

Ordinary Council Meeting

Onslow



Confirmed Minutes

Public

28 September 2021

Council Chambers

Onslow Shire Complex, Second Avenue, Onslow

1:00 pm



Agendas and Minutes are available on the Shire's website ashburton.wa.gov.au

The Shire of Ashburton 10 Year Strategic Community Plan (2017 – 2027) provides focus, direction and represents the hopes and aspirations of the Shire.

Our Vision

We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.



STRATEGIC DIRECTIONS

1. Vibrant and Active Communities
2. Economic Prosperity
3. Unique Heritage and Environment
4. Quality Services and Infrastructure
5. Inspiring Governance



The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.



**Shire of Ashburton
Ordinary Council Meeting
Confirmed Minutes
(Public)**

**Council Chambers, Onslow Shire Complex, Second Avenue
Onslow**

28 September 2021

1:00pm



**Shire of Ashburton
Ordinary Council Meeting**

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Council Meeting.

A handwritten signature in blue ink, appearing to read "K Donohoe".

K Donohoe
Chief Executive Officer
30 September 2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Council Meeting held on Tuesday 28 September 2021.

Presiding Member

A handwritten signature in blue ink, appearing to read "K.M. Metcalf".

Date

A handwritten date in blue ink, "19/10/2021".

Disclaimer

The resolutions contained in the minutes are subject to confirmation by Council. The Shire of Ashburton warns anyone who has an 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 Council in respect of the application. No responsibility whatsoever is implied, or accepted, by the Shire of Ashburton for any act, omission, statement, or intimation occurring during a Council meeting.

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1 Declaration of opening

The Presiding Member declared the meeting open at 1:02pm.

1.1 Acknowledgement of country

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and their elders past, present and emerging.

2 Announcement of visitors

Nil

3 Attendance

3.1 Present

Elected members

Cr K White	Shire President (Presiding Member), Onslow Ward
Cr D Diver	Deputy Shire President, Tom Price Ward
Cr D Dias	Paraburdoo Ward
Cr L Rumble	Paraburdoo Ward
Cr R de Pledge	Ashburton Ward

Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
B McKay	Manager Town Planning
R Wright	Manager Land and Asset Compliance
N Jeffery	Executive Assistant (Corporate Services)
A Furfaro	Governance Officer

Guests

Nil

Members of the public

Two (2)

Members of the media

Nil

3.2 Apologies

Cr M Lynch	Tom Price Ward
Cr J Richardson	Tablelands Ward
Cr M Gallanagh	Pannawonica Ward

3.3 Approved leave of absence

Nil

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

Nil

5 Applications for leave of absence

Nil

6 Declaration by members

6.1 Due consideration by Councillors to the agenda

Councillors noted they have given due consideration to all matters contained in this agenda.

6.2 Declarations of interest

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest are disclosed –

Item 11.1 “More than Mining” Campaign – Request for Council Support

Declarant	Cr L Rumble
Declaration of Interest	Financial – Share holder greater than \$10,000 in Rio Tinto.

Declarant	Cr D Dias
Declaration of Interest	Financial – Access to housing for staff, as well as other essential workers, is a very real problem. In Tom Price and Paraburdoo, most of the staff housing stock is owned by Rio Tinto. My wife is a Pilbara Iron Employee. We both own shares in Rio Tinto Ltd. Rio Tinto provide us a house and other associated gifts and benefits. We will not gain/lose anything.

Item 14.2 - DAP Application – DAP-21-02051 - DA 21-58 Rocklea Palms Transient Workforce Accommodation Expansion

Declarant	Cr M Gallanagh
Declaration of Interest	Financial – I am Rio Tinto employee, live in company housing and own shares in the company greater than \$10,000.

Declarant	Cr L Rumble
Declaration of Interest	Financial – Share holder greater than \$10,000 in Rio Tinto.

Declarant	Cr D Diver
Declaration of Interest	Indirect Financial – I am employed by Rio Tinto.

Declarant	Cr D Dias
Declaration of Interest	Financial – Development Approval on behalf of H.I. for construction of 262 Transient Workforce Accommodation units & supporting facilities on Lot 61, 603, 605 & 623 as on plans submitted. My wife is a Pilbara Iron Employee. We both own shares in Rio Tinto Ltd. Rio Tinto provide us a house and other associated gifts and benefits. We will not gain/lose anything

Item 12.1 - Monthly Schedule of Accounts Paid

Declarant	Cr D Diver
Declaration of Interest	Indirect Financial – Shire of Ashburton has paid a signature event grant to Tom Price Camp Draft Club. Impartiality – Shire of Ashburton has paid Cheela Plains Pastoral for road maintenance.

Item 18.5 - Chief Executive Officer Leave Approval and Appointment of Acting Chief Executive Officer

Declarant	N Cain (Director of Corporate Services)
Declaration of Interest	Financial - I am the employee represented in the agenda item.

7 Announcements by the Presiding Member and Councillors without discussion

Shire President Councillor K White wished Cr D Dias, Cr D Diver and Cr M Lynch good luck for the upcoming elections and thanked them for their contribution during their time as a Councillor.

8 Petitions / Deputations / Presentations

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Presentations

Nil

9 Confirmation of minutes

9.1 Confirmation of Council meetings

Ordinary Council Meeting – 17 August 2021

Attachment 9.1A

Council Decision	144/2021
Moved	Cr D Diver
Second	Cr L Rumble
That Council confirm the unconfirmed minutes of the Ordinary Council Meeting held in Council Chambers, Onslow Shire Complex, Second Avenue Onslow on 17 August 2021, as a true and accurate record, as included in Attachment 9.1A.	
Carried 4/1	

Special Council Meeting – 17 August 2021

Attachment 9.1B

Council Decision	145/2021
Moved	Cr D Diver
Second	Cr L Rumble
That Council confirm the unconfirmed minutes of the Special Council Meeting held in Council Chambers, Onslow Shire Complex, Second Avenue Onslow on 17 August 2021, as a true and accurate record, as included in Attachment 9.1B.	
Carried 4/1	

9.2 Receipt of committee and other minutes

Nil

9.3 Recommendations of committee meetings – En bloc

Nil

9.4 Recommendations of committees

Nil

10 En bloc resolutions

10.1 Agenda items adopted en bloc

Nil

11 Office of the Chief Executive Officer

11.1 “More than Mining” Campaign - Request for Council Support

File reference	ED216
Author’s name	N Cain
Author’s position	Director Corporate Services
Author’s interest	Nil
Authorising officer’s name	N Cain
Authorising officer’s position	Director Corporate Services
Authorising officer’s interest	Nil
Name of applicant / respondent	Not applicable
Date report written	8 August 2021
Previous meeting reference	Not applicable

Summary

Brendon Grylls (from Brendon Grylls Group) recently raised the matter of fringe benefits tax reform with the Chief Executive Officer, on behalf of a consortium of regional local government authorities, to discuss potential reforms to Fringe Benefits Taxation policy to be spearheaded by the “More than Mining” campaign.

This Agenda Item serves to inform Council of the campaign.

Council is requested to pledge financial support towards the campaign.

Background

On Thursday 29 July 2021 the Chief Executive Officer discussed with Brendon Grylls (from Brendon Grylls Group), who is representing a consortium of regional local governments, Council’s possible support to the “More than Mining” campaign.

The “More than Mining” campaign is targeted at changing taxation policy to enable people living in regional mining towns and cities to be independent of resource-sector employers for housing and liveability.

The campaign seeks to encourage, where possible, people to buy property and relocate into towns which are predominantly driven by the boom-bust property investment cycle typical of historical mining life cycles.

The “More than Mining” campaign is targeting housing affordability support to individuals, as shown in the attached presentations, which is intended to:

- Incentivise regional relocation,
- Stabilise population churn,
- Normalise living costs, and
- Support local small business prosperity.

Attachment 11.1A
Attachment 11.1B

To date, the following organisations have supported the campaign:

- Karratha and Districts Chamber of Commerce and Industry,
- City of Karratha,
- Shire of East Pilbara,
- City of Kalgoorlie-Boulder,
- Shire of Coolgardie,
- Shire of Leonora,
- Isaac Regional Council,
- Mount Isa City Council,
- Broken Hill City Council, and
- Australian Mining Cities Allowance.

The “More than Mining” tax reform proposes to expand Fringe Benefits Taxation concessions from 50% to 100% for individuals in regional mining communities allowing people to buy a house, or rent a house, with pre-tax dollars.

It is intended with a lower tax bill, people can be more confident in a decision to buy a house, or save up faster, and be protected from cyclical rent spikes.

The increase in Fringe Benefits Tax concessions will make it easier financially for residents to live in mining towns and cities longer, slowing population churn and stabilising the demand for housing in the regions, which is likely to smooth out the boom-bust impacts on property values.

Council has been requested to join with other local governments and make a financial pledge to the campaign of between \$30,000 to \$35,000 to assist in research,

submission finalisation, marketing, and publicity.

Comment

It is difficult to ascertain the exact return-on-investment regarding the financial pledge.

Of note, however, is the link between this campaign and the Staff Accommodation Strategy for the Shire. The following is an extract from the Council Agenda Item relating to the adoption of the Staff Accommodation Strategy:

The Shire has maintained a staff level of approximately 180 employees for the last five years, with staff located in various locations. Of the 100 properties accommodating staff, 56 are owned by the Shire, 29 are Rio Tinto properties (managed by Sodexo), 13 are private rentals and 1 is rented from the Housing Authority. 46% of staff receive no assistance for housing from the Shire, they instead benefit from spousal accommodation provisions. Should a change of circumstances occur in the spouse's employer the Shire is not currently able to offer these staff accommodation, further exacerbating the housing provisions. Recruitment of staff continues to be impacted by limited or inadequate housing stock.

Additionally, the Staff Accommodation Strategy highlights the challenges of accommodation within the Shire, and not simply for Shire staff:

Housing and Land Shortage

Access to housing for staff, as well as other essential workers, is a very real problem – particularly in Tom Price. In Tom Price and Paraburdoo, most of the staff housing stock is owned by Rio Tinto, which provides an additional layer of complexity. Anecdotal reports suggested essential services have been delayed or deferred (such as banking services, post office workers and doctors) because suitable accommodation has not been made available.

There also continues to be a lack of private developer interest and shortage of developable land in Tom Price, which was identified through the Royalties for Regions program several years ago. This is an issue that has not yet been resolved.

Mining Towns

Mining Towns come with their own unique set of challenges. As predominately single economy towns, the housing supply is vulnerable to external factors, such as commodity prices. This impacts directly on house prices – which are well above the State Average.

One size does not fit all

Each Town has its own unique challenges and requires a very different approach.

Tom Price is well established but land locked. Most of the housing is 40 years old and nearly 80% is owned by Rio Tinto Houses are very hard to source, particularly given the current resource boom.

Onslow on the other hand, is a small town that has seen exponential growth in recent years, which is forecast to continue.

High Costs

Being located above the 26th parallel directly attributes to a higher-than-average expense – both in terms of building costs, on-going maintenance, and operational expenses (for power etc.).

On the face of it the “More than Mining” campaign targets some of the challenges associated with housing issues in regional communities driven by the resources-sector and is likely to support mining companies to better resource their operations using local resources.

