 are represented in Schedule 1 (Government Agency Submissions) and Schedule 2 (Non Government Agency Submissions). In addition to the recommended actions referred to in the Schedules, further modification with respect to transient workforce accommodation is recommended as is outlined below.

The expressed intent of the Shire is that all transient workforce accommodation within the Ashburton North SIA will be for construction purposes associated with the development of the Ashburton North SIA. It is proposed that permanent or operational staff will be housed in Onslow. In accordance with the adopted Onslow Townsite Strategy, such accommodation is expected to be of a very high quality motel style development, with significant landscaping, quality design and materials for the benefit of occupiers, as well as the community. However, the housing of permanent or operational staff in Onslow will largely depend upon the availability of land and improved infrastructure within Onslow.

It is noted that at the meeting of Council on 21 April 2010, Council resolved to request Chevron Australia, BHP Billiton, Dampier Port Authority and the DSD to attend a public forum in Onslow prior to the completion of public consultation for Amendment No. 9. The purpose was to advise the community as to the anticipated level and location of development at Ashburton North and discuss the required access to Hooleys Creek (or alternative).

Initial discussions with representatives from these organisations and agencies revealed that the level of detail associated with planning for Hooleys Creek area was not at a stage where they could adequately discuss proposals or alternatives.

However, importantly the Amendment includes the resolution of Council with respect to Hooleys Creek as follows:

Appendix 11, Part 4 'Planning Requirements' and Clause 8(r)

(r) Should Hooley's Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined;

In addition, the Amendment clearly states that the Ashburton North Strategic Industrial Area Special Control Area does not include Hooleys Creek. It is noted that no submissions were received concerning the SIA and Hooleys Creek. It is recommended that the Council resolution associated with Hooleys Creek again be included as part of determining Amendment No.9, but modified to require such a meeting to be undertaken as part of consultation associated with advertising of any future structure plan.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

The submissions received during the community consultation period are addressed in Schedules 1 and 2. Accordingly, it is recommended that the Council adopt draft Amendment No. 9 for final approval, with modifications as discussed in this Report and accompanying Schedules.

ATTACHMENT 2 - 13.07.38

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Chairman, WAPC
Department of Planning
Department of State Development
Chevron representatives

Subsequent to the amendment being initiated by Council the relevant documentation was referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA resolved that the draft amendment did not require formal assessment, and it was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*. The Amendment closed on 30 June, 2010.

The Shire advertised the Amendment on two occasions in the West Australian Newspaper and the Pilbara News and directly referred the Amendment to:

- BHP Billiton
- Buurabayji Thalanyji Association Incorporated
- Chevron Australia Pty Ltd
- Dampier Port Authority
- Department of Environment and Conservation
- Department of Health
- Department of Indigenous Affairs
- Department of Main Roads WA
- Department Mines & Petroleum
- Department of Planning
- Department of Regional Development and Lands
- Department of State Development
- Department of Transport
- Department of Water
- Environment Protection Authority
- FESA
- Fortescue Metals Group
- Landcorp
- Nahrel Dallywater (Environmental & Communication Services)
- Onslow Salt
- Peedamulla Station
- Water Corporation

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

During the advertised period eleven (11) submissions were received and are addressed in the Schedule of Submissions 1 and 2.

Statutory Environment

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

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

Policy Implications

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

Financial Implications

The costs incurred in relation to the amendment are administrative but include travel costs to Perth/Onslow for the Workshop Meetings and other meetings as associated with a new Strategic Industrial Area at Ashburton North. 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 Strategic Plan 2007-2011 (Incorporating Plan for the Future) seeks to:

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

Also, under the heading “Diversify and Strengthen the Economy” of the Council’s Strategic Plan, the following objective is noted:

“New Industry

Measures and Targets

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

It is suggested that the modifications to the Scheme, as sought, will assist in achieving the above objectives.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr White

1. That Council, in pursuance of Part V of the *Planning and Development Act 2005*, adopt draft Amendment No. 9 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying the Scheme to read as follows:

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

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

“7.1 Operation of Special Control Areas

7.1.1 The 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 (ANSIA) shall be subject to those provisions set out in Appendix 11. No subdivision or development may occur within the ANSIA unless the land is zoned in accordance with the Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan).

7.9.2 The Local Government may consider a domestic gas processing plant within the ANSIA prior to the preparation of an ANSIA Structure Plan and subsequent rezoning where the local government is satisfied that such a proposal complies with the Policy Statement and Purpose of the ANSIA.

