



SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL
MINUTES

Council Chambers
Community Recreation Centre
TOM PRICE

5 October 2011

SHIRE OF ASHBURTON
SPECIAL COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Special Meeting of the Council of the Shire of Ashburton will be held on 5 October 2011 at Council Chambers, Community Recreation Centre, Tom Price commencing at 7:30.pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Acting Shire President declared the meeting open at 7.28 pm.

2. ANNOUNCEMENT OF VISITORS

The Deputy Shire President welcomed Ian Yull from Chevron and Gerard Treacy from Department of State Development to the public gallery.

3. ATTENDANCE

3.1 PRESENT

Cr L Rumble	Acting Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward (Via Phone)
Cr L Shields	Tom Price Ward (Via Phone)
Cr T Bloem	Tom Price Ward
Cr D Wright	Pannawonica Ward (Via Phone)
Mr J Breen	Chief Executive Officer
Ms A O'Halloran	Executive Manager, Western Operations (Via Phone)
Ms D Wilkes	Executive Manager, Community Development (Via Phone)
Mr G Brayford	Executive Manager, Engineering Services
Mrs L Hannagan	A/Executive Manager, Corporate Services
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Assistant CEO

3.2 APOLOGIES

Cr L Corker	Ashburton Ward
Cr K White	Onslow Ward
Mr F Ludovico	Executive Manager, Corporate Services

3.3 APPROVED LEAVE OF ABSENCE

There were no Leave of Absences for this meeting.

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

There were no questions from the public for this meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

No Leave of Absences were received.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

There were no petitions presented to Council.

6.2 DEPUTATIONS

There were no deputations presented to Council.

6.3 PRESENTATIONS

Ian Yull, Government Approval, Wheatstone Project from Chevron Australia Pty Ltd made a representation in respect to Agenda Item 9.1.

Gerard Treacy, A/Senior Landing Planning Project Officer, State Initiatives Department of State Development made a representation in respect to Agenda Item 9.1.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There were no announcements by the presiding person without discussion.

8. DECLARATION BY MEMBERS

Councillors Rumble, Dias, Bloem, Shields, Thomas and Wright have given due consideration to all matters contained in the Agenda presently before the meeting.

8.1 DECLARATION OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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

9. BUSINESS

9.1 DRAFT ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA STRUCTURE PLAN AND DRAFT AMENDMENT NO. 10 TO PLANNING SCHEME NO. 7 (CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL)

MINUTE: 1

FILE REFERENCE: PS.TP.7.10

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

NAME OF APPLICANT/RESPONDENT: Chevron Australia P/L

DATE REPORT WRITTEN: 28 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.07.55 Ordinary Meeting of Council 20 July 2011
Agenda Item 16.06.36 Ordinary Meeting of Council 15 June 2011
Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011
Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011
Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010
Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008
Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009
Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009
Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009
Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010
Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

Summary

Council, at its 15 December 2010 meeting formally approved the initiation of draft Amendment No. 10 to the Shire's Town Planning Scheme No. 7 (and consideration of the associated draft Structure Plan), which will facilitate the development of an industrial hydrocarbon precinct, to be known as the Ashburton North Strategic Industrial Area (ANSIA) in a location south west of the town of Onslow.

While Council was satisfied with the broad, strategic direction of the proposed amendment, it was of the opinion that a number of matters relating to the proposal required further consideration by both the amendment proponent (Chevron Australia P/L) and other parties. For this reason, Council identified a number of issues to be addressed and for the outcomes reported back to Council, prior to the draft amendment and structure plan being publically advertised. These modifications were undertaken and at the Council meeting of July 2011, Council adopted draft ANSIA Structure Plan and draft Amendment No. 10 for advertising (42 days), which was undertaken in association with draft Amendment No. 11.

Advertising concluded on 19 September 2011 and submissions have been received as follows:

Draft ANSIA Structure Plan (22 submissions)

<i>State Agency/State Corporation submissions</i>	<i>Non-State Agency/State Corporation</i>
5 submissions seeking modifications	11 submissions seek modification/raise issues
4 submissions of no comment or no modification	1 submission of objection
1 late submission (no modification)	

Draft Amendment No. 10 (22 submissions)

<i>State Agency/State Corporation submissions</i>	<i>Non-State Agency/State Corporation</i>
9 submissions of no objection/no modification	10 submissions of no objection/no modification
1 submission seeking modification	1 submission of objection
1 late submission (no modification)	

With respect to Hooley Creek, the Department of State Development (DSD) has undertaken a community consultation process that resulted in DSD receiving 55 submissions from the community indicating individuals' views on Hooley Creek and preferred similar alternative coastal access points. DSD advise that it has collated and considered the submissions and is pursuing discussions with BHP Billiton and others in regard to the legal provision of access to another similar coastal access point. Similarly, 7 of the 9 'private' submissions received by the Shire in relation to the draft ANSIA Structure Plan and Amendment 10 raised the issue of access to Hooley Creek.