Coupled with the relatively low-cost commitment, Shire officers believe this is noteworthy campaign to support as, if successful, the investment into the Shire is likely to increase and employee turnover decrease.

Consultation

Chief Executive Officer
Director Corporate Services

Statutory environment

Local Government Act 1995

Section 5.56 (Role of Council)

The Council is to govern the local government’s affairs, oversee the local government’s finances and resources, and determine the local government’s policies.

Section 3.1 (General function)

The general function of a local government is to provide for the good government of persons in the district.

Financial implications

Council is being requested to pledge between \$30,000 and \$35,000 towards the ore than Mining” campaign. The 2021-2022 Annual Budget has advocacy funding for instances such as this.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 2 Economic Prosperity
 Objective 2 Enduring partnerships with industry and government
 Strategic Direction Partner with industry and government to target their investment in stimulating more diversified business and economic development to benefit communities and the local economy.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not support the campaign and is perceived as not assisting the community to invest and grow.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Provide Council with adequate information to make an informed decision.
The “More than Mining” campaign is not successful.	Possible (3)	Minor (2)	Moderate (6)	<u>Financial Impact</u> \$10,000 to \$100,000	Very little can be done to mitigate this from occurring. Council is encouraged to promote the cause to political advocates.

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Moderate” because of the potential for negativity in the community. A successful campaign, which may make a difference for mining communities, is seen as an opportunity.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Cr L Rumble - Financial
Cr D Dias - Financial

Additional

Due to a lack of quorum at previous meetings, this item has been re-presented for Council’s consideration.

Officer recommendation

That with respect to the “More than Mining” Campaign - Request for Council Support, Council;

- a Supports the “More than Mining” campaign, targeting taxation reform, which is intended to assist to:
 - i Incentivise regional relocation,
 - ii Stabilise population churn,
 - iii Normalise living costs,
 - iv Support local small business prosperity, and

- b Pledges up to \$35,000 to the campaign to assist in research, submission finalisation, marketing, and publicity.

Council Decision

The quorum required for the meeting to continue, and consider this item, could not be met (as per Section 5.19 of the Local Government Act 1995). Council proceeded to the next item of business.

12 Corporate Services

12.1 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	20 September 2021
Previous meeting reference	Not applicable

Summary

Council is required to have produced a Schedule of Accounts Paid each month containing relevant information, as legislated.

The purpose of this Report is to present the Monthly Schedule of Accounts Paid for August 2021.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as presented.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

Comment

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached.

Attachment 12.1A

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government (Financial Management) Regulations 1996

Regulation 13 (Payments from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer's duties as to etc.)

Where the Chief Executive Officer has been delegated the exercise of power to make payments from the Municipal Fund or the Trust Fund, a list of accounts authorised for payment by the Chief Executive Officer is to be presented each month to Council.

Financial implications

Payments included on the Schedule of Accounts Paid have been undertaken in accordance with appropriate processes and the Annual Budget.

For the month under review the following summarised details are presented:

Municipal Fund

Description	Amount
Electronic Funds Transfer	\$5,422,813.39
Superannuation / Payroll	\$301,358.85
Cheques	\$1,199.50
Credit Cards	\$9,093.07
Bank Fees and Charges	\$2,436.03
Total	\$5,736,900.84

Corporate Credit Cards (preceding month)

Description	Amount
Corporate Services	\$1935.50
Infrastructure Services	\$1,029.43
People and Place	-
Projects and Procurement	\$7,870.14
Total	\$9,093.07

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 5 Inspiring Governance
 Objective 4 Exemplary team and work environment
 Desired Outcome Highly functioning Shire team who effectively manages Shire resources to build strong communities.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Council with adequate information to make an informed decision.

The following Risk Matrix has been applied:

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is "Low" because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

This Council Policy provides guidelines for the preparation of financial reports.

ELM10 Financial Sustainability Policy

This Council policy commits Council to ensuring no decisions will be made without considering the long-term financial impact of those decisions.

Voting requirement

Simple majority

Councillor interest declarations

Cr D Diver - Indirect financial
Cr D Diver - Impartiality

Officer recommendation

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13 confirms the Monthly Schedule of Accounts Paid for August 2021, as included at Attachment 12.1A.

Council Decision 146/2021

Moved Cr R de Pledge
Second Cr D Diver

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13 confirms the Monthly Schedule of Accounts Paid for August 2021, as included at Attachment 12.1A.

Carried 5/0

12.2 Monthly Financial Statements – July 2021

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	No applicable
Date report written	12 September 2021
Previous meeting reference	Not applicable

Summary

Council is required to have produced a Statement of Financial Activity each month containing relevant information, as legislated.

The purpose of this Report is to present the Statement of Financial Activity for the month ended July 2021.

Council is requested to accept the Statement of Financial Activity.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

Comment

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements (as attached).

Attachment 12.2A

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.4 (Financial report)

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

Regulation 34 (Financial activity statement required each month (Act s. 6.4))

Shire officers are to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

Financial implications

Commentary on the current financial position is outlined within the body of the attached reports.

Strategic implications

There are no strategic implications for this item.

Risk management

Risk has been assessed based on the Officer Recommendation.

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Material misstatement or significant error in the financial statements.	Unlikely (2)	Moderate (3)	Moderate (6)	<u>Financial Impact</u> \$100,000 to \$1m	Review of financial position information to be undertaken regularly and by multiple Shire officers.
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Councillors with sufficient information for decision making.

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Low” because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

This Council Policy provides guidelines for the preparation of financial reports.

ELM10 Financial Sustainability Policy

This Council policy commits Council to ensuring no decisions will be made without considering the long-term financial impact of those decisions.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for July 2021, as included at Attachment 12.2A.

Council Decision 147/2021

Moved Cr D Diver

Second Cr R de Pledge

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for July 2021, as included at Attachment 12.2A.

Carried 5/0

12.3 Monthly Financial Statements – August 2021

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	No applicable
Date report written	12 September 2021
Previous meeting reference	Not applicable

Summary

Council is required to have produced a Statement of Financial Activity each month containing relevant information, as legislated.

The purpose of this Report is to present the Statement of Financial Activity for the month ended August 2021.

Council is requested to accept the Statement of Financial Activity.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

Comment

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements (as attached).

Attachment 12.3A

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.4 (Financial report)

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

Regulation 34 (Financial activity statement required each month (Act s. 6.4))

Shire officers are to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

Financial implications

Commentary on the current financial position is outlined within the body of the attached reports.

Strategic implications

There are no strategic implications for this item.

Risk management

Risk has been assessed based on the Officer Recommendation.

Confirmed Minutes – Public Ordinary Council Meeting 28 September 2021

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Material misstatement or significant error in the financial statements.	Unlikely (2)	Moderate (3)	Moderate (6)	<u>Financial Impact</u> \$100,000 to \$1m	Review of financial position information to be undertaken regularly and by multiple Shire officers.
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Councillors with sufficient information for decision making.

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Low” because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

This Council Policy provides guidelines for the preparation of financial reports.

ELM10 Financial Sustainability Policy

This Council policy commits Council to ensuring no decisions will be made without considering the long-term financial impact of those decisions.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for August 2021, as included at Attachment 12.3A.

Council Decision 148/2021

Moved Cr D Diver

Second Cr R de Pledge

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for August 2021, as included at Attachment 12.3A.

Carried 5/0

13 Infrastructure Services

Nil

14 People and Place

14.1 Final adoption of Amendment 33 to the Shire of Ashburton Local Planning Scheme No. 7 to Rezone Lot 558 Beadon Creek Road from 'Tourism' to 'Industrial' Zone

File reference	LP10.7.33
Author's name	B McKay
Author's position	Manager Town Planning
Author's interest	Nil
Authorising officer's name	A Majid
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	RFF Australia
Date report written	2 September 2021
Previous meeting reference	Not Applicable

Summary

At its Ordinary Meeting on 20 April 2021, Council initiated Amendment 33 to the *Shire of Ashburton Local Planning Scheme No. 7* to rezone Lot 558 Beadon Creek Road from 'Tourism' to 'Industrial' and incorporate an additional clause which places restrictions on the use of the site for Storage Facility / Depot / laydown area.

In accordance with the requirements of the *Planning and Development Act 2005*, Amendment 33 has been referred to the Environmental Protection Authority and subsequently advertised for public comment.

The purpose of this report is for Council to consider the submissions received during the public advertising period of Amendment 33 and determine whether to proceed to final adoption of the amendment with or without modification.

Following Council's resolution of this matter, Amendment 33 documentation will be forwarded to the Western Australian Planning Commission, along with Council's resolution and any recommended modifications for consideration and final determination by the Minister for Planning.

Background

At its Ordinary Meeting on 20 April 2021, Council initiated Amendment 33 to the *Shire of Ashburton Local Planning Scheme No. 7 (LPS7)* to rezone Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industrial’ and incorporate an additional clause which places restrictions on the use of the site for Storage Facility / Depot / laydown area.

Following Council’s initiation of Amendment 33, in accordance with legislative requirements, the Amendment documentation was submitted to the Environmental Protection Authority (EPA) for assessment and approval to advertise.

In correspondence dated 19 May 2021, the EPA advised that the Amendment 33 required no formal level of assessment and subsequently advertising began.

Scheme Amendment 33 is being undertaken on behalf of Greater Ashburton Services, it is anticipated this site will be used to strengthen support the existing Marine Support Base. In 2014 planning approval was granted for Harbour or Marine Facilities - Onslow Marine Support Base on Lots 13 to 15 Beadon Creek Harbour, which is adjacent to Lot 558. The marine support base is designed to provide laydown and offloading facilities for containers supplying the resource industry sector.

Comment

The proposed Scheme Amendment seeks the following amendments to LPS7:

- Rezone Lot 588 Beadon Creek Road from ‘Tourism’ to ‘Industry’.
- Incorporate additional ‘Clause 4.6 – Restricted Use’ which includes the following text:

4.6.1 – The table below sets out –

- a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and*
- b) the conditions that apply to that restricted use.*

Table - Restricted uses for land in Scheme area No. 1 - Description of land Restricted use Conditions

<i>No.</i>	<i>Description of Land</i>	<i>Restricted Use</i>	<i>Conditions</i>
1	<i>Lot 558 Beadon</i>	<i>Storage Facility /</i>	<i>Any proposed development of the site for a Storage Facility / Depot / Laydown Area</i>

	<i>Creek Road, Onslow</i>	<i>Depot / Laydown Area</i>	<i>must demonstrate operations on the premises, will not cause any injury to, or will not adversely affect the adjoining property, Lot 100 on Deposited Plan 403216 by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, wastewater, or other waste products</i>
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4.6.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

There are several modifications proposed to the amendment as outlined below.

Restricted Use

The proposed Storage Facility / Depot / Laydown Area definition which has been proposed by the applicant is a use defined in Appendix 2 of LPS7 in the following terms:

‘any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots, salvage yards and landscape suppliers’

The scope of this use is quite broad and, as such, the *Planning and Development (Local Planning Schemes) Regulations 2015* introduced a new Model Scheme Text (MST), which separated ‘Transport Depot’ and ‘Warehouse / Storage’ as individual uses.