7.9.3 Caretakers dwelling shall not be permitted within the ANSIA.

7.9.4 Reference in this Scheme to an ANSIA Structure Plan is a structure plan prepared and adopted in accordance with Clause 6.4 of the Scheme”.

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

“APPENDIX 11 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA (ANSIA)

Policy Statement

The State Government has announced that it intends to create a strategic industrial area 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 ANSIA will promote regional development, provide a gas precinct to monetise small sub-economic gas fields in the Carnarvon Basin; and promote more diverse sources of domestic gas.

The ANSIA 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 ANSIA 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 ANSIA is to include a port precinct, common use facilities in the coastal area, 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 ANSIA 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 ANSIA 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 the 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 ANSIA. It is appropriate that the environmental issues addressed are included in the rezoning and/or structure planning for the ANSIA 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 Ashburton North strategic industrial area an ANSIA, a structure plan will need to be prepared and endorsed.

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

Known as the ANSIA Structure Plan, the local government will need to adopt the ANSIA Structure Plan prior to resolving to support any rezoning for final approval. A development plan may be submitted concurrent with any proposed ANSIA Structure Plan or independent of an adopted ANSIA Structure Plan.

The ANSIA 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, environmental, social and cultural matters, development staging, along with assessing the cumulative impacts of development on the whole ANSIA and under what criteria they can be established.

The ANSIA is an indicative area and covers a smaller portion of the overall Notice of Intention To Take (Taking Order). Any extension sought for the ANSIA (as part of a further scheme amendment or structure plan) within the area defined under the Taking Order can be considered as part of a structure plan. However, any expansion of the ANSIA beyond the boundary of the Taking Order area would require a further amendment to the ANSIA provisions.

The development of the ANSIA will have a significant impact on the demographic and population growth profile for Onslow. The ANSIA 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 ANSIA.

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. The local government acknowledges that there will be circumstances such as remoteness and limited life of a particular industrial activity that results in a need for Transient Workforce Accommodation camps. Any such camps are to be identified in the ANSIA Structure Plan.

The intent of the local government is for all transient workforce accommodation within the ANSIA to be for construction purposes associated with the development of the ANSIA. Permanent or operational staff will be housed in Onslow. In accordance with the adopted Onslow Townsite Strategy, such accommodation in Onslow is expected to be of a very high quality motel style development, with significant landscaping, quality design and materials for the benefit of occupiers, as well as the community.

The development of Onslow will depend upon government commitment for significantly improved infrastructure and land release. The local government acknowledges that the housing of permanent or operational staff in Onslow will largely depend upon the availability of land and improved infrastructure.

Consequently, where a proponent can demonstrate a lack of available land and infrastructure for the establishment of permanent or operational staff accommodation in Onslow, the local government may consider permanent or operational staff accommodation within the ANSIA for a temporary period. In this regard, any such proposals will need to be consistent with the ANSIA Structure Plan and under terms and conditions agreed to by the local government. The Council does not support two strategic industrial areas associated with Onslow. The local government

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 ANSIA allows the local government and the government to review the need for retaining the existing Onslow strategic industrial area. When a scheme amendment is sought for the ANSIA, 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, local government 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 ANSIA Structure Plan shall be prepared either prior to or in association with the rezoning of land, within the ANSIA to "Strategic Industry" or other zone or reservation identified within the Structure Plan. The ANSIA Structure Plan is to address (but is not limited to) following matters:
 - multi-user infrastructure corridor/s;
 - road infrastructure;
 - development staging;
 - cumulative impacts;
 - environmental, social and cultural matters;
 - detailed hydrological assessment of any proposed development designed to ensure no detrimental effect to Onslow Road or on existing salt production areas;
 - relevant State Planning Policies, in particular SPP 2.6 State Coastal Planning Policy.
2. With the consent of Council, the ANSIA Structure Plan may extend outside the ANSIA, provided it does not extend beyond the Taking Order as approved by the by the Minister for Lands.
3. Unless otherwise provided for in the ANSIA Plan, land which is the subject of any proposed subdivision or development within the ANSIA shall be zoned "Strategic Industry" or other zone or reservation identified within the ANSIA Structure Plan.