Condition 8 of the draft ANSIA Structure Plan requires that prior to the approval of a Development Plan(s), DSD will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. This requirement is addressed in this Report where it is recommended that the condition be strengthened by ensuring that no planning approval issue where community access to Hooley Creek is restricted, unless an alternative is available.

The Report addresses other necessary modifications to the draft ANSIA Structure Plan including indicative planning buffers to the ANSIA, mosquito hazard and traffic implications in addition to addressing the submissions lodged to both the draft ANSIA Structure Plan and draft Amendment No. 10. There is also a need to clarify the particular land holdings subject of the Amendment No. 10.

After considering the submissions and reviewing both the draft ANSIA Structure Plan and draft Amendment No. 10, it is recommended that Council adopt:

1. 'ANSIA Structure Plan' for final approval in accordance with modifications as provided for in this Report, Schedules and with the provisions of the Scheme and request the Western Australian Planning Commission (WAPC) to endorse the 'draft ANSIA Structure Plan' as the basis for approval of subdivision applications within the areas covered by the plan.
2. Amendment No.10 for final approval in accordance with modifications as provided for in this Report and Schedules and refer the Amendment to the WAPC with a request for the approval of the Hon. Minister for Planning.

Background

Council, at its 15 December 2010 meeting considered a Report (Agenda item 13.12.74) in relation to a proposed amendment (Amendment No. 10) to the Shire's Local Planning Scheme No. 7 ('Scheme') and associated planning matters. The purpose of the amendment is to facilitate the development of an industrial hydro-carbon precinct in an area identified as the Ashburton North Strategic Industrial Area (ANSIA), located to the south west of the town of Onslow. In addition, the Amendment defines the ANSIA access road and an area for transient workforce accommodation (for construction workforce only).

ATTACHMENT 9.1A

The ANSIA covers an area of approximately 8000 hectares and represents a possible hydro-carbon gas hub of both state and national significance. More specifically, the location is being considered by Chevron Australia P/L (Chevron) as the possible site for its Wheatstone Liquid Natural Gas (LNG) project and by the Exxon-Mobil/BHP-Billiton consortium for its Scarborough LNG project.

It is also proposed that that additional land be developed for use by, as yet to be identified, hydro carbon related or other 'strategic' industries. The whole of the ANSIA will be serviced by a common port facility, managed by the Dampier Port Authority and by a Multi User Access and Infrastructure Corridor (MUAIC), which will consist of a shared transport and infrastructure corridor.

Council has granted development approval for the first development within the ANSIA, being BHP-Billiton's proposed Macedon Domestic Gas Plant, which will commence construction soon. This project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow. It was however able to be assessed within the framework of the current planning scheme, as it presently exists. Council placed conditions on the planning approvals to address the potential negative outcomes from the development. Planning for the proposed ANSIA is complex with a range of major issues requiring consideration. If the benefits of individual developments are to be optimized, then this needs to be assessed against the possible adverse impacts on other development within the precinct as well as surrounding areas, including Onslow.

In order to address these issues, Council proposed Amendment No. 9 to the Scheme in 2009 with the specific purpose of establishing the necessary guidelines and requirements to be addressed before supporting development within the ANSIA. A major requirement identified by Council in the amendment is for a structure plan to be prepared and adopted by the Council and the WAPC to guide the integration of all development in the ANSIA and for all development to adhere to this plan. Council initiated Amendment No. 9 in December 2009 and by the time Council considered the planning issues relating to the ANSIA at its

December 2010 meeting, the amendment had progressed to the point that it was awaiting ministerial approval and final gazettal.

Amendment No.9 was approved by the Minister for Planning and finally Gazetted on 21 December 2010 making the planning requirements on establishing the ANSIA a statutory planning obligation on the Council, Shire, State Government and any proponent.

Responsibility for preparing the ANSIA structure plan, which will ensure integration of individual projects with others within the ANSIA and also with surrounding areas, particularly the town of Onslow, has fallen to Chevron in its capacity as the proponent of the Wheatstone LNG project.

The company is required to prepare a scheme amendment to rezone the land to be occupied by the Wheatstone LNG project, transient workforce accommodation site, as well as the common use areas (i.e. the proposed port and infrastructure/transport corridors). A modification to the scheme text is required that limits transient workforce accommodation within the ANSIA to a construction workforce only.