Transport depot has the following meaning:

means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

(a) any ancillary maintenance or refuelling of those vehicles; and

(b) any ancillary storage of goods brought to the premises by those vehicles;

and

(c) the transfer of goods or persons from one vehicle to another;

Warehouse / storage has the following meaning:

means premises including indoor or outdoor facilities used for —
(a) the storage of goods, equipment, plant, or materials; or
(b) the display or sale by wholesale of goods;

When preparing a new Scheme, the Shire is required to follow the MST, ensuring consistency of local planning controls across the State. Following council's resolution from 20 April 2020, the process of preparing a new Scheme has been initiated, as such it is considered more appropriate to utilise a definition within the MST.

The applicant's premise as contained within the original application was to ensure there is adequate land available to support continued growth in operations at Beadon Creek Harbour and the Onslow Marine Supply Base (OMSB). Therefore, following consultation with the applicant it is considered that the 'Transport Depot' definition is most appropriately aligned with any proposed activities and provides council greater control of uses on the site.

Conditions

Council's resolution to initiate Amendment 33 required the applicant to undertake an assessment in accordance with the Western Australian Planning Commission's 'Transport Impact Assessment (TIA) guidelines. Prior to advertising, the applicant provided a traffic impact statement undertaken by FLYT (transport planners). The statement highlighted the site was fit for purpose in terms of traffic access, however noted Beadon Creek Road was not classified within the Restricted Vehicle Access network.

Attachment 14.1A

Council's Infrastructure Services team assessed this proposal and determined that the road geometry is not suitable for the proposed RAV access at the intersection of Beadon Creek Road and McAullay Road. In addition, the pavement along Beadon Creek Road would need structural assessment and possible upgrading and widening.

The current RAV network within Onslow permits RAV 10 vehicles to travel along McAullay Road to the intersection of Beadon Creek Road. This route has been in place since 2012 but it is not known why the route did not terminate at the break down and assembly area.

As such it is recommended a further condition be included to restrict access to the site by restricted access vehicles.

'2. Access to the site shall not be permitted for Restricted Access Vehicles'

To ensure the site is not used for the storage of any basic raw materials associated with extractive industry or mining activities, a further condition is proposed to be added to the restrictive use:

‘3. Activities associated with the extraction of basic raw materials including storage, loading and transportation are not permitted to be undertaken on the site’.

Below is the proposed modified table of restricted uses for the Scheme:

No	Description of Land	Restricted Use	Conditions
1	Lot 558 Beadon Creek Road, Onslow	<p>All use classes in the Zoning table for this site are 'X' except as follows:</p> <p>'D' use class</p> <ul style="list-style-type: none"> ▪ Transport Depot <p>Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —</p> <p>(a) any ancillary maintenance or refuelling of those vehicles; and</p> <p>(b) any ancillary storage of goods brought to the premises by those vehicles; and</p> <p>(c) the transfer of goods or persons from one vehicle to another,</p>	<ol style="list-style-type: none"> 1. Any proposed development of the site for a Storage Facility / Depot / Laydown Area must demonstrate operations on the premises, will not cause any injury to, or will not adversely affect the amenity of the adjoining property, Lot 100 on Deposited Plan 403216, by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, wastewater, or other waste products. 2. Access to the site shall not be permitted for Restricted Access Vehicles 3. Activities associated with the extraction of basic raw materials including storage, loading and transportation are not permitted to be undertaken on the site.

It is considered these modifications are consistent with the land use and conditions which were previously advertised and therefore do not necessitate readvertising of the amendment.

Consultation

Following advice from the EPA, the amendment was advertised between Tuesday 8 June 2021 and Wednesday 21 July 2021 (for a period of 43 days) and a notice about Amendment 33 was:

- Published on the Shire’s website.
- Directly sent to eight (8) nearby landowners likely to be affected by development of the subject land, with no submissions received.
- Referred to the following key stakeholders:
 - Department of Water and Environmental Regulation
 - Western Australian Planning Commission
 - Water Corporation
 - Pilbara Ports Authority
 - Pilbara Development Commission
 - Horizon Power
 - Department of Primary Industries and Regional Development
 - Main Roads WA
 - Department of Health
 - Department of Transport
 - Development WA
 - Department of Mines, Industry Regulations and Safety

In response to this advertising, the Shire received five submissions from key stakeholders. The submissions are summarised below along with a recommended response.

Schedule of Submissions			
Author	Summary	Shire Comment	Recommendation
Department of Primary Industries and Regional Development	As ‘Abattoir’ and ‘Stockyard’ are Discretionary (‘D’) uses in the Industry Zone. Suggest that Mixed Business Zone may be more suitable	Whilst the Site would be zoned “Industry” the only permissible use would be that stipulated in the table and not the uses permissible in the industry zone as	No change to amendment.

		specified in the Zoning Table in the Local Planning Scheme No.7.	
Department of Health	Note that a site and soil evaluation has not been submitted and therefore unable to provide comment. Request a site and soil evaluation report and a detailed plan proposing building envelope etc.	These requirements don't relate to the Scheme amendment process and are more appropriately addressed through an application for planning approval.	No change to amendment.
Department of Mines, Industry Regulations and Safety	Has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	Noted	No change to amendment.
Water Corporation	No objection	Noted	No change to amendment.
Department of Water and Environmental Regulation	No comments	Noted	No change to amendment.

Attachment 14.1B

Statutory Environment

Planning and Development Act 2005

75. Amending scheme

A local government may amend a local planning scheme with reference to any land within its

district, or with reference to land within its district and other land within any adjacent district, by

an amendment —

(a) prepared by the local government, approved by the Minister and published in the Gazette; or

(b) proposed by all or any of the owners of any land in the Scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Planning and Development (Local Planning Schemes) Regulations 2015

35. Resolution to prepare or adopt amendment to local planning scheme

(1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.

Note for this subregulation:

Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

(2) A resolution must —

(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and

(b) include an explanation of the reason for the local government forming that opinion.

(3) An amendment to a local planning scheme must be accompanied by all documents

necessary to convey the intent and reasons for the amendment.

(4) The local government may refuse to adopt an amendment to a local planning scheme

proposed by a landowner if the local government is not satisfied that there is in place an

agreement for the local government to use any copyrighted material provided in support of the proposed amendment —

(a) for the purpose of preparing and implementing the amendment; and

(b) for zero remuneration.

47. Advertisement of standard amendment

(1) Subject to sections 81 and 82 of the Act, if a local government resolves under regulation

35(1) to prepare a standard amendment to a local planning scheme or to adopt a standard amendment to a local planning scheme proposed by the owner of land in the scheme area, the local government must, as soon as is reasonably practicable, prepare a notice in a form approved by the Commission giving details of —

- (a) the purpose of the amendment; and
- (b) how the amendment is to be made available to the public in accordance with regulation 76A; and
- (c) the manner and form in which submissions may be made; and
- (d) the period under subregulation (3) for making submissions and the last day of that period.

(2) On completion of the preparation of the notice, the local government must advertise the

standard amendment to a local planning scheme as follows —

- (a) publish in accordance with regulation 76A —
 - (i) the notice; and
 - (ii) the amendment;
- (b) deleted
- (c) give a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment;
- (d) deleted]
- (e) advertise the amendment as directed by the Commission and in any other way the local government considers appropriate.

(3) The period for making submissions on a standard amendment to a local planning scheme is —

- (a) the period of 42 days after the day on which the notice is first published under subregulation (2)(a)(i); or
- (b) a longer period approved by the Commission.

48. Landowner may be required to pay costs of publication

The local government may require a person to pay the cost of the publication of a notice under

regulation 47(2) if —

- (a) the notice relates to an amendment to a local planning scheme in respect of land owned by the person; and
- (c) the person proposed the amendment to the local planning scheme.

49. Submissions on standard amendment

- (1) A submission on a standard amendment to a local planning scheme must —
 - (a) be made in writing to the relevant local government in a form approved by the Commission; and
 - (b) state the name and address of the person making the submission; and
 - (c) include a statement about the capacity in which the person makes the submission.
- (2) A local government must acknowledge in writing the receipt of each submission received by it.

50. Consideration of submissions on standard amendments

- (1) In this regulation —

consideration period, in relation to a standard amendment to a local planning scheme, means the period ending on the latest of the following days —

 - (a) the day that is 60 days after the end of the submission period for the amendment,
 - (b) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act,
 - (c) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);
 - (d) a day approved by the Commission; submission period, in relation to a standard amendment to a local planning scheme, means the period for making submissions that applies under regulation 47(3).
- (2) The local government —
 - (a) must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period; and
 - (b) may, at the discretion of the local government, consider submissions in relation to the amendment lodged after the end of the submission period but before the end of the consideration period.
- (3) Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —
 - (a) to support the amendment without modification; or
 - (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
 - (c) not to support the amendment.

- (4) If no submissions have been received within the submission period, the resolution referred to in subregulation (3) must be passed as soon as is reasonably practicable after the end of the submission period.

51. Local government may advertise proposed modifications to standard amendment

- (1) The local government may decide to advertise a modification to a standard amendment to a local planning scheme if —
 - (a) the local government proposes the modification to address issues raised in submissions made on the amendment; and
 - (b) the local government is of the opinion that the proposed modification to the amendment is significant.
- (2) If a local government makes a decision under subregulation (1) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the standard amendment.
- (3) A proposed modification to a standard amendment to a local planning scheme may not be advertised on more than one occasion without the approval of the Commission;
- (4) Any advertisement of a proposed modification to a standard amendment to a local planning scheme must include a notice specifying —
 - (a) the proposed modification to be made to the advertised amendment to the local planning scheme; and
 - (b) details of how the proposed modification is made available to the public; and
 - (c) the manner and form in which submissions may be made; and
 - (d) the period under subregulation (5) for making submissions and the last day of that period.
- (5) The period for making submissions on the proposed modification is —
 - (a) the period of 21 days after the day on which the notice under subregulation (4) is first advertised; or
 - (b) a longer period approved by the Commission.
- (6) A person may make a submission on a proposed modification to a standard amendment to a local planning scheme that has been advertised in accordance with subregulation (2) —
 - (a) in the manner and form specified in the notice; and
 - (b) within the period specified in the notice.
- (7) If a proposed modification to an amendment to a local planning scheme is advertised in accordance with this regulation, a local government —
 - (a) must consider all submissions on the proposed modification made to the local

- government within the period specified in the notice; and
- (b) may, at the discretion of the local government, consider submissions on the proposed modification made to the local government after the period specified in the notice; and
- (c) must make a recommendation in respect of each submission considered.

52. Incorporation of environmental conditions

If a local government receives a statement in respect of a standard amendment to a local planning scheme delivered under section 48F(2) of the EP Act after passing a resolution to prepare or adopt the amendment but before complying with regulation 53, the local government must amend the amendment documents —

- (a) to incorporate the conditions set out in the statement; or
 - (b) if as the result of a request by the local government under section 48G(1) of the EP Act a statement is delivered to the local government under section 48G(3) of the EP Act, to incorporate the conditions set out in that later statement.
- 53. Information on standard amendment to be provided to the Commission*

(1) After passing a resolution under regulation 50(3) the local government must provide the

advertised amendment to the local planning scheme to the Commission together with the following —

- (a) a schedule of submissions made on the amendment;
- (b) the response of the local government in respect of the submissions;
- (c) particulars of each modification to the amendment proposed by the local government in response to the submissions;
- (d) if any proposed modification to the amendment was advertised —
 - (i) an explanation of the reasons for advertising the modification; and
 - (ii) particulars of how the modification was advertised; and
 - (iii) a schedule of submissions made on the proposed modifications; and
 - (iv) the recommendation of the local government in accordance with regulation 51(7)(c) in respect of each submission;
- (e) a copy of the resolution passed under regulation 50(3);
- (f) If that resolution was a resolution under regulation 50(3)(c) — a summary of the reasons why the local government does not support the amendment;
- (g) details of any provision in the local planning scheme that varies or excludes a provision set out in Schedule 1;
- (h) details of any provision in the local planning scheme as it will be amended that supplements a provision set out in Schedule 2;
- (i) any relevant maps, plans, specifications and particulars required by the Commission.