4. All subdivision and development within the ANSIA shall be in accordance with the ANSIA Structure Plan.
5. The predominant use and development within the ANSIA 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 associated with any use or development within the ANSIA will not be permitted other than as provided for in the ANSIA Structure Plan.
9. When considering a request to initiate rezoning of land within the ANSIA to Strategic Industry or other zone or reservation identified within the ANSIA Structure Plan, 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 ANSIA Structure Plan;
 - 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 that acknowledge existing uses and accesses and 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) Preparation of a District Water Management Strategy that should include, but not be limited to:
 - site constraints;
 - description of existing stormwater management infrastructure;
 - flood risks;
 - water management;
 - fit-for-purpose water source planning;
 - design and management objectives;
 - a commitment to prepare a Local Water Management Strategy in conjunction with a development application for any works; and
- all in consultation with the Department of Water
- o) Undertaking an archaeological and ethnographic survey

reflecting Aboriginal heritage issues and obligations of developers all in consultation with the Department of Indigenous Affairs.

- p) The timeframe and staging of development along with an anticipated schedule for decommissioning;
- q) Undertaking a social impact assessment identifying pressures on community facilities and services within Onslow, along with the method of implementing funding developer contributions as identified in the ANSIA;
- r) Should Hooley's Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined; and
- s) Such other information as may be required by the Scheme, local government or any relevant referral agency.

5. Modifying the Scheme Legend to replace "Onslow Strategic Industrial Buffer – Special Control Area" with "Ashburton North Strategic Industrial Area –Special Control Area" as set out in the Amendment Legend.

6. Modifying the Scheme Map to include "Ashburton North Strategic Industrial Area –Special Control Area" approximately 16km south west of the Onslow Townsite (and excluding Hooleys Creek) as set out in the Amendment Map.

- 2. That Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.
- 3. That the Council refer the draft Amendment so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
- 4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.
- 5. That the Chief Executive Officer be requested to write to Chevron

Australia, BHPB, Dampier Port Authority and the Department of State Development advising that as part of the consultation to be carried out for a future *Ashburton North Strategic Industrial Area Structure Plan* that they will be requested to attend a public forum in Onslow prior to the completion of public consultation for a structure plan, advising the community as to the anticipated level and location of development and access to Hooleys Creek (or alternative creek area).

6. That the Chief Executive Officer be requested to write to the Minister for State Development, the Minister for Planning and the Minister for Environment enclosing a copy of the submission from the Wilderness Society advising that in principle, Council supports the request from the Wilderness Society WA for the government to undertake a strategic assessment (under the EPBC Act) of the Pilbara Region encompassing oil and gas development on the Pilbara coast.

CARRIED 6/0

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

13.07.39 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	06/10	13.06.31	Draft Town Planning Scheme Amendment No. 8 –Modifications To Strategic Industrial Zone To Prohibit Transient Workforce Accommodation.	<p>7. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i>, adopt draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying the zoning table of the Scheme to read as follows:</p> <p style="padding-left: 40px;">(a) Identifying Transient Workforce Accommodation as an X use class in the Strategic Industry zone.</p> <p>8. That Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</p> <p>9. That the Council refer the draft Amendment so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</p> <p>That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.</p>	Ongoing Amendment referred to Western Australian Planning Commission.
2	06/10	13.06.32	Extension Of Time - 52 Person Transient Workers Accommodation Facility, Reserve 11648, Barrow Island	That Council advise Chevron Australia P/L that with respect to planning approval issued 14 July 2005 to construct and use a temporary 52 person transient workers accommodation facility on Reserve 11648, Barrow Island and Condition c) of the approval, the approval be extended until 16 June 2015.	Finalised Applicant notified of Council decision.
3	06/10	13.06.33	Planning Application – Proposed Residential Building At No. 11, Lot 909 McGrath Avenue, Onslow	<p>That Council:</p> <p>1. Approve the development application made by Ms Carol Thornley to use a proposed dwelling at No. 11, Lot 909 McGrath Avenue, Onslow for the purposes of a residential building subject to the following conditions: (9 Conditions and 1 note attached)</p>	Finalised Applicant notified of Council decision.
4	05/10	13.05.28	Adoption of Draft Townsite Strategy - Onslow	<p>That Council:</p> <p>1. Note this Report and Schedules 1-3. (Attachments 13.05.28(a)(b)(c))</p> <p>2. Accept the late submissions (Schedule 3).</p>	Ongoing Modified Strategy has