Chevron has addressed these town planning requirements through the draft ANSIA Structure Plan and draft Amendment No.10. The 15 December 2010 Report to Council was the result of the proponent progressing the draft structure plan and draft Scheme Amendment to a point where the company was of the opinion that the documents were suitable to commence the formal process which would end in the Shire's Planning Scheme being amended to incorporate the provisions of Amendment No.10. To this end, Chevron, at the December 2010 Council meeting, requested Council to formally initiate the change to the planning scheme.

Council initiated draft Amendment No.10 to the Scheme (and consideration of the associated draft Structure Plan) and while Council was satisfied with the broad, strategic direction of the proposed amendment, it was of the opinion that a number of matters relating to the proposal, required further consideration by both the amendment proponent (Chevron Australia P/L) and other parties. For this reason Council identified several issues to be addressed and the outcomes reported back to Council, prior to the draft structure plan and amendment being advertised.

The various outstanding matters took some time to resolve, largely due to the ongoing negotiations between the Shire, Chevron Australia P/L and the State on social and hard infrastructure for the community of Onslow.

Prior to advertising draft ANSIA Structure Plan and draft Amendment No. 10, the Shire, Chevron and the State agreed on a package of social and hard infrastructure for the community of Onslow. The 'Wheatstone Project Funding Contribution to Social Infrastructure' has been aired in the *Ashburton North Strategic Industrial Area Social Impact Statement* – Part 2 (Table 5.1 on page 24) and is attachment to this Report.

ATTACHMENT 9.1B

Comment

The purpose of this Report is to place before Council the submissions received from advertising along with recommendations to determine the draft ANSIA Structure Plan and draft Amendment No. 10 for final approval.

The advertising of draft ANSIA Structure Plan and draft Amendment No. 10 has been carried out in accordance with the planning regulations. It is noted that the advertising of draft

ANSIA Structure Plan exceeded the notification requirements of the Scheme. Advertising concluded on 19 September 2011 and submissions have been received as follows:

Draft ANSIA Structure Plan (22 submissions)

<i>State Agency/State Corporation submissions</i>	<i>Non- State Agency/State Corporation submissions</i>
5 submissions seeking modifications	11 submissions seek modification/raise issues
4 submissions of no comment or no modification	1 submission of objection
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Draft Amendment No. 10 (22 submissions)

<i>State Agency/State Corporation submissions</i>	<i>Non- State Agency/State Corporation submissions</i>
9 submissions of no objection/no modification	10 submissions of no objection /no modification
1 submission seeking modification	1 submission of objection
1 late submission (no modification)	

The submissions are addressed in the attached Schedules.

**ATTACHMENT 9.1C
ATTACHMENT 9.1D**

The submissions received for both the draft ANSIA Structure Plan and draft Amendment No. 10 were generally comprehensive and has guided to the Shire with respect to modifications to both planning documents. Modifications directly associated with the draft ANSIA Structure Plan and draft Amendment No. 10 are provide for in the respective Schedules. However, other matters have arisen that require consideration of Council that may result in further modifications. These are discussed as follows.

Draft ANSIA Structure Plan

Hooleys Creek

With respect to Hooleys Creek, Amendment No.9 states:

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

Clause 9 (p) of Amendment No. 9 states that the following shall be taken into account when preparing the Structure Plan for the ANSIA:

"p) Should Hooley's Creek be unavailable for the community to freely access, suitable alternative access arrangements providing unlimited community access to the coast shall be determined."

When Amendment No. 9 was adopted for final approval by the Council on the 16 October 2010, Council included the following provision:

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

The Chief Executive Officer wrote to the company and Agencies however this public forum did not occur as originally proposed because of the delay in the lodgement and consideration of the draft Structure Plan. As agreed with the Shire, the forum was, in effect, held during the community consultation process at Onslow in August. If we look back to 15 December 2010, Council also resolved:

- "6. *That following response from the EPA in accordance with Part 2 above and response from agencies in accordance with Part 5, the Chief Executive Officer in preparing a further Report to Council on the matter be requested to address (but not be limited to) the following:*
- c) *clarification on the impacts of the proposed port and Wheatstone proposal on unrestricted access to Hooleys Creek;"*

As the lead State Agency for the ANSIA, the Department of State Development (DSD) has sought to address the requirements of Clause 9 (p) of Amendment 9 by undertaking the community consultation process in Onslow. This resulted in DSD receiving 55 submissions from the community indicating individuals' views on Hooley Creek and preferred similar alternative coastal access points. DSD advise that it has collated and considered the submissions and is pursuing discussions with BHP Billiton and others in regard to the legal provision of access to another similar coastal access point. Similarly, 7 of the 9 'private' submissions received by the Shire raised the issue of access to Hooley Creek. DSD has advised the Shire as to the outcomes of their consultation and moves to determine "...unlimited community access to the coast."