- (2) The schedule of submissions referred to in subregulation (1)(a) and (d)(iii) must include the following —
 - (a) the name and address of the person making the submission;
 - (b) where it is relevant, a description of the property that is the subject of the submission;
 - (c) the submission or a summary of the submission.
- (3) The documents referred to in subregulation (1) must be provided to the Commission —
 - (a) in the case of a resolution to support an amendment to a local planning scheme without modification or not to support an amendment to a local planning scheme — within 21 days of passing the resolution; or
 - (b) in the case of a resolution to support an amendment to a local planning scheme with proposed modifications —
 - (i) if the local government decides not to advertise the proposed modification — within 21 days of passing the resolution; or
 - (ii) otherwise — within 21 days of complying with regulation 51(7); or
 - (c) if the Commission in any case approves a longer period — within that longer period.

54. Commission may direct amendment be treated as complex amendment.

If, on receipt of documents provided to it under regulation 53(1), the Commission considers that the amendment to the local planning scheme is a complex amendment, the Commission may direct the local government —

- (a) to readvertise the amendment as a complex amendment; or
- (b) to take any other steps the Commission considers appropriate to advertise the amendment.

55. Commission to submit standard amendment and recommendations to Minister

Unless the Commission makes a direction under regulation 54, the Commission must, within 60 days of receiving the documents provided to it under regulation 53(1), or within such longer period as the Minister or an authorised person allows —

- (a) consider the documents; and
- (b) make any recommendations to the Minister in respect of the amendment that the Commission considers appropriate; and
- (c) submit the documents and the recommendations to the Minister in accordance with section 87(1) of the Act.

56. Minister or authorised person may direct modifications to standard amendment be Advertised

- (1) Before a decision is made under section 87 of the Act, the Minister or an authorised person may direct the local government to advertise modifications to a standard amendment to a local planning scheme if —
 - (a) the local government proposes, or the Commission recommends, that the amendment that was advertised under regulation 47(2) be modified; and
 - (b) the Minister or authorised person is of the opinion that the modification is significant.
- (2) The direction must include details of the process to be followed in respect of the advertisement including timeframes for —
 - (a) the making and consideration of submissions on the modifications; and
 - (b) providing recommendations to the Minister or authorised person following the advertisement.
- (3) If a local government is given a direction under subregulation (1) the local government must advertise the modification to the amendment to the local planning scheme as directed by the Minister or authorised person

Financial implications

Preparation of amendment documentation and processing the amendment through the statutory process will require no special allocation of funds and will be actioned through the normal function of the Manager Town Planning and other Shire staff as required. The Shire's fees and charges 2020 / 2021 require the applicant to pay an initial application fee of \$4,000 as required for processing of the Amendment.

Strategic implications

Nothing contained within Shire of Ashburton Strategic Community Plan 2017-2027 'Living Life' (2019 Desktop Review) is relevant to this report.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
The proposed rezoning creates land use conflict with the adjacent tourism zone	Unlikely (2)	Minor (2)	Low (4)	Reputation - Unsubstantiated, localised low impact on community trust, low profile, or no media item.	Accept Officers Recommendation
That Restricted Access Vehicles ingress and egress the site via Beadon Creek Road	Unlikely (2)	Minor (2)	Low (4)	Minor (2)	Low (4)

The following Risk Matrix has been applied:

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is 'Moderate' due to the statutory requirements for assessing and advertising of the amendment.

Policy Implications

Local Planning Policy 20 – Social Impact Assessment

This policy requires a Social Impact Assessment be prepared for all proposals to amend the Scheme, which was submitted and assessed as part of the initiation process.

Voting requirement

Simple majority required.

Councillor interest declarations

Nil

Officer recommendation

That, with respect to final adoption of Amendment 33 to the Shire of Ashburton Local Planning Scheme No. 7 to rezone Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industrial’ zone, Council,

a Resolve, pursuant to section 75 of the *Planning and Development Act 2005*, adopt with modifications, the proposed Amendment 33 to Local planning Scheme No.7, to:

- i Rezoning Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industry’, and
- ii Incorporating additional ‘Clause 4.6 – Restricted Use’ which includes the following text:

4.6.1 – The table below sets out –

- a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- b) the conditions that apply to that restricted use.

Table - Restricted uses for land in Scheme area No. Description of land
Restricted use Conditions

No.	Description of Land	Restricted Use	Conditions
1	Lot 558 Beadon Creek Road, Onslow	All use classes in the Zoning table for this site are 'X' except as follows: D use class	1. Any proposed use or development of the site for a Storage Facility / Depot / Laydown Area must not adversely affect the amenity of the adjoining property, Lot 100 on Deposited Plan 403216, by reason of the

		<p>▪ Transport Depot</p> <p>Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —</p> <p>(a) any ancillary maintenance or refuelling of those vehicles; and</p> <p>(b) any ancillary storage of goods brought to the premises by those vehicles; and</p> <p>(c) the transfer of goods or persons from one vehicle to another.</p>	<p>emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, wastewater, or other waste products.</p> <p>2. Access to the site shall not be permitted for Restricted Access Vehicles</p> <p>3. Activities associated with the extraction of basic raw materials including storage, loading and transportation are not permitted to be undertaken on the site.</p>
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4.6.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use,

- b Directs the Chief Executive Officer to forward the Amendment No.33 documentation, together with the schedule of submissions, to the Western Australian Planning Commission with a request the Minister for Planning endorse it for gazettal with the modifications, and
- c Note the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- i The amendment is consistent with the Shire of Ashburton Local Planning Strategy, and
- ii The provisions of the amendment ensure that adequate consideration can be given to potential future land conflicts with nearby potentially sensitive land uses.

Alternate Recommendation

That, with respect to final adoption of Amendment 33 to the Shire of Ashburton Local Planning Scheme No. 7 to rezone Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industrial’ zone, Council,

- a Resolve, pursuant to section 75 of the *Planning and Development Act 2005*, adopt with modifications, the proposed Amendment 33 to Local planning Scheme No.7, to:
 - i Rezoning Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industry’, and
 - ii Incorporating additional ‘Clause 4.6 – Restricted Use’ which includes the following text:

4.6.1 – The table below sets out –

- a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- b) the conditions that apply to that restricted use.

Table - Restricted uses for land in Scheme area No. Description of land
Restricted use Conditions

No.	Description of Land	Restricted Use	Conditions
1	Lot 558 Beadon Creek Road, Onslow	All use classes in the Zoning table for this site are 'X' except as follows: D use class	4. Any proposed use or development of the site for a Storage Facility / Depot / Laydown Area must not adversely affect the amenity of the adjoining property, Lot 100 on Deposited Plan 403216, by reason of the

		<p>▪ Transport Depot</p> <p>Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —</p> <p>(a) any ancillary maintenance or refuelling of those vehicles; and</p> <p>(b) any ancillary storage of goods brought to the premises by those vehicles; and</p> <p>(c) the transfer of goods or persons from one vehicle to another.</p>	<p>emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, wastewater, or other waste products.</p> <p>5. Access to the site shall not be permitted for Restricted Access Vehicles</p> <p>6. Activities associated with the extraction of basic raw materials including storage, loading and transportation are not permitted to be undertaken on the site.</p>
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4.6.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use,

- b Directs the Chief Executive Officer to forward the Amendment No.33 documentation, together with the schedule of submissions, to the Western Australian Planning Commission with a request the Minister for Planning endorse it for gazettal with the modifications, and
- c Note the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- i The amendment is consistent with the Shire of Ashburton Local Planning Strategy, and
 - ii The provisions of the amendment ensure that adequate consideration can be given to potential future land conflicts with nearby potentially sensitive land uses.
- d Request the Chief Executive Officer investigate an appropriate planning instrument, such as a Local Planning Policy, to will restrict the transportation and storage of exposed basic raw materials within Onslow Townsite and surrounds.

Council Decision 149/2021

Moved Cr D Diver

Second Cr R de pledge

That, with respect to final adoption of Amendment 33 to the Shire of Ashburton Local Planning Scheme No. 7 to rezone Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industrial’ zone, Council,

a Resolve, pursuant to section 75 of the *Planning and Development Act 2005*, adopt with modifications, the proposed Amendment 33 to Local planning Scheme No.7, to:

i Rezoning Lot 558 Beadon Creek Road from ‘Tourism’ to ‘Industry’, and

ii Incorporating additional ‘Clause 4.6 – Restricted Use’ which includes the following text:

4.6.1 – The table below sets out –

a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and

b) the conditions that apply to that restricted use.

Table - Restricted uses for land in Scheme area No. Description of land Restricted use Conditions

No.	Description of Land	Restricted Use	Conditions
1	Lot 558 Beadon Creek Road, Onslow	<p>All use classes in the Zoning table for this site are 'X' except as follows:</p> <p>D use class</p> <ul style="list-style-type: none"> ▪ Transport Depot <p>Transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —</p> <ul style="list-style-type: none"> (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another. 	<p>7. Any proposed use or development of the site for a Storage Facility / Depot / Laydown Area must not adversely affect the amenity of the adjoining property, Lot 100 on Deposited Plan 403216, by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, wastewater, or other waste products.</p> <p>8. Access to the site shall not be permitted for Restricted Access Vehicles</p> <p>9. Activities associated with the extraction of basic raw materials including storage, loading and transportation are not permitted to be undertaken on the site.</p>

4.6.2. Despite anything contained in the zoning table, land that is specified in the Table to subclause 4.6.1 may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use,

- b** Directs the Chief Executive Officer to forward the Amendment No.33 documentation, together with the schedule of submissions, to the Western Australian Planning Commission with a request the Minister for Planning endorse it for gazettal with the modifications, and
- c** Note the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
 - i** The amendment is consistent with the Shire of Ashburton Local Planning Strategy, and
 - ii** The provisions of the amendment ensure that adequate consideration can be given to potential future land conflicts with nearby potentially sensitive land uses.
- d** Request the Chief Executive Officer investigate an appropriate planning instrument, such as a Local Planning Policy, to will restrict the transportation and storage of exposed basic raw materials within Onslow Townsite and surrounds.

Reason for change

Council requested a Local Planning Policy to be considered in relation to exposed basic raw materials.