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ol style="list-style-type: none"> 3. Modify and adopt the draft Onslow Townsite Strategy in accordance with the recommendations reflected in Schedules 1-3 and the Report to Council. 4. Request the Western Australian Planning Commission to endorse the Onslow Townsite Strategy as adopted by Council. 	been provided to the Department of Planning for finalisation – once completed, it will be forwarded to the WAPC for adoption. (May 2010)
5	02/10	13.02.08	Draft Town Planning Scheme Amendment No 6. Modifications to the Minimum Lot Size Provisions in Industrial Zones (Consideration of Adoption for Final Approval)	<ol style="list-style-type: none"> 1. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2007</i>, adopt draft Amendment No. 6 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying Clause 6.11.4 of the Scheme to read as follows: <i>6.11.4 Local Government, in considering applications for subdivision/amalgamation of land shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000m2 or include battleaxe access legs unless the subdivision / amalgamation proposes connection to reticulated sewer, water, power and drainage and is land included in an approved Development Plan pursuant to Clause 6.4 of the Scheme.</i> 2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment. 3. That the Council refer the draft Amendment so adopted for final approval, of the Hon. Minister for Planning. 4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulation 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration 	Ongoing – documents sent to the WAPC/Minister for final approval) (April 2010)

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
6	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 2007 ("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)	Finalised Subject of report to July 2010 meeting.
8	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
9	03/08	13.03.11	Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation	<p>That Council, in pursuance of Part V of the <i>Planning and Development Act 2007</i> ("Act"), adopt for community consultation purposes draft Amendment No. 2 ("Amendment") to <i>Shire of Ashburton Town Planning Scheme</i> No. 1 ("Scheme") that proposes:</p> <ol style="list-style-type: none"> 1. That the zoning table be modified as follows: <ol style="list-style-type: none"> (a) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Mixed Business' zone; (b) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Industrial & Mixed Business Development' zone; and (c) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Rural Living' zone; 2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the <i>Town Planning Regulations 1967</i>. 3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration. 	Ongoing. Further information being gathered for Council. Being considered in association with draft Amendment No.8.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Council Decision / Officers Report

MOVED: Cr Thomas

SECONDED: Cr Dias

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

CARRIED 6/0

14.07.0 WESTERN OPERATIONS REPORTS

14.07.13 RFT 14/10 CONSTRUCTION OF LIGHTING & POWER UPGRADE FOR ONSLOW SPORTING PRECINCT

FILE REFERENCE: AS.TE.14.10

AUTHOR'S NAME AND POSITION: Megan Walsh
Project Coordinator

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 July 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 construction of lighting and a power upgrade for the Onslow sporting precinct.

Best Consultants, who are also the electrical engineers for the multipurpose complex, were engaged to assist the Shire with the technical requirements needed to prepare the scope of works and specifications for the tender.

Three tenders were received, two complying and one non compliant as it did not offer the lighting levels required as requested in the specifications.

It is recommended that Council award the contract to Lightbase Pty Ltd based on price, competency and experience.

Background

The construction of the tennis court and oval lights is part of Stage One of the Onslow sporting precinct upgrade project.

The existing lights do not satisfy Australian standards for sports training on the oval nor for night tennis.

Comment

Best Consultants, Consultant Electrical Engineers, were requested to prepare a detailed electrical specification in order to assist the Shire to call for tenders. The specification prepared allowed

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

tenderers to provide clearly specified pricing for the following three options, thus enabling a realistic comparison between submissions including separation of the power upgrade and lighting works:

1. (Complete Works) Onslow sports lighting (tennis & oval) & oval power upgrade

2. Onslow Oval power Upgrade(only)

The current power source at the Onslow sporting precinct is inadequate and an upgrade is necessary to allow for future power demands not only for lighting but any future building upgrades on the reserve.

3. Onslow oval lighting and Tennis court lighting(only)

Lighting designed to an Australian standard for training purposes on the oval and tennis competition games. The costs to supply lighting to the oval area at the Australian standard for cricket would have been at least twice the costs supplied. However the light poles and wiring will be installed at the oval to allow for any future upgrades.

The three tenders received were evaluated by a selection panel. The electrical consultant compared the technical compliance and quality of submissions and Shire officers compared tender compliance and capability criteria.

Tenders were submitted by:

1. Densford Civil Pty Ltd
2. Lightbase Pty Ltd
3. Team Electrical Services Pty Ltd

TENDERER	COMPLETE WORKS	POWER UPGRADE ONLY	LIGHTING INSTALLATION ONLY
DESFORD CIVIL P/L	\$561,436.00	\$128,931.00	\$432,505.00
LIGHTBASE P/L	\$540,036.00	\$102,154.00	\$454,744.00
TEAM ELECTRICAL SERVICES P/L (*)	\$428,841.49	NO DETAILS	NO DETAILS

Price details do not include GST.