ATTACHMENT 9.1E

It is clear from the DSD advice that opportunity to achieve alternate location and associated access to Hooley Creek will continue to have some statutory and negotiation barriers before it is resolved. However, although the Shire does not doubt DSD's commitment to ensuring alternate access is made available to the community, it is necessary to ensure that community access to Hooley Creek is not lost or restricted until the alternate arrangements are established.

Condition 8 of the draft ANSIA Structure Plan requires that prior to the approval of a Development Plan(s), DSD will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. In this regard, DSD has commenced the process to achieve compliance with the requirements of the Draft Structure Plan.

It is considered appropriate to strengthen Condition 8 by ensuring that no planning approval issue until such access is provided. The recommended changes are shown as **underlined/bold** typeface below.

Recommendation 1. - That Condition 8 of the ANSIA Structure Plan be modified to read as follows:

“Condition 8 Alternatives to Hooley Creek

*Prior to the issue of **any Planning Approval that, as a result such approval limits community access to Hooleys Creek and/or** approval of a Development Plan(s), the Department of State Development will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. Such evidence shall demonstrate consultation with the community regarding coastal access during the advertising of the ANSIA Structure Plan.”*

Mosquito hazard

The Shire’s Health Services section has advised that the proposed development area is in a region that experiences significant problems from mosquito born diseases such as Arboencephalitis and Kunzin and Ross River Virus.

To ensure the safety of those associated with the development and operation of the ANSIA, it is necessary for the proponent to prepare a management plan associated with the hazard of mosquitoes. This should be undertaken as part of a development plan and the approval appropriately conditioned.

Recommendation 2. - That new Condition 26 as follows be included in the ANSIA Structure Plan:

“Condition 26 Mosquito hazard

Development Plans/Planning Applications shall be accompanied by a Mosquito Hazard Management Plan demonstrating methods and means to manage mosquito breeding areas and mosquitoes on the site to the satisfaction of the Shire.”

Traffic Impact

Traffic generated by development within the ANSIA has significant potential to impact on the surrounding public road network.

Preliminary investigations established that traffic activity during periods of major construction activity will be much greater than when ANSIA projects reach their operational phase. When regard is given to the fact that the Wheatstone LNG plant, alone, will have a construction life of six years, it is clear that traffic impacts need to be assessed in the context of construction traffic impacts, not operational traffic impacts.

It is in this context that Chevron, in September 2011, submitted a Report entitled “Traffic Impact Assessment (TIA) for the Wheatstone Project LNG plant (Arup, August 2011)”, in support of the scheme amendment and the proposed structure plan. This Report details the expected traffic generation characteristics of the Wheatstone LNG Plant construction process and the likely impact of this traffic when it is distributed onto the surrounding road network. Importantly, the Report also proposes road works and traffic management proposals which are considered necessary, if the public road network is to adequately accommodate the additional traffic.

A further written submission entitled “Wheatstone and Macedon Cumulative Construction Traffic Assessment” was received by the Shire in late September 2011.

The traffic generation data used as the basis for the technical assessment contained in the TIA is based on data provided by Chevron to its traffic engineering consultant. Obviously this is the most appropriate source of this data as the proponent has the best understanding of the construction process, timing etc.

It is noted, however, that the complex nature of constructing hydro carbon processing facilities means that there is no way the Shire can confirm the base traffic generation characteristics without retaining the services of a specialist consultant in this field.

In the case of Onslow Road extensive negotiations have taken place between Chevron and Main Roads Western Australia, in consultation with the Shire. As a result of these discussions all parties have agreed to a series of road upgrades, which will address the issues resulting from the additional traffic activity expected on that road.

These works include increasing the width of the seal on the road, as well as a series of intersection improvements, prior to construction commencing. This is to be followed by a major reconstruction of the road, subsequent to construction of the Wheatstone Project be completed.

Of particular concern is the projected traffic activity on Old Onslow Road and Twitchen Road and, to a lesser extent, Beadon Creek Road, at various times during the construction process.

Peak traffic activity on Old Onslow Road and Twitchen Road is projected to occur in the 15th month of construction when it is anticipated that there will be 385 round trip vehicle movements per day (i.e. 770 one way movements) on Old Onslow Road (fig 36, page 45 of TIA, Arup) This is significantly greater traffic activity than the increased traffic flows projected for Onslow Road. Furthermore 80% of the Old Onslow Rd traffic will be heavy vehicle movements, including 170 triple road trains (one-way) per day.

Obviously, this represents a very significant increase in traffic activity on a road which is of poor standard (both in terms of standard of construction and geometric design) and which, at present, carries little traffic other than casual tourist traffic and low traffic volumes generated by nearby pastoral activity.