Carried 5/0

14.2 DAP Application – DAP-21-02051 - DA 21-58 Rocklea Palms Transient Workforce Accommodation Expansion

File reference	ASH.0061; ROC.0603; YOU.0605; MCR.623
Author's name	B McKay
Author's position	Manager Town Planning
Author's interest	Nil
Authorising officer's name	A Majid
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Taylor Burrell Barnett on behalf on Hamersley Iron (a subsidiary company of Rio Tinto)
Date report written	2 September 2021
Previous meeting reference	Not applicable

Summary

The Shire has received a Development Assessment Panel (DAP) Application for Development Approval from Taylor Burrell Barnett on behalf of the landowners, Hamersley Iron, for the construction of 262 Transient Workforce Accommodation units and supporting facilities on Lot 61 on Deposited Plan 215305, Lot 603 on Plan 15080, Lot 605 on Diagram 80075, and Lot 623 on Plan 14726.

The application is required to be submitted to the Regional Joint Development Assessment Panel (JDAP) for assessment and determination. As part of the process the Responsible Authority Report is required to be undertaken by the Shire of Ashburton.

This item is presented to Council for noting, due to the ongoing focus on matters relating to Transient Workforce Accommodation development throughout the Shire.

Background

The initial Rocklea Palms Transient Workforce Accommodation (TWA) Expansion proposal was presented to the Council by Rio Tinto on Tuesday 20 April 2021.

Lot 61 Rocklea Road currently has existing development for the operation of Rocklea Palms Transient Workforce Accommodation (TWA), including 562 accommodation

units spread across nine (9) x double storey accommodation blocks and a group of single storey units. In addition, there are also several supporting services and buildings, including an Administration Centre and Mess, Function Centre, Gym, Recreation room, demountable buildings for storage, shower blocks, laundries, transit lounges, other outbuildings, and a swimming pool. Currently there are 150 car parking bays on Lot 61 with extensive landscaped areas. This does not include the McRae Avenue commercial component of Lot 61 on DP 215035.

Attachment 14.2A

Lot 61 has been subject to the following development approvals:

27 August 2021 (DA 21-66) Amendment - Condition 3 of DA 20-49 to extend the approval for temporary transportable buildings to 31 April 2022

The Shire granted under delegated approval the extension of time for the operational use of two (2) temporary demountable buildings utilised as part of the dining hall, to ensure compliance with the required COVID -19 social distancing measures are being met.

28 October 2020 (DA 20-44) Freestanding Barbecue Facilities

The Shire of Ashburton (the Shire) approved a freestanding barbecue (BBQ) area between the recreation lounge and mess including a new external door to the area from the recreation lounge on 28 October 2020.

22 October 2020 (DA 20-49) Temporary Transportable Buildings for Additional Dining Capacity

On 22 October 2020, the Shire approved temporary transportable buildings to provide additional dining capacity to the north of the dry mess to allow for State Government social distancing regulations for the COVID-19 pandemic to be complied with while maintaining the required operational dining capacity for Rocklea Palms. The approval followed from DA 20-20 but with buildings that would meet the engineering requirements for structures to be rated to resist high winds appropriate for the cyclone season (November – April). The approval was amended to extend the approval to 31 October 2021 to continue compliance with the COVID-19 regulations. The structures have been constructed and remain on site.

2 June 2020 (DA 20-20): Temporary Marquee & Gazebos Additions for Additional Dining Capacity

In response to the COVID-19 pandemic, the Shire approved temporary marquee and gazebo additions to the north of the existing dry mess to allow for government regulated 'social distancing' of workers to occur whilst maintaining the necessary

operational capacity. Approval was granted by the Shire on 2 June 2020 for a temporary period until 30 September 2020. The approval was amended to extend the approval to 31 October 2020 to continue compliance with the COVID-19 regulations. The structures were constructed and removed at the end of October due to approval DA 20-49.

31 March 2020 (DA 20-07): Transient Workforce Accommodation Additional Transit Facilities

On 31 March 2020, the Shire for the construction of two additional shower blocks, the replacement of an existing poor condition shower block, new footpaths, and an additional locker block granted approval. The approval was granted for upgrades to facilities only and did not propose an increase in the number of beds. The project is currently underway.

24 July 2018 (DA18-25): Renovation of Existing Workforce Accommodation Building

Approval was granted on 24 July 2018 for the renovation of existing accommodation block E to reconfigure the accommodation blocks to create access from an external balcony/verandah to provide single, ensuite rooms. The renovation of this building has been completed in accordance with the approval.

15 December 2017 (DA17-55): Renovation of existing workforce accommodation buildings and increase of units at Rocklea Palms.

The Shire granted approval for renovations to accommodation buildings (Blocks A, D & H) to remove internally accessed rooms, shared ablution facilities and internal stairs and corridors and replace them with single, ensuite rooms accessed from new balconies and external stairs, or new verandas. This resulted in an additional 108 rooms. The renovation of these buildings has been completed in accordance with the approval. The renovation of the buildings approved under DA17-55 and DA18-25 addressed key fire safety risks that existed in the original buildings due to a central corridor design which may have compromised resident safety in the event of a fire evacuation.

20 November 2015 (DA15-69): Transient Workforce Accommodation addition – gymnasium, recreation area and ablutions at Rocklea Palms.

The Shire granted approval for a new gym, recreation, and ablution buildings on 20 November 2015 (Shire reference DA15-96). These demountable buildings will be replaced by the proposed transit facility/recreation centre/gym as proposed in this development application to the west of the existing mess.

7 May 2013 (20130046 P) Crib Room and Car Parking Addition

The Shire granted approval for a crib room and attached verandah at the leased area of Lot 61A and 61B McRae Avenue.

30 April 2013 (20120767) Proposal Extension of Office and Laydown Area

An application was received by the Shire for an extension of the site office and laydown area of leased area (D) on Lot 61. The application was cancelled on 30 April 2013.

11 November 2012 (20120671) Gas Storage Enclosure

An application was received by the Shire for the construction of a gas storage area within leased area (D) on Lot 61.

26 September 2012 (DAP 12/01030) (Shire ref: 20120582): 244 accommodation units, gym, transit facility, mess hall expansion & car parking at Rocklea Palms.

Approval was granted by the Pilbara Joint Development Assessment Panel for 244 accommodation units, a gymnasium, transit facility, mess hall expansion and car parking. The application proposed accommodation buildings located over the western portion of Lot 61, generally in an east-west configuration. This development was not constructed.

14 May 2012 (20110146 P): Eight, two storey Transient Workforce Accommodation buildings comprised of 244 accommodation units and associated works at Rocklea Palms.

The Shire granted approval to the demolition of 24 units (Block A) and construction of 8x two storey Transient Workforce Accommodation buildings (comprising 244 new accommodation units in addition to the 411 existing units) and associated works and the demolition of an existing two-storey accommodation block (Block 'A' consisting of 24 units) at Rocklea Palms. In addition, the approval included 89 parking bays. A Concept Plan for the overall development of the site was also prepared and accompanied this application, with the intention that it be adopted as a Local Planning Policy to guide future development. This approval did not proceed to construction and LPP did not progress to approval.

17 April 2012 (20110824 P) Directional Sign (double sided)

The Shire granted approval for a double sided 2.6m x 2.26m on the corner of Rocklea Road and McRae Avenue, to identify businesses within the McRae Avenue commercial area.

15 November 2011 (20110643 P) Office Use

The Shire approved a change of use from a shop use to an office use with extension at Lot 61 along McRae Avenue.

23 August 2011 (20110164 P): Communal transit lounge, gymnasium, and ablution.

The Shire granted approval for a new gym and transit facility at Rocklea Palms southeast of the mess. This development was not undertaken and has since lapsed.

30 November 2010 (20101613 P) Storage Shed Verandah and Ablution Block Verandah

The Shire granted approval for development in lease area 629 A, 629 B and 630 of Lot 61, for verandahs on an existing office building and ablution block.

5 October 2010 (20101539 P) Workshop, Storage Shed, Gym, Office/Crib room

The Shire granted approval for development in lease area 629 C and 629 1 of Lot 61, for a new workshop, storage shed, gym, office/crib room. The development was constructed.

21 June 2010 (20101247 P) Ablution Facility, Garden Storage Shed and Office

The Shire granted approval for a storage shed with verandahs, ablution block and offices within leased area 629 B and 629 C on Lot 61.

21 April 2010 - Transient Workforce Accommodation

Approval was granted for the fourteen (14) 6 bed permanent buildings for use as Transient Workforce Accommodation (total of 84 beds). Discretion was sought by the Shire to vary the required parking provisions; it was supported by the Shire in this application.

20 September 2005 - Modification and Alteration to Existing Workers Accommodation at Rocklea Palms

The Shire approved the internal repartition and refurbishment of Block B at Rocklea Palms. The internal works resulted in the total number of available beds from 20 to 55. The external works included additional external walkways, balconies, and re-roofing.

10 December 2004 – Proposed Temporary Transient Workforce Accommodation

The Shire granted temporary approval for five (5) transportable buildings (capable of accommodating 20 persons) for short term workers accommodation on Lot 61, in relation to works on Paraburdoo mine site.

21 September 2004 - Modification and Alteration to Existing Workers Accommodation at Rocklea Palms

The Shire approved the internal repartition and refurbishment of Block C, Block F and Block G at Rocklea Palms. The internal works resulted in the total number of available beds from 115 to 168. The external works included additional external walkways, balconies, and re-roofing.

Lot 603 was previously used for single persons accommodation with 20 accommodation units and 8 car parking bays available, however, while the buildings currently remain on site the rooms are closed and are awaiting demolition as they are uninhabitable.

Lot 605 is currently vacant, and Lot 623 is vacant other than a parking area used by Rio Tinto and Sodexo staff visiting their administration building on McRae Avenue.

Lot 603 Rocklea Road and Lot 605 You Yi Lane and Lot 623 McRae Avenue have not been subject to any previous development approvals.

Comment

In accordance with regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*, an assessment of the application against the relevant planning and development legislation has been undertaken and is to be provided to the Regional Joint Development Assessment Panel.