(*) denotes non compliant tender

The tender submitted by Team Electrical Services was considered non compliant as the lighting standards being supplied did not conform to the levels required in the specifications. Based on price this tender was the cheapest option, this was primarily due to the standards of lighting supplied, the tenderer also did not supply his submission in the required tender format which would have made it difficult to compare with the compliant tender submissions.

The two complying tenders were similar in price in that Densford Civil had nominated the same Musco lighting system where Lightbase is the supplier of this Musco lighting system. Densford Civil tender was more a project management submission hence the tender price was greater than that of Lightbase.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Lightbase tender was very detailed and complied to all requirements clearly identifying standards, methodology, lighting components and warranties. Additionally, representatives from Lightbase had inspected the site and were familiar with works required and existing conditions. Lightbase's estimated time was approximately three months to complete works.

Consultation

Best Consulting
Geoff Shoemark – Shire Project Manager
Musco Lighting (Lightbase Pty Ltd)
City of Bayswater
Sylvania Lighting Australia Pty Ltd
Department of Sport and Recreation

Statutory Environment

Section 3.57, Local Government Act 1995 and part 4, Local Government Act (functions and General) Regulation 1996
Tenders are required to be called in accordance with the provisions of the Local Government Tender regulations, where it is expected that good and services will exceed a value of \$100,000 (excluding GST) in a calendar year.

Policy Implications

Purchasing and Tender Policy FIN 12

Financial Implications

Budget for this project was \$600,000.00 with funding received from Royalties for Regions as part of the Onslow Sporting Precinct Upgrade.

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

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Thomas

That Council award Tender RFT 14/10 Upgrade of Power Supply and Installation of Oval and Tennis Court Lighting at Onslow to Lightbase Pty Ltd at the tendered price of \$594,039.60 plus GST .

CARRIED 6/0

14.07.14 RFT 17/10 DESIGN AND CONSTRUCTION OF WATER SPRAY PARK IN ONSLOW

FILE REFERENCE:	AS.TE.17.10
AUTHOR'S NAME AND POSITION:	Megan Walsh Project Coordinator, Western Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.05.08 Ordinary Meeting of Council 11 May 2010

Summary

The Shire of Ashburton re-invited tenders for the design & construction of a water spray park in the proposed Onslow Recreation Precinct after Council had decided not to accept any tenders when the facility was the subject of an earlier tender process (RFT 13/10).

The re-advertised tender attracted five tenders

It is recommended that Council award tender RFT 17/10 to Water Features by Design

Background

The construction of the water spray park is part of Stage One of the Onslow sporting precinct upgrade project.

The water spray park is a zero-depth play area where water is sprayed from colourful upright structures or ground sprays and then drained before it can accumulate. Water is drained away into a holding tank where it is treated and then recirculated through to the park again. An overspray pad is also installed to catch and drain any water spillage or sprays. Included in the construction would be shade sails which would cover $\frac{3}{4}$ of the spray park and surround fencing to match the existing playground fencing.

Council at its meeting in May 2010 resolved in relation to RFT 13/10 Design and Construction of Water Play Spray Park in Onslow to;

- 1. Not accept any tender for RFT 13/10 and*
- 2. Authorise the CEO to recall tenders for this project based on a revised scope and specification with a greater flexibility on components supply options."*

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Council made the decision in light of the fact that the two complying tenders were greatly in excess of the available funds and the third tender was non compliant.

Accordingly tenders were recalled as RFT 17/10 with revised tender specifications which closed on 15th June 2010.

Comment

Five tender submissions were received from the following tenderers:

1	Custom Leisure Pools Pty Ltd	\$390,780.00
2	Pindan Contracting Pty Ltd	\$641,178.00
3	Water Features by Design	\$599,615.00
4	Red Resource Engineering & Design	\$660,740.00
5	AVP Commercial Pools	\$600,750.00

*Note the amount shown does not include GST.

Each tenderer was requested to supply specific costs to undertake the following sections of the water play spray park project;

1. design and documentation
2. preliminary & mobilization
3. site preparation
4. supply & install pumping system
5. supply and install water features
6. install concrete water play foundation
7. supply and install electrical and lighting
8. supply and install plant shed
9. supply and install external fencing
10. supply and install shade sail

This detailed breakdown of costs was sought not only to enable comparison between tenderers but also to assist in determining the estimated future maintenance and replacement costs of each of these components for the whole of life operation of the proposed recreational facility.