It is clear that the level of traffic activity projected to use this section of Shire road represents a potentially major traffic safety risk. It is in this context that it is noted that the proposed remedial roadworks for Old Onslow Road (and Twitchen Road), as set in Table 8 (page 68) of the TIA, are:

- *Localised surface maintenance works (addressing rutting and pot holes) as required*
- *Undertake a regime of regular (preventative) maintenance*
- *Review the need for additional 'crest' signs to be installed*
- *Apply a variable maximum speed limit to unsealed roads used by construction vehicles based on a daily inspection of road condition This is primarily a safety measure, but will also suppress dust and wheel noise, while preserving the road surface*
- *Install 'trucks entering' warning signs on approaches to Twitchin Road.*

These proposed measures are considered to be both inadequate and impractical (e.g. significant legal liability may fall upon the Shire as a result of daily inspections of road conditions in order to modify speed limits)

In contrast to peak traffic activity on Old Onslow Road and Twitchen Road peak activity on Beadon Creek Road is expected to occur in the early months of development, mainly due to

the road being used for the transport of water from Beadon Creek. It is projected that this activity could generate up to 120 movements per day (one-way) by three axle trucks.

It is with these issues in mind that it is recommended that the Shire not permit use of its road system until Chevron has negotiated a local road management plan with the Shire, which is to the satisfaction of Council.

As was noted above, further traffic related information was provided to the Shire in late September, when Chevron submitted a Report entitled “Wheatstone and Macedon Cumulative Construction Traffic Assessment”. As the Report name implies, this Report details the traffic implications of BHP’s Macedon Domestic Gas Plant being constructed at the same time as the proposed Wheatstone LNG project. The Report specifically investigated the cumulative effect of traffic generated by the two projects on both Onslow Road and on Old Onslow Road/Twitchen Road.

The Report findings indicate that the peak traffic activity generated by the construction of the Macedon project will occur at a different time to Wheatstone peak. Obviously the Macedon project is significantly smaller than Wheatstone and as a result, the Wheatstone peak, which occurs after Macedon project is completed, remains the critical consideration. However, the issue of the impact on the road formation of both Old Onslow Road and Twitchen Road with such heavy and extensive loads along with the duration of the road usage will need to be carefully assessed by the Shire. Although not formally part of the matters currently before Council, it is likely that Shire may seek full construction of these roads and a pro-rata cost to Chevron and BHPB. This will be the subject of a further report to Council after negotiations with Chevron and BHPB have reached an appropriate stage.

Condition 13 of the draft ANSIA Structure Plan defines the road upgrading requirements. It is appropriate that this condition be strengthened to ensure that the Shire will not permit use of its road system until proponents have negotiated a local road management and maintenance plan with the Shire.

The recommended changes to Condition 13 are shown as **underlined/bold** typeface in Recommendation 3. The inclusion of the TIA for the Wheatstone Project LNG plant as a further Appendix of the adopted ANSIA Structure Plan is included as Recommendation 2.

Recommendation 3. - That Condition 13 of the ANSIA Structure Plan be modified to read as follows:

“Condition 13 Road Upgrades

Prior to the approval of a Development Plan(s) or consideration of a Planning Approval as referred to in Condition 5, the proponent will prepare a comprehensive traffic impact assessment, addressing the impacts on regional and local roads, particularly Onslow Road, Old Onslow Road and Twitchin Road including anticipated traffic volumes, vehicle size (i.e. large haulage/freight vehicles) and the timing of peak traffic and duration of traffic during both the construction and operational phase of the development. As part of any Planning Approval, the Shire will require the following to be provided prior to the commencement of any use or development that may lead to the use of large freight/haulage vehicles in the construction or operational phase or where excessive use of existing roads is required:

No development will be permitted to commence that will result in the use of the Shire controlled road system until proponents have negotiated a local road management and maintenance plan with the Shire.”

Recommendation 4. - That “Traffic Impact Assessment (TIA) for the Wheatstone Project LNG plant (Arup, August 2011)” as submitted by Chevron Australia be included as Appendix E- A to the adopted ANSIA Structure Plan.

Indicative Buffer Area Plan

The draft ANSIA Structure Plan seeks to address land use impacts outside of the ANSIA as an “Indicative Buffer Plan Area” (Section 6.7 and Figure 12 of the draft ANSIA Structure Plan.

ATTACHMENT 9.1F

However, unlike ‘buffer’ areas for some other strategic industrial areas within the State (e.g. Kemerton Strategic Industrial Area in the South West), land surrounding the ANSIA is under the ownership and control of the Government of Western Australia. The Kemerton Strategic Industrial Area for example, has numerous privately owned parcels and which have statutory planning controls that restrict and prohibit ‘sensitive’ land uses’ on private land. As land outside the ANSIA is owned by the State, any development will require the approval of the State (through various agencies).