Attachment 14.2B

The following matters were identified as key considerations for the determination of this application:

State Planning Policy 7.0 (SPP 7.0) – Design of the Built Environment

SPP 7.0 provides a means of defining design principles that establish a definition of 'good design' that can inform design and decision-making processes of the built environment. An assessment of the Design Statement provided with the application is provided below:

Design Principle	Comments
<p>1. Context And Character</p>	<p>The proposed design of the Rocklea Palms expansion has sought to incorporate the existing street setbacks, building heights and landscaping, where possible.</p> <p>The proposal seeks to maintain the wide view corridors of landscaping along Rocklea Road as the Paraburdoo entry road by having large setbacks to the proposed accommodation blocks.</p> <p>The Schedule of Materials and Finishes includes high quality façade design and treatment, with the building scale like the existing structures. The proposed development will integrate into the existing pattern of development.</p> <p>Additional street trees to Rocklea Road and Ashburton Avenue are being provided at the request of the Shire of Ashburton.</p>
<p>2. Landscape Quality</p>	<p>The proposed expansion at Rocklea Palms has prioritised the retention of mature trees where possible and has incorporated landscaping throughout the development.</p> <p>The landscaping proposed seeks to complement and interact with the built form, tie into the existing landscaping, and provide a high level of visual amenity both from the street and within the site. Visual permeability through the site is to be retained, by virtue of no proposed fencing across the site.</p>
<p>3. Built Form and Scale</p>	<p>The design, bulk and scale of the proposed new accommodation blocks and supporting facilities are similar in massing, height, and orientation of the existing development to ensure a cohesive development outcome.</p> <p>The proposed accommodation blocks are orientated east-west to present a smaller bulk to the Rocklea Road streetscape and to reduce heating loading of the building mass.</p>
<p>4. Functionality And Build Quality</p>	<p>The design layout and materials of the Rocklea Palms expansion involves considerations that account for the harsh climate conditions in Paraburdoo, ensuring that the built form is low maintenance and are resilient over time.</p>

<p>5. Sustainability</p>	<p>The proposed development has been designed to respond to local climate and site conditions by providing optimal orientation of accommodation rooms and allowing shading to accommodation blocks with wrap around verandahs. The increased depth of the wrap around verandahs ensures that the heat loading of the building mass is reduced.</p> <p>The accommodation buildings are designed with high quality materials and in a manner that promotes longevity of the building with little ongoing maintenance to the structures and façades.</p> <p>Transportation to and from the site is predominantly facilitated through bus transit, with shuttles being provided to nearby mine sites as well as to and from the Paraburdoo Airport. The proposed development seeks to facilitate bus/coach parking facilities and a reduction of off-streetcar parking provisions, given the reduced demand. Providing a reduction in hardstand areas and increased percentage of landscaping.</p>
<p>6. Amenity</p>	<p>The proposed accommodation rooms at Rocklea Palms provide a high level of amenity and are substantial in size.</p> <p>Communal spaces such as the Transit Facility/Recreation Centre/Gym and expanded Mess have been developed to provide a higher level of amenity to the residents and visitors. They are designed to address Rocklea Road and Ashburton Avenue.</p> <p>The rooms are designed with ensuites and have internal lockable cupboards that allow returning residents to store personal items safely and securely in their rooms, as well as the external lockers for larger bags and items.</p> <p>The existing high-speed Wi-Fi at Rocklea Palms will be installed in the proposed development for residents' personal use for a range of communication and recreational needs.</p>
<p>7. Legibility</p>	<p>The footpath network and Rocklea Road pedestrian crossing have been designed to allow ease of access between accommodation rooms and site facilities and to allow ease of movement into and out of the site.</p>

	<p>The reduced number of vehicle crossovers also seeks to support greater legibility of site access points.</p> <p>The visual permeability of the site and wayfinding within the site are to be maintained. The legibility of the access into and around the development has been considered as part of the proposed Rocklea Palms expansion.</p>
8. Safety	<p>Passive surveillance of communal areas and the public realm is proposed to be provided through the visually permeable design of the development.</p> <p>On site lighting is proposed to be directed into the site, ensuring movement networks are well-lit and that clearly defined access points are evident, providing a secure environment for residents without impacting adjoining properties.</p>
9. Community	<p>The proposal includes an increased number of facilities available for residents within the proposed expansion of Rocklea Palms. Including the alfresco dining areas, barbeque areas, gymnasium, and recreation facilities with sympathetic landscaping. The facilities provide opportunities for social interaction for residents of Rocklea Palms, supporting interactions that provide an increased sense of community.</p> <p>The public and Paraburdoo residents will benefit from the upgraded mess facilities, as by virtue of an increased capacity and a substantially improved appearance, including an alfresco dining area that is not available in the current facility.</p>
10. Aesthetics	<p>The design of the Rocklea Palms expansion is proposing a well-designed built form that presents attractively to the street surrounded by landscaping integrating the built form and natural elements of design.</p> <p>The proposed buildings utilise high quality materials with significant design and architectural features such as articulating building design, projections and use of a colour palette that is complimentary to the natural colour palette of neutral tones whilst utilising feature deep red components to tie in with the red Pilbara ground.</p>

	<p>The Pilbara architectural style and climatic design principles have been incorporated through the incorporation of breezeways, extended rooflines and verandah whilst remaining in keeping with the existing character by maintaining proportional to the height and mass of existing buildings.</p>
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Shire of Ashburton Local Planning Strategy

Under the Shire of Ashburton's Local Planning Strategy endorsed by the WAPC on 22 June 2021, the subject site is identified as an Investigation Area for Transient Workforce Accommodation & Short Stay Accommodation.

The Strategy recognises that mining operations play a large role across the Shire and generate economic and employment benefits. The Strategy supports the fundamental position of the 'WAPC's Position Statement – Workforce Accommodation' that, wherever possible, workforce accommodation should be in established towns where they are able to both contribute to and benefit from local social and economic opportunities.

The proposed expansion of Rocklea Palms responds to the vision of the Strategy for workforce accommodation, by ensuring more workers are near Paraburdoo and allowing them to access town amenities and services whilst providing a level of amenity within the site to ensure existing services and facilities within Paraburdoo aren't overwhelmed.

Shire of Ashburton Local Planning Scheme No. 7 (LPS7)

Land Use Permissibility

The subject sites are zoned 'Residential R50', 'Commercial and Civic' and reserved for 'Public Purpose - Civic Purposes'.

In accordance with Table 4 of LPS7 the land use is defined as follows:

Transient Workforce Accommodation dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas.

The use is identified as a ‘D’ use in the Residential zone, meaning that they are not permitted unless the Local Government has exercised its discretion by granting development approval.

In terms of development within a reserved area, Part 3.2.2 of LPS7 applies and identifies that any application for planning approval made in respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve. Lot 623 McRae Avenue is reserved for ‘Public Purposes – Civic Purposes’, the site is currently utilised for off street parking provisions.

Local Planning Policy 13 – Transient Workforce Accommodation (LPP13)

Local Planning Policy 13 (LPP 13) establishes guidelines for the proposed development of Transient Workforce Accommodation camps within the Shire of Ashburton. The proposed development of Transient Workforce Accommodation on the proposed sites would fall under ‘Type A’ camps, as it is located within or in proximity to existing urban or resident populations.

LPP13 Requirement	Comments
<i>Impact on Community</i>	<p>The expansion of the Rocklea Palms TWA will consolidate existing Paraburdoo workforce accommodation by moving residents currently housed at the Paraburdoo Caravan Park, to more permanent, higher quality accommodation that is located closer to facilities and the amenities of Paraburdoo.</p> <p>The development is designed to ensure workers can still utilise facilities such as the Paraburdoo Sports, Fitness and Community Complex for recreation.</p> <p>The proposal to provide additional gym facilities as part of this application is a response to ensure during peak periods impacted by workforce shift times that the town residents are not negatively impacted by the lack of access and capacity at the Shire recreational facility.</p> <p>Based on the nature of the proposed development and facilities proposed, it is not perceived that the proposal will place additional demand on physical and community infrastructure. Further detail of the impact of the proposed development on the Paraburdoo community is contained in the assessment of LPP20.</p>

***Design
Requirements &
Building Materials
of Structures***

The proposed new accommodation blocks, transit facility/gym, dining room expansion and laundry blocks are proposed to be constructed in accordance with the Building Code of Australia and Health Act.

No reflective cladding materials are proposed to be used on the structures. The colour scheme and materials are proposed to integrate with the existing development on site as per the architectural plans. No second-hand materials are proposed.

Accommodation units have been designed to provide space for a bed, wardrobe, desk, television, and bar fridge. All proposed accommodation units have access to an ensuite with a shower, toilet, and basin. All accommodation units have access to both natural and artificial light; power points and air-conditioning.

***Landscaping &
Aesthetics***

All accommodation units, ancillary buildings and car parking areas are setback in accordance with the primary controls for R50 development as per the requirements of LPS7. Additionally, larger minimum setbacks of 14m are proposed to Rocklea Road, Ashburton Avenue and McRae Avenue to respect the concepts previously developed between Rio Tinto and the Shire of Ashburton for Rocklea Palms. The larger setbacks to key streets ensure development does not dominate the streetscape and provide open view corridors through the site.

The submitted landscape plan focuses on the retention of existing landscaping and includes extensive new landscaping around all new accommodation blocks, the new transit facility, and the expanded mess to build upon an already high level of onsite landscaping that produces an exceptional streetscape outcome.

Fencing

No fencing is proposed throughout the site to maintain the existing open nature and view corridors of Rocklea Palms. The lack of fencing ensures the development remains visually permeable and integrates with the town rather than providing a visual and physical separation, especially given the key location of the development in Paraburdoo.

<i>Advertising of Applications</i>	<p>It was identified and discussed that given the following points the application was not required to be advertised:</p> <ul style="list-style-type: none">• The long-standing operation of Rocklea Palms as a TWA; and,• The ongoing identification and conversation about the project with key town stakeholders; and,• A perceived minimal impact on residents based on the location of the development within town.
<i>Location of Camps</i>	<p>The location of the proposed development includes:</p> <ul style="list-style-type: none">• Lot 61 Rocklea Road, which is already approved and operating as TWA.• Lot 603 and Lot 605 Rocklea Road, which are zoned for residential development in which TWA is a 'D' use and can be approved by Council exercising discretion.• Lot 623 McRae Avenue is located close to Lot 61 to allow for HV parking in an area that is not visible from the main entry into Paraburdoo, and which will ensure a more efficient transport network around town reducing any potential for impact to residents. <p>The proposed development is located away from the existing single house dwellings and does not adversely impact the residential use or detract from any scenic views. Furthermore, the location of the development and proposed expansion are identified as providing permanent structures that seek to maintain the streetscape along Rocklea Road and Ashburton Avenue.</p>
<i>Density of Development</i>	<p>Rocklea Palms is a Type A (under LPP13), located within the urban and resident population of Paraburdoo, zoned for residential purposes.</p> <p>The existing camp already exceeds 200 accommodation rooms on Lot 61. However, given the total site area of all the sites (excluding Lot 623), the density including the proposed expansion remains below 100 persons per hectare. The 262 proposed new accommodation rooms, in addition to the existing</p>

	562 room will result in a total 824 accommodation rooms across 9.35 hectares.
Water Supply	It is identified that the development will be connected to the existing townsite utilities.
Storm Water Drainage	The development will be connected to the existing townsite stormwater drainage and swales.
Effluent Disposal & Toilet Facilities	<p>The development will be connected into the existing townsite effluent disposal system utilised by Rocklea Palms.</p> <p>Ablution facilities are provided within all common areas including the dining room and transit facility/gym.</p>
Laundry Facilities	Laundry facilities are proposed to a ratio of 1 washer and dryer per 8 persons. The machines are connected to hot and cold water and the laundry blocks include two troughs with running water. Artificial light is supplied for all laundry blocks, which are air conditioned. External clotheslines within a screened yard are provided at each laundry.
Rubbish Disposal	The development will continue to utilise the town tip with a centralised village rubbish collection as per the existing Waste Management Plan for Rocklea Palms. Bins will be provided in all common areas.
Lighting	New lighting is proposed to development areas and car parks to ensure safety for movement around the camp. Lighting is designed to be directed into the site to minimise light spill.
Emergency Services, Fire, First Aid	<p>It is proposed that the camp operator will update their emergency management procedure to accommodate the additional buildings and works in the required emergency plans. First aid facilities will continue to be available on site.</p> <p>The camp will continue to utilise the town emergency services. An assessment of the impacts and capacity to accommodate any potential increase in demand from the expansion has been undertaken as part of the SIA.</p>

It was identified that as demand already fluctuates and FIFO workers currently do not make significant demands on emergency services, the current capacity is adequate.