Of the five tenders submitted the tender of Custom Leisure Pools and Spas Pty was considered non compliant as it did not supply complete costing for all components required.

The tenders of Resource Engineering Design and Pindan Contracting Pty were similar in price and also in methodology, as their background is primarily as civil project managers using specialised subcontractors.

The tenders of Water Features by Design and AVP Commercial pools were again similar in price, both having detailed knowledge and experience with design and installation of aquatic and water play facilities.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

The tender of Water Features by Design had considered advantages through recent experience with the design and installation of water play facilities in remote locations plus the ability to personalise the Water Play features and aesthetics of the facility to meet with local requirements and the environment. The company's design also clearly detailed their understanding of the need to manage effective water usage and the compliance requirements with health standards which has being clearly demonstrated in their recent projects with water play parks at Cue and soon to be constructed Yalgoo facilities.

The Water Features by Design option aims to minimise water usage through catching and recycling the majority of water back through the system and also has sectional timer controllers that will limit the use of the facility. (ie the facility is operated when a push button controller is activated and the water play area is sectioned with two controllers. The timing of the operation of the facility can be varied so when people leave the site the facility shuts down. The facility will also be controlled only to operate at nominated times of the day) The estimated water loss from evaporation and wind per week based on a average use 30 hours is around 2 to 3 kilolitres.

Accordingly the Water Features by Design submission was considered the best value for money option by the selection panel.

Consultation

Water Play Supply Companies

Local Governments who have recently installed water play parks (Shire of Cue, Shire of Broome, and City Of Geraldton/Greenough)

GES Consulting – Ashburton Shires Consulting Project Engineer

Statutory Environment

Section 3.57, Local Government Act 1995 and part 4, Local Government Act (functions and General) Regulation 1996

Tenders are required to be called in accordance with the provisions of the Local Government Tender regulations, where it is expected that good and services will exceed a value of \$100,000

Policy Implications

Purchasing and Tender Policy FIN 12

Financial Implications

Budget for this project was \$600,000 with funding received from Royalties for Regions as part of the Onslow Sporting Precinct Upgrade.

From information supplied with the tenders plus discussions with Local Government Operating water play facilities it has been estimated that the annual operating costs of the water play facility will be in the order approximately \$10,000 to \$15,000 with water and power costs being approximately \$1000.

A further allowance will need to be made in future Shire budgets reserve funding to allow for facility component replacement costs based around life spans of five and ten year intervals for various components.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Strategic Implications

Strategic Plan 2007-2011

Strategic Plan 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

Simple Majority

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

That Council award Tender RFT 17/10 Design and construction of a water spray park in Onslow to Water Features by Design at the tendered price of \$599,615.00 ex GST.

**CARRIED 5/1
Cr Thomas voted against the motion**

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

14.07.15 WESTERN OPERATIONS DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
ENGINEERING					
1.	05/10	14.05.08	RFT 13/10 Design & Construction of Water Play Spray Park in Onslow	That Council; 1. not accept any tender for Tender RFT 13/10, and 2. authorise the CEO to recall tenders for this project based on revised scope and specifications with greater flexibility on component supply options.	Finalised Tender RFT 17/10 has been readvertised, evaluated and will go to July Council meeting for resolution
2.	05/10	16.05.06	Draft Ashburton North Community Investment Strategy	That Council support in principle the draft Ashburton North Community Infrastructure Strategy.	Ongoing Ongoing discussion with State Government agencies & resource companies.
3.	04/10	14.04.06	Lot 944 First Street, Onslow Reserve 42626	That Council (a) call for expressions of interest from the Onslow community to establish an arts and culturally based use for the property 944 First Street, and (b) that Council list the appropriate budget funding for the upkeep and progressive restoration of the property 944 First Street	Ongoing
4.	03/09	15.03.01	Mosquito Management Plan	That Council 1. Formalise a Mosquito Control Program for the Shire of Ashburton 2. Approve the unbudgeted capital expenditure of \$23,000 on Mosquito Control Program assets	Ongoing Waiting for finalised document from Health Team.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
COMMUNITY					
1.	11/08	14.11.18	Pannawonica Community Plan	<p>That Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that</p> <p>(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</p> <p>(b) It does not support the Pannawonica Community plans prepared by the company for the following reasons:</p> <ol style="list-style-type: none"> a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncosted b. The community plan largely consists of elements which are not community infrastructure or services c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement. 	Ongoing Continue to negotiate with Rio Tinto
CORPORATE					
1	06/10	14.06.11	Authorised Officers – Dog Act 1976	That Council authorise Wayne Male, Casey Clark and Janet Wood as Dog Registration Officers under the Dog Act 1976.	Completed Resolved at last Council meeting
2	03/05	12.03.120	Robe River Memorandum of Understanding	<p>That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments:</p> <ol style="list-style-type: none"> 1. The Shire of Ashburton leasing: <ul style="list-style-type: none"> • The Library, Shire Office and Sentinel Chicken Coops; • The Dog Pound; • The Caravan Park and Ablutions Block 2. Robe River renovating the above facilities prior to the commencement of the leases. 3. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 4. The Shire of Ashburton committing to funding the Community 	Ongoing Work is ongoing – both Rio and Shire committed to outcome before end of financial year