It is appropriate that the adopted ANSIA Structure Plan be modified to remove reference to the ‘statutory’ buffer and for Section 6.7 along with other references in the ANSIA Structure Plan document and for it to be replaced with ‘Land Use Separation Plan’. In this regard, the modifications should be carried out by Chevron under the direction of the Shire and determined to the satisfaction of the Chief Executive Officer.

Recommendation 5. - That the Chief Executive Officer be requested to modify the ANSIA Structure Plan to remove all references to statutory ‘buffers’ and for the ANSIA Structure Plan document to be amended as necessary to refer to ‘Land Use Separation’ planning.

Appendix B - ANSIA Social Impact Statement

Appendix B of the draft ANSIA Structure Plan refers to the “ANSIA Social Impact Statement” and in particular, the ‘Wheatstone Project Funding Contribution to Social Infrastructure’ table (Part 2 - Table 5.1 on page 24 as attached to this Report). The Table states that with respect to the Onslow Airport Upgrade’ that the \$30M contribution is: “*Subject to no landing fees for the project during construction*”.

The Onslow Airport is owned by the Shire and landing fees are part of any commercial use of an airport. The Shire has not accepted this as a ‘condition’ of the ‘Social Infrastructure’. Accordingly, any reference in the Social Impact Statement (or any other part of the ANSIA Structure Plan) to Chevron or any other operator being exempt from landing fees must be removed.

Recommendation 6. - That the Chief Executive Officer be requested to ensure that any reference in the ANSIA Structure Plan to Chevron or any other operator exempting landing fees at Onslow Airport be removed in the adopted Structure Plan.

Draft Amendment No. 10

Land holdings subject of the Amendment No. 10

Since Amendment No. 10 was initiated by Council, the land description that forms Amendment No. 10 has been clarified as follows:

- Land to be rezoned from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve comprises Part Lot 152 and Part Lot 153 Onslow Road, Unallocated Crown Land Lot 238 and portion of Part Unallocated Crown Land Lots 302, 509, 510, 516, 524, 530, 535 and 536.
- Land to be rezoned from 'Rural' zone to 'Special Use' comprises Part Lot 152 Onslow Road and portion road 8400.

Recommendation 7. - That the land description comprising Amendment No. 10 be as follows:

- Rezoning portion of Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 301, 302, 510 and 524 and Lots 238, 509, 519, 530, 535 and 536 and portion of Road 8399 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve.
- Rezoning portion of Lot 152 Onslow Road and portion of Road 8400 from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.

Council options

With regards to dealing with finalising draft ANSIA Structure Plan and draft Amendment No. 10 there would appear to be three options for Council:

Option 1

Resolve not to adopt draft ANSIA Structure Plan and draft Amendment No. 10 for final approval on the basis of the potential severe negative impacts for the community of Onslow due to the consequent development of Wheatstone and the ANSIA, along with the lack of social and hard infrastructure for Onslow.

Implication of following Option 1

Draft Amendment No. 10 would still be referred to the Minister for Planning for decision, however should the draft ANSIA Structure Plan not be adopted, it is concluded that the provisions of the Scheme (as provided for in Amendment No. 9) would prevent the Minister from giving final approval. In relation to a decision not to adopt for final approval the draft ANSIA Structure Plan, it is likely that the proponent would have an appeal right to the State Administrative Tribunal who would have the power to adopt. Once adopted, the Minister for Planning could the adopt draft Amendment No. 10 for final approval.

OR

Option 2

Resolve to adopt draft ANSIA Structure Plan and draft Amendment No. 10 for final approval without modification and not accept any of the submissions.

Implication of following Option 2

This option would essentially not support any of the submissions lodged. The Minister would still be obliged to consider the submissions as part of his consideration of Amendment No. 10 and can direct Council to modify the amendment to reflect submissions.

Council can seek to adopt the draft ANSIA Structure Plan without modification however it is recommended that the draft does need alteration to be a robust and useful strategic document for Council. Given the extent of agency comment, it is unlikely that the WAPC would endorse the ANSIA Structure Plan without modification.

OR

Option 3

Resolve to adopt draft ANSIA Structure Plan and draft Amendment No. 10 for final approval reflecting the Schedules and recommendations as provided in this Report.

Implication of following Option 3

The Schedules and recommendations as provided in this Report have addressed the respective issues raised by all submitters and sought to ensure modifications based on a sound planning direction. In preparing the Schedules and Report, discussions with officers from DSD and the Department of Planning have taken place with a view to ensure a coordinated planning approach with the Shire and State Agencies with what is a very significant strategic planning program for the Shire and the State, with distinct importance for Onslow.