Parking Provisions

The proposed car parking as part of the development will be provided at a ratio of 0.28 car parking bays per 1 accommodation unit. The proposed provision of off-street parking spaces is lower than the required ratio, as per Appendix 8 of LPS7 (2 bays / 3 sleeping units plus 1 oversize bay / 10 sleeping units).

The Applicant has provided a Transport Impact Statement (TIS) as part of the application, to support the request to vary the parking provisions. The TIS identifies that given that most worker movements are conducted via shuttle bus services with a reduced usage of light vehicles trips.

The proposed ration of 0.28 bays per 1 accommodation unit is aligned with the existing parking ratio provided on site. The proposed provision of off streetcar parking is deemed to be appropriate given the utilisation of bus shuttles to transport workers to and from site, as well as the Paraboradoo Airport.

The proposal also seeks to provide oversized vehicle parking on Lot 623, with the inclusion of pick up and set down areas as identified on the site plans with existing and new bus stops along Rocklea Road. The oversize parking provisions located on Lot 623 ensure that the concerns about oversized vehicle movement and storage are located away from accommodation rooms and away from highly public view corridors.

Internal Road Standards

The internal roads from Ashburton Avenue to Rocklea Road are greater than 4m in width, allowing deliveries to move through the site in a one-way system of vehicle movement.

Road Frontage Standards

No new crossovers are proposed to Rocklea Road or Ashburton Avenue and minimal additional light vehicle movements are expected due to the use of bus transport for workers.

	<p>The proposed crossovers to Lot 623 are to facilitate the movement of oversize vehicles (coaches and rigid trucks). Construction of the crossovers are to be built to the Shire’s standard; the inclusion of conditions will ensure compliance.</p>
Signage	<p>Compliant signage is already provided for the site and will be added to as part of new development.</p>
Public Transportation Provisions	<p>No public transportation is proposed as part of the development.</p> <p>Currently, workers of Rocklea Palms are primarily transported to and from the mine sites and airport by a shuttle bus system which will continue for the new development.</p>
Recreation & Community Facilities	<p>The usage of the Paraburdoo Community Hub by TWA workers will continue. The intent of the proposed new Rocklea gym is to assist with managing the peak simultaneous loads in early morning and early evening around the shift patterns that are common across both TWA and residential workers.</p> <p>The proposed additional amenities within the camp will replace the current small and disjointed gym, transit lounge, shower facilities with an improved facility that will have greater amenity and street appeal as well as provide increased choice for workers and reduce the impact of peak loads on town facilities for residents of Paraburdoo.</p> <p>RTIO have advised that they will continue to support memberships to the Paraburdoo Gym located at the Paraburdoo Community Hub.</p>
Liquor Licensing	<p>No on-site facilities providing liquor are proposed as part of the Rocklea Palms TWA expansion. The mess is advised to remain a ‘dry mess’.</p>
Catering & Meal Areas	<p>The expanded dining room/kitchen will continue to remain compliant with the Health Act.</p>
Telephones	<p>The proposed development includes the provision of high-speed wireless internet to be provided within the additional accommodation buildings and mobile reception is available across the camp. It is not</p>

	perceived as necessary to provide public phones for the camp.
<i>Review of Development</i>	The camp manager of the site will continue to operate the additional facilities in accordance with Shire requirements.
<i>Removal of Structures and Rehabilitation of Site</i>	The proposed development is for permanent structures and as such, no removal and rehabilitation plans exist or are proposed for this development proposal.
<i>Keeping of Pets</i>	No pets are permitted within the camp.

It is identified that the proposed development is in accordance with the requirements and provisions of LPP13 and has implemented a range of measures to increase the amenity provided to the occupants within the Rocklea Palms TWA and surrounding residents within Paraburdoo.

Local Planning Policy 20 – Social Impact Assessment (LPP20)

LPP20 serves to provide guidance to the Applicant, Agencies, and the Shire in consideration of both positive and negative social impacts in relation to proposed new development and extensions to existing developments. The application of LPP20 is triggered by a major project or development proposal and in accordance with the Shire’s policy, due to the scale of the proposed development, the Shire requested that a social impact assessment (SIA) shall be completed and form part of the proposal.

As part of the application DAP12/01030 for the Rocklea Palms TWA village, the proponent prepared a SIA which was ultimately approved by the Shire and JDAP. Though this SIA relates more directly to the TWA facilities on Lot 61 and associated impacts of this development, the positive and negative impacts of the development are comparable to the proposed development, the subject of this application.

In support of this development, the applicant has provided a Socio-Economic Impact Assessment (SIA). The SIA identifies potential impacts and opportunities that may occur because of the construction of the proposed development, and subsequent mitigation measures to manage these potential impacts within the Shire.

LPP20 Requirement	Comments
<i>Economic Impact</i>	<p>The SIA identifies that approximately 50-60 construction jobs will be directly created because of the proposed development.</p> <p>The proposed development seeks to provide Rocklea Palms with sufficient operational TWA to provide accommodation for the future Western Range mine development (pending approval), which is the aligned to the future of the Paraburdoo townsite.</p> <p>It is identified that the proposed TWA expansion will provide opportunities for some local and regional businesses to provide goods and services for construction of the expansion which would lead to increased revenue and business growth for those engaged. This would include potential opportunities for Pilbara Aboriginal businesses.</p> <p>It is noted that while the construction workforce will mainly be FIFO, the procurement of local and regional goods and services to support construction works would indirectly generate employment opportunities for residents of Paraburdoo and the region at the local businesses.</p>
<i>Social Impact</i>	<p>The SIA identifies that the expansion of Rocklea Palms has the potential to expand the membership base of local sport and recreation facilities and clubs in Paraburdoo because of an increased FIFO workforce located in town. The increase in demand was noted to likely be minor and is not predicted to create demand beyond the capacity of these facilities.</p> <p>In addition, it is recognised that also additional volunteering resources to support local sporting and community organisations, will exist because of an increased FIFO workforce.</p> <p>The SIA also identified that the facilities required to support additional accommodation units at Rocklea Palms including laundries, eating facilities and recreation space, provided within the proposed development and to assist the existing facilities and will not cause a requirement for additional community facilities.</p>

The proposed removal of the portable TWA structures at the Paraburdoo Caravan Park will also provide a greater quality of life, through improved accommodation quality and amenity, than that afforded to the Rocklea Palms residents and workers previously accommodated in the mobile trailers.

Transport Impact

A Transport Impact Statement has been prepared in support of this application.

It is identified that there are likely to be limited impact on the local transport network because of the construction and ongoing shuttle services based on previous construction and operational work undertaken at Rocklea Palms and transit to and from mine sites for work.

It is noted that the proposal seeks to vary the required off street parking provisions at a reduced car parking ratio of 0.28 bays per 1 accommodation unit. The proposed reduction is supported by the Applicant accommodating the movement of workers to and from the site through shuttle services

The proposal also seeks the Shire's discretion in reducing the provision of oversized vehicle bays. The development seeks to locate the oversize vehicle bays (8 x Rigid Truck Bays and 6 x Coach Bays) on Lot 623 McRae to reduce noise impacts and visual amenity, when viewed from Rocklea Road.

No new crossovers are proposed to Rocklea Road or Ashburton Avenue. The proposed crossovers to Lot 623 are to facilitate large vehicle movement onto the site. The crossovers will be designed to ensure pedestrian networks are given priority.

The proposed development seeks to increase the footpath network across all lots and will link into the existing network and connect all accommodation blocks to laundries, the transit facility, the dining room, and car parks. The total footpath network ensures that walkability and permeability of the site by pedestrians is maintained.

Ecological Impact

The location of the new buildings within the Rocklea Palms TWA site area have considered the mature, existing trees on site and have been located to ensure tree retention within the development.

The proposed development is appropriately designed in response to the local climate and site conditions by providing optimal orientation of accommodation rooms and allowing shading to accommodation blocks to reduce unnecessary heat loading.

As noted within the SIA, RTIO and Camp Manager (Sodexo) seek to continue operating in a manner where bus transit is the key transportation method for work transit and Paraburdoo Airport shuttles. The reduction in vehicles trip generation and emissions is further supported by the increased landscaped area because of reduced off street parking provisions. As noted earlier in the report, the reduced car parking ratio is supported by the increase in shuttle bus transits and reduced demand for utilisation of light vehicles on the site.

It is advised that all the existing waste management programs implemented in partnership with Sodexo at Rocklea Palms will be incorporated into the proposed development. Furthermore, a Construction Environmental Management (CEMP) will be developed prior to construction, which will include measures to partially mitigate the impacts of noise, vibration, dust, and odours.

It is also acknowledged that RTIO has a corporate sustainability program that addresses issues such as waste management, renewable energy, and climate change actions for its Pilbara operations. However, they are not specifically able to be considered as part of this application. As they pertain to areas outside the scope of the development.

Cultural Impact

There is no expected impact on 'sense of place' with the expansion of Rocklea Palms, as the existing long-term use of the site is for Transient Workforce Accommodation.

The Rocklea Palms expansion has sought, where possible to retain as much landscaping on site as possible to the

maintain the wide view corridors and desired streetscape along Rocklea Road (the entry statement to Paraburadoo).

With high quality façade design and treatment and building scale like the existing structures, the proposed development will integrate into the existing pattern of development. The incorporation of the Pilbara architectural style using breezeways, extended rooflines, and verandah, is in keeping with the existing character by maintaining proportional to the height and mass of existing buildings.

The expanded Rocklea Palms mess will continue to be open to the local community for meals, including the continuation of themed dinner nights.

The SIA outlines opportunities to minimise impacts and maximise opportunities. It is expected that the Applicant will work with the Shire to implement recommendations and commitments under the SIA.

Council has delegated the function of providing this Responsible Authority Report to the Presiding member of DAP, in accordance with Regulation 12 *Planning and Development (Development Assessment) Panels Regulation 2011*, to the Chief Executive Officer and Subdelegates.

Because of the scale of the development, it is appropriate Council review the report and provide comment, if deemed appropriate to do so. Any comments resolved as part of this Council item will be forwarded through as a component of the DAP process.

Consultation

Development Control Unit
Director of People and Place
Manager Town Planning

Statutory environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development (Development Assessment Panel) Regulations 2011 – regulation 12

12. Responsible authority must report to DAP

- (1) *For the purposes of this regulation, a development application that is forwarded by a local government to the Commission in accordance with a region planning scheme is taken to have been made to the Commission.*
- (2) *A responsible authority to which a DAP application is made must give the presiding member of the DAP that will determine the application a report on the application in a form approved by the Director General.*
- (3) *The report must be given —*
 - (a) *if the DAP application is made to the Commission or is not required to be advertised under a local planning scheme or local interim development order — within 48 days after the date on which the application was accepted for assessment;*
or
 - (b) *if —*
 - (1) *the DAP application is required to be advertised under a local planning scheme or local interim development order; and*
 - (2) *the scheme or order provides that the application is deemed to be refused if it is not determined within a period of 90 days or more after the application was accepted for assessment, within the period that ends 12 days before the day on which the application would be deemed to be refused; or*
 - (c) *otherwise — within 78 days after the date on which the application was accepted for assessment.*
- (4A) *In calculating the period within which the report on a DAP application must be given under sub regulation (3), an excluded day or period is not to be counted.*
- (4B) *For the purposes of sub regulation (4A), an excluded day or period is a day or period that, under the planning instrument under which the DAP application is made, is not to be counted in determining when the application must be determined.*

- (4) *Despite sub regulation (3), the presiding member of the DAP may, by notice in writing given to the responsible authority and with the consent of the applicant, extend the period within which the report on a DAP application must be given.*
- (5) *The report must provide sufficient information to enable the DAP to determine the DAP application, including —*
- (a) a recommendation as to how the application should be determined; and*
 - (b) copies of any advice received by the responsible authority from any other statutory or public authority consulted by the responsible authority in respect of the application; and*
 - (c) any other information that the responsible authority considers is relevant to determining the application.*
- (6) *A DAP that receives a report under sub regulation (2) must have regard to, but is not bound to give effect to, the recommendation included in the report.*
- (7) *If a DAP is not given a report on a DAP application in accordance with this regulation, the DAP may determine the DAP application in the absence of the report.*

Pursuant to the Regulations, the local government must provide a report to the Development Assessment Panel (r.12).