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>Liaison Officer position for twenty (20) hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours.</p> <p>5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis.</p>	
DEVELOPMENT					
1	12/07	13.12.408	Proposed Transfer of Emergency Services Building	<p>That :-</p> <ol style="list-style-type: none"> Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- <ol style="list-style-type: none"> FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and 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. The necessary procedures required to affect the transfer be implemented. 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. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued. 	<p>Ongoing</p> <p>Land issues finalised – Negotiating with FESA to finalise building handover.</p>

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Dias

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

CARRIED 6/0

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Dias

That Council adjourn for morning tea at 10:44am

CARRIED 6/0

Cr's Musgrave, Rumble, Dias, White, Thomas, Bloem and Keith Pearson, Jeff Breen, Larry Softley, Wayne Male and Donna Reid left the room at 10:44am.

Cr's Musgrave, Rumble, Dias, White, Thomas, Bloem and Keith Pearson, Jeff Breen, Larry Softley, Wayne Male, and Donna Reid re-entered the room at 11:05am.

Council Decision

MOVED: Cr Thomas

SECONDED: Cr White

That Council reconvene from morning tea at 11:05am

CARRIED 6/0

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

Council Decision

MOVED: Cr Bloem

SECONDED: Cr White

That Council consider the following two late Agenda Items;

- Agenda Item 15.07.14 Convening of Special Meeting of Council to Consider two Development Applications in Relation to the Macedon Domestic Gas Project and Associated Pipeline.**
- Confidential Agenda Item 16.07.10 Confidential Item - Draft Onslow Infrastructure Plans. Memorandum Of Understanding & Associated Matters**

CARRIED 6/0

15.07.14 CONVENING OF SPECIAL MEETING OF COUNCIL TO CONSIDER TWO DEVELOPMENT APPLICATIONS IN RELATION TO PROPOSED MACEDON DOMESTIC GAS PLANT AND PIPELINE

FILE REFERENCE: RD.OG.2.7

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 July 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.07.37 Applications For Planning Approval For The Construction Of A Gas Treatment And Compression Plant, And Transient Workforce Accommodation Connected To The Off-Shore Gas Field By A Pipeline, And Construction Of The Pipelines From The Gas Treatment And Compression Plant Connecting To The Dampier To Bunbury Natural Gas Pipeline, Onslow Road, Ashburton North.
Ordinary Meeting of Council 12 July 2010.
(Not considered by Council due to lack of quorum.)

SUMMARY

It was not possible for Council to consider a report in relation to two development applications submitted by BHP Billiton Petroleum for the Macedon Domestic Gas Project and associated pipeline at the 21 July 2010 meeting due to the lack of a quorum.

It is proposed that Council convene a special meeting of Council to consider this matter.

BACKGROUND

It was not possible for Council to consider a report in relation to two development applications submitted by BHP Billiton Petroleum for the Macedon Domestic Gas Project and associated pipeline at the 21 July 2010 meeting due to the lack of a quorum.

COMMENT

It is proposed that Council convene a special meeting of Council to consider this matter.