Conclusions

After considering the submissions and reviewing both the draft ANSIA Structure Plan and draft Amendment No. 10, it is recommended that Council adopt:

1. 'ANSIA Structure Plan' for final approval in accordance with modifications as provided for in this Report, Schedules (**ATTACHMENT 9.1C**) and with the provisions of the Scheme and request the Western Australian Planning Commission (WAPC) to endorse the 'draft ANSIA Structure Plan' as the basis for approval of subdivision applications within the areas covered by the plan.
2. Amendment No.10 for final approval in accordance with modifications as provided for in this Report and Schedules (**ATTACHMENT 9.1D**) and refer the Amendment to the WAPC with a request for the approval of the Hon. Minister for Planning.

Consultation

Chief Executive Officer
Executive Manager Western Operations
Executive Manager Engineering Services
Senior Strategic Advisor (Mr. Keith Pearson)
Principal Environmental Health Surveyor
Officers from the Department of State Development
Officers from the Department of Planning

The draft Amendment and draft ANSIA Structure Plan and draft Amendment No. 10 were advertised concurrently for 42 days. Advertising concluded on 19 September 2011. Advertising comprised:

- One notice in the Western Australian newspaper (the first day of advertising).
- Three notices in the Pilbara News (the first day of advertising).
- One notice in the Onslow Telegraph (the day advertising started).
- Two large real estate advertising sized signs on Onslow Road (the first day of advertising).
- Notice/letter drop to all owners and occupiers in Onslow (posted the first week of advertising).
- A3 notice in the Onslow and Tom Price Shire offices, with all Reports etc made available (immediately before the day advertising started).
- Notice on the Shire's Website, including links to all documentation (immediately before the day advertising started).
- Correspondence to be prepared and then sent to:
 - Buurabalayji Thanlanyji Association Inc
 - Forrest and Forrest Pty Ltd
 - Department of State Development
 - Department of Planning
 - LandCorp
 - Dampier Port Authority
 - Department of Environment and Conservation
 - Environment Protection Authority
 - Main Roads WA
 - Department of Water
 - Department of Mines and Petroleum
 - Department of Transport
 - Water Corporation
 - Horizon Power
 - Department of Indigenous Affairs
 - Department of Health
 - Chevron Australia Pty Ltd

In addition to the above, Chevron undertook an 'engagement' with the Onslow community which addressed draft ANSIA Structure Plan and draft Amendment No. 10. As noted in this Report, DSD undertook a community consultation process during advertising in relation to Hooley Creek.

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and planning regulations. The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the EPA after which public advertising of the proposal occurs.

After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the Western Australian Planning Commission.

Environmental Protection Act

Council will recall that the 15 December 2010 resolution associated with draft Amendment No. 10 and draft ANSIA Structure Plan required referral to the Environmental Protection Authority (EPA) to determine the level of environmental assessment under Part IV Division 3 of the *Environmental Protection Act* 1986. The EPA advised that the proposed scheme amendment should not be assessed under (EP Act) but nevertheless provided advice and recommendations.

“Given that the EPA is currently formally assessing the Wheatstone Proposal as an Environmental Review and Management Programme (ERMP), the EPA expects all environmental issues will be dealt with through that assessment and for any final planning approvals to await completion of the assessment and to be consistent with the outcomes of the assessment. The Wheatstone proposal is for gas processing, export facilities, and supporting infrastructure located at the proposed Ashburton North Strategic Industrial Area located 10 km south-west of Onslow. The land-based facilities of that proposal cover the areas which are the subject of this proposed scheme amendment.

Therefore the environmental impacts on the amendment area will be considered through the EPA's assessment of the Wheatstone proposal and addressed through any environmental approvals following from that assessment. Under the Section 41 of EP Act, decision-making authorities are not to make any decision that would allow the proposal to be implemented until the EPA's assessment of the proposal and the Minister for the Environment's decision making is complete. In this case, this means that the amendment should not be finalised until the assessment of the Wheatstone proposal is complete.

So while the amendment may proceed through the proper planning processes (including advertisement and public comment), it is expected that the Western Australian Planning Commission will not finalise the amendment until the assessment of the Wheatstone proposal is complete. Before the amendment is finalised it should be checked for possible inconsistencies with the outcomes of the EPA's assessment of the Wheatstone proposal and changes made to remove any inconsistencies.

During Environmental Impact Assessment, changes to the details of the proposal are sometimes made in order to address particular environmental issues. It would be worthwhile to conduct a final check at the conclusion of the EPA's assessment to ensure that any planning and environmental approvals are consistent.”