Financial implications

There are no known financial implications for this matter.

Strategic implications

Nothing contained within Shire of Ashburton Strategic Community Plan 2017-2027 'Living Life' (2019 Desktop Review) is relevant to this report.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation	Possible (3)	Minor (2)	Moderate (6)	Substantiated, localised impact on community trust or low media item	Adopt the Officers Recommendation

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Moderate” because the proposed item before Council and the reputation risk associated.

Policy implications

Local Planning Policy 13 - Transient Workforce Accommodation and Local Planning Policy 20 – Social Impact Assessment apply to the proposed development and have been considered as part of the assessment of the application.

Voting requirement

Simple majority

Councillor interest declarations

Cr L Rumble	-	Financial
Cr M Gallanagh	-	Financial
Cr D Diver	-	Indirect Financial
Cr D Dias	-	Financial

Officer recommendation

That with respect to DAP-21-02051 - Rocklea Palms Transient Workforce Accommodation Expansion, Council,

- a Receive the Development Plans and Report as included at Attachment 14.2A, and
- b Receive the Responsible Authority Report as included at Attachment 14.2B.

Council Decision

The quorum required for the meeting to continue, and consider this item, could not be met (as per Section 5.19 of the Local Government Act 1995). Council proceeded to the next item of business.

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

Nil

17 New Business of an Urgent Nature Introduced by Council Decision

Nil

18 Confidential matters

Council Decision **150/2021**

Moved **Cr R de Pledge**

Second **Cr D Diver**

That Council, at 1:20pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following confidential items behind closed doors –

18.1 Property Purchase – Onslow Men’s Shed

18.2 Review of Lease – Portion of Lot 9001 McAullay Road, Onslow

18.3 Property Purchase – Onslow

18.4 Private Treaty – Commercial Lease, Onslow

18.5 Chief Executive Officer Leave Approved and Appointment of Acting Chief Executive Officer

Carried 5/0

18.1 Property Purchase – Onslow Men’s Shed

File reference	ONS.0681
Author’s name	R Wright
Author’s position	Manager Land and Asset Compliance
Author’s interest	Nil
Authorising officer’s name	K Donohoe
Authorising officer’s position	Chief Executive Officer
Authorising officer’s interest	Nil
Name of applicant / respondent	Not applicable
Date report written	7 September 2021
Previous meeting reference	Not applicable

Summary

The Onslow Men’s Shed currently leases its premises at 1 Back Beach Rd, Onslow, and the owner of the property has recently advised it requires the premises to be vacated.

The purpose of this agenda item is to outline a solution regarding the future housing of the Onslow Men’s Shed.

Council is requested to consider the purchase of property suitable to house the Onslow Men’s Shed.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with –

“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.”

Council Decision 151/2021

Moved Cr L Rumble

Second Cr D Diver

That with respect to Property Purchase – Onslow Men’s Shed, Council, authorises the Chief Executive Officer to liaise with Chevron Australia Pty Ltd and State Government to develop a Project Implementation Plan for the acquisition of property for the Onslow Men’s Shed as identified in the “Offer, as defined” section of this report and, subject to the successful application of a Project Implementation Plan, Council,

- a Amends the 2021-2022 Annual Budget, as per the “Offer, as defined”,**
- b Authorises the Chief Executive Officer to negotiate commercial terms for the purchase of property, and to submit an offer to purchase, up to the value as identified in the “Offer, as defined”,**
- c Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the property purchase outlined within this Report, in accordance with all laws of Western Australia,**
- d Authorises the Chief Executive Officer to prepare a ten (10) year lease agreement between Onslow Men’s Shed and the Shire of Ashburton in accordance with *Local Government (Administration) Regulations 1996* Regulation 30 and Council Policy *REC05 - Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land)*, and**
- e Requests, should the Chief Executive Officer be unsuccessful with the approval for the Project Implementation Plan or the purchase of the property within the “Offer, as defined”, the Chief Executive Officer to provide a report to council identifying another site for the establishment of an Onslow Men’s Shed.**

Carried 5/0

18.2 Review of Lease – Portion of Lot 9001 McAullay Road, Onslow

File reference	ONS.0016
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	3 September 2021
Previous meeting reference	Agenda Item 17.1 (Minute No. 329/2018) – Ordinary Meeting of Council 6 March 2018 Agenda Item 13.8 (Minute No. 707/2019) – Ordinary Meeting of Council 19 November 2019

Summary

Council has leased a portion of Lot 9001 McAullay Road, Onslow to a third party through a leasing process.

Shire officers note the lessee has not complied with all the terms and conditions associated with the lease agreement.

Council is requested to consider the default provisions of the lease, subject to conditions and impositions.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with –

“legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

Council Decision 152/2021

Moved Cr D Diver

Second Cr L Rumble

That, with respect to Lot 9001 McAullay Road, Onslow, and that portion of land as leased to the proponent who is the subject of this Report, Council:

- a Terminates the Lease outlined in this report in accordance with Special Condition 10.7.3, as contained within Confidential Attachment 18.2C, and**
- b Authorises the Chief Executive Officer to negotiate with proponents to determine a new lease agreement with appropriate commercial terms and present this to Council for consideration.**

Carried 5/0

18.3 Property Purchase – Onslow

File reference	PE06
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	27 August 2021
Previous meeting reference	Agenda Item 18.2 – Ordinary Council Meeting – 17 August 2021

Summary

Council has previously identified the need to increase property holdings to house Shire employees and key workers.

An opportunity has presented itself for the purchase of a suitable property in Onslow.

Council authorised the Chief Executive Officer, at the August 2021 Ordinary Council Meeting, to make an offer to the owner of the suitably identified property. The owner has provided a counteroffer over and above Council's approved amount.

Council is requested to consider a further increase to the offer, subject to conditions and impositions.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with –

“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.”

Council Decision 153/2021

Moved Cr L Rumble

Second Cr R de Pledge

That with respect to Property Purchase – Onslow, Council:

- a Authorises the Chief Executive Officer to negotiate commercial conditions, the purchase price, and submit an offer up to the “Offer, as defined” section of this Report, for the property, which is the subject to this Report, and**

- b Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the land purchase outlined within this report, in accordance with all laws of Western Australia.**

Carried 5/0

18.4 Private Treaty – Commercial Lease, Onslow

File reference	ONS.0016
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Confidential
Date report written	3 September 2021
Previous meeting reference	Not applicable

Summary

The Shire has submitted a draft subdivision plan for the industrial subdivision of Lot 9500 Onslow Road (Onslow Airport), and Shire officers are seeking proponents to activate the subdivision in anticipation of its approval, with initial efforts proving positive.

A private investor has expressed an interest to develop a commercial service and retail enterprise on Council's airport site.

Council is requested to support an "in-principle" agreement to progress this proposed investment.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with –

"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", and

"a matter that if disclosed, would reveal information that has a commercial value to a person."

Council Decision 154/2021

Moved Cr D Diver

Second Cr R de Pledge

That with respect to the Private T – Commercial Lease, Onslow (as outlined in this Report), Council,

- a Supports, in principle, the Agreement for Lease and Ground Lease between the Shire of Ashburton and the Proponent outlined in this Report for Lot 3 (portion of Lot 9005) Onslow Road, Onslow shown, as included at Confidential Attachment 18.4A,**

- b Authorises,**
 - i The Chief Executive Officer (or nominee) to negotiate the commercial terms of the Agreement for Lease and the Ground Lease between the Shire of Ashburton and the Proponent,**
 - ii The publication of a local public notice of the intention to dispose of Lot 3 in accordance with Section 3.58 of the *Local Government Act 1995*,**

- c Requests the Chief Executive Officer to,**
 - i consider any public submissions noting Elected Members will be provided with a briefing by Administration in relation to the responses (if any) to the local public notice period,**
 - ii execute the Development Application and Building Application to enable the commercial development at Lot 3,**
 - iii execute all documentation and comply with all applicable legislation as is required, and**

- d Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Ashburton to the Agreement for Lease and the Ground Lease and any other associated documents.**

Carried 5/0

1:41pm N Cain declared a financial interest in the matter and left the meeting.

18.5 Chief Executive Officer Leave Approval and Appointment of Acting Chief Executive Officer

File reference	PE1870
Author's name	A Heraty
Author's position	Manager Human Resources
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Nil
Date report written	16 September 2021
Previous meeting reference	Nil

Summary

In accordance with Council Policy, Council is to authorise annual leave to be taken by the Chief Executive Officer.

The purpose of this item is to inform Council of proposed leave to be taken by the Chief Executive Officer and to appoint an Acting Chief Executive Officer during this time.

Council is requested to authorise annual leave for the Chief Executive Officer from Friday 1 October 2021 to Sunday 24 October 2021, inclusive, and to appoint the Director Corporate Services (N Cain) to the position of Acting Chief Executive Officer for this period.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with –

“a matter affecting an employee or employees.”

Council Decision 155/2021

Moved Cr D Diver

Second Cr de Pledge

That with respect to Chief Executive Officer Leave Approval and Appointment of Acting Chief Executive Officer, Council,

- a In accordance with Council's employment contract with the Chief Executive Officer and Council Policy EMP41 (CEO leave authorisations and other approvals) authorise annual leave for the Chief Executive Officer (K Donohoe) between Friday 1 October to Sunday 24 October 2021, inclusive,**
- b In accordance with Council policy ELM24 (Appointment of Acting Chief Executive Officer) appoints the Director Corporate Services (N Cain) as Acting Chief Executive Officer; and**
- c In accordance with Section 5.36 of the Local Government Act 1995 agrees to remunerate 80% of the salary and regional allowances, and entitled associated superannuation, as currently paid to the Chief Executive Officer to the Acting Chief Executive Officer noting the position will be expected to perform the majority of, although not all, tasks currently assigned to the Chief Executive Officer, with no other additional rights or benefits.**

Carried 5/0

1:43pm N Cain returned to the meeting.

Council Decision 156/2021

Moved Cr D Dias

Second Cr L Rumble

That Council, at 1:44pm, move out from behind closed doors.

Carried 5/0

K Donohoe, on behalf of the Presiding Member, read aloud the Council Decisions made behind closed doors.

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 19 October 2021 at Clem Thompson Sports Pavilion – Stadium Road, Tom Price.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:49pm.

Attachments (not for inclusion with Agenda print)

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Attachment 9.1B	11
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