CONSULTATION

Council

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Statutory Environment

Section 5.4 of Local Government Act 1995

Policy Implications

There are no Council Policies relevant to this matter

Financial Implications

There are no financial implications relevant to this matter

Strategic Implications

There are no strategic implications relevant to this matter

Voting Requirement

Simple Majority Required to convene meeting

Absolute Majority Required to convene meeting with telecommunication arrangements

Officer Recommendation / Council Decision

MOVED: Cr Rumble

SECONDED: Cr Dias

That Council;

- 1. call a Special Meeting of Council for the purpose addressing the application for planning approval for the construction of a gas treatment and compression plant, and transient workforce accommodation connected to the off-shore gas field by a pipeline, and construction of the pipelines from the gas treatment and compression plant connecting to the Dampier to Bunbury natural gas pipeline, Onslow road, Ashburton north**
- 2. That the Council authorise the CEO to determine the date, time, and place of the Special Meeting.**
- 3. That Council approve the use of instantaneous communications for the Special Meeting in the following locations: Tom Price Council Chambers, Onslow Shire Office and Pannawonica Library.**
- 4.**

CARRIED 6/0

16.07.0 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.

MINUTES – ORDINARY MEETING OF COUNCIL 21 JULY 2010

Council Decision

MOVED: Cr Bloem

SECONDED: Cr Dias

That Council close the meeting to the public at 11:50am pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995

CARRIED 6/0

The meeting was closed to the public at 11:50am.

Declaration of Interest

Prior to consideration of this Agenda Item Cr Dias declared an interest in Agenda Item 16.07.10 in accordance with Section 5.60A of the Local Government Act. The interest being he owns shares in Chevron Australia.

Cr Dias left the meeting at 11:52am

16.07.10 CONFIDENTIAL ITEM- DRAFT ONSLOW INFRASTRUCTURE PLANS. MEMORANDUM OF UNDERSTANDING & ASSOCIATED MATTERS

FILE REFERENCE: RD.OG.2.5

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

NAME OF APPLICANT/RESPONDENT: Chevron Australia Pty Ltd.

DATE REPORT WRITTEN: 19 July 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 Rumble **SECONDED:** Cr Bloem

That Council accept the Officer's Recommendations.

CARRIED 5/0

Cr Dias re-entered the meeting at 11:53am.

Wayne Male, Jeff Breen, Larry Softley, and Donna Reid left the meeting at 11:53am.

**16.07.08 CONFIDENTIAL ITEM – CHIEF EXECUTIVE OFFICER
RECRUITMENT**

FILE REFERENCE: PE:EM.PEARSON, Keith

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

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

DATE REPORT WRITTEN: 13 July 2010

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

That Council;

1. **Appoint Cr Musgrave, Cr White, Cr Rumble & Cr Shields to a CEO Recruitment Committee with delegated power to:**
 - a) **Appoint and liaise with an HR consultant to undertake the CEO recruitment process;**
 - b) **Manage the recruitment process up to the point of submitting a recommendation to Council on the final selection of a CEO from no more than three suitable candidates; and**
 - c) **Investigate and make a recommendation to Council in relation to the appointment of an Acting CEO should such an appointment become necessary.**
2. **Allocate the sum of \$30,000 for the purposes of engaging an appropriately qualified HR Consultant to undertake the CEO recruitment process.**

CARRIED 6/0

Keith Pearson left the room at 11:58am.

16.07.09 CONFIDENTIAL ITEM – CHIEF EXECUTIVE OFFICER'S EMPLOYMENT ARRANGEMENT

FILE REFERENCE: PE.EM PEARSON, Keith

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

NAME OF APPLICANT/RESPONDENT: Keith Pearson
Chief Executive Officer

DATE REPORT WRITTEN: 12 July 2010

DISCLOSURE OF FINANCIAL INTEREST: The subject of this report concerns the Author's possible future employment with the Shire and for this reason he discloses an interest in this matter, pursuant to Section 5.70 of the Local Government Act.

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.06.07
Ordinary Meeting of Council 16 June 2010

Please refer to Confidential Item Attachment under separate cover.

Council Decision / Officers Recommendation

MOVED: Cr Dias **SECONDED:** Cr Rumble

That Council accept the Officer's Recommendations.

CARRIED 4/3
On the casting vote of the president.
Cr Dias, Cr Thomas & Cr White voted against the motion.

Council Decision

MOVED: Cr Rumble **SECONDED:** Cr Dias

That Council re-open the meeting to the public at 12:53 pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995

CARRIED 6/0

Keith Pearson, Wayne Male, Jeff Breen, Larry Softley, and Donna Reid re-entered the meeting at 12:54pm.

17.07.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 August 2010, at the Meeting Room, Community Recreation Centre, Tom Price, commencing at 9:00am.

18.07.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 12:55pm.