The comment from the EPA with respect to Section 41 of the EP Act limiting decision-making authorities decisions until the EPA's assessment of the proposal and the Minister for the Environment's decision making is complete, is noted. However, since that advice, the Minister for Environment has determined to issue conditional approval pursuant to *Section 41 of EP Act*. The Shire, WAPC and Minister for Planning are respectively now in a position to determine the draft ANSIA Structure Plan and draft Amendment No. 10.

Financial Implications

The Shire has calculated the fees charged for assessing the planning scheme amendment and structure plan fees in accordance with those set out in the Planning Regulations, in order to meet the administrative and other costs it incurs as a result of it processing the company's draft amendment and draft ASIA Structure Plan.

Through a re-calculation of Shire costs, it is likely that a further invoice will be sent to the proponent due to additional Shire costs due solely to considering the Amendment and

Structure Plan. In addition, the proponent has been directly responsible for the advertising costs which are separate to what the Shire has already charged.

Policy Implications

The adopted Structure Plan effectively provides the policy direction of the ANSIA for the Shire, community and proponents.

Strategic Implications

A new Strategic Industrial Area at Ashburton North will have significant impact upon the Shire and in particular, the strategic direction for Onslow.

The Shire supports the direction of the Federal and State governments. The Shire's Strategic Plan 2007-2011 (Incorporating Plan for the Future) seeks to:

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

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

“New Industry

Measures and Targets

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

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Bloem

That Council:

DRAFT ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA STRUCTURE PLAN

- 1. Adopts/endorse the 'Schedule of Submissions' (ATTACHMENT 9.1C) prepared in response to the advertising of the draft *Ashburton North Strategic Industrial Area Structure Plan*.**
- 2. Adopts/endorse the *Ashburton North Strategic Industrial Area Structure Plan* for final approval pursuant to the requirements of Clause 6.4, Appendix 7 and Appendix 11 of the Shire of Ashburton Local Planning Scheme ('Scheme') subject to the *Ashburton North Strategic Industrial Area Structure Plan* being modified in accordance with Recommendations 1-6 (inclusive) as provided for in the Report to Council and the recommended modifications as provided for in the 'Schedule of Submissions'.
(ATTACHMENT 9.1C)**
- 3. That the adopted/endorsed *Ashburton North Strategic Industrial Area Structure Plan* be referred to the Western Australian Planning Commission with a request for endorsement as a framework for the future land use and development of the Ashburton North Strategic Industrial Area.**

DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 10

4. Pursuant to Part V of the Planning and Development Act 2005, and having considered the submissions lodged during the advertising period, adopts Amendment No. 10 to the Ashburton Local Planning Scheme No. 7 ('Scheme') for final approval modified to reflect the correct land description as provided for in Recommendation 7 as provided for in the Report to Council and which proposes:
- a. Rezoning portion of Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 301, 302, 510 and 524 and Lots 238, 509, 519, 530, 535 and 536 and portion of Road 8399 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve.
 - b. Rezoning portion of Lot 152 Onslow Road and portion of Road No. 8400 from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.
 - c. Inserting into Schedule 2 the following:

No.	Description of Land	Special Use	Conditions
2.	Portion of Lot 152, Onslow Road and portion Road No. 8400.	Transient Workforce Accommodation	<p>1. Land use and development shall generally be in accordance with a Structure Plan and Development Plan approved by the local government and the Western Australian Planning Commission which addresses those matters defined in Clause 7.9 and Appendix 11 as it relates to the Ashburton North Strategic Industrial Area and specifically, provides details on the layout, staging, operational period of the use, accommodation of operational workforce, transport, access, landscaping, management and environmental issues associated with the development and the use of the land.</p> <p>2. All transient workforce accommodation shall be considered a 'D' use under the Scheme.</p> <p>3. Transient workforce accommodation shall only be used for accommodation of a workforce directly involved in the construction or</p>

				<p>maintenance of those uses and developments approved in writing by the local government.</p> <p>4. Transient workforce accommodation for operational purposes of any use or development is prohibited.</p> <p>5. The local government may require the preparation of a legal agreement in relation to the use and operation of the transient workforce accommodation and to ensure that only those persons involved in the construction or maintenance of those uses and developments approved in writing by the local government.</p>
<p>5. That the Council accept the Schedule of Late Submissions (ATTACHMENT 9.1D) prepared in response to the community consultation undertaken in relation to Amendment No. 10.</p> <p>6. That the Council endorses the Schedule of Submissions (ATTACHMENT 9.1D) prepared in response to the community consultation undertaken in relation to Amendment No. 10.</p> <p>7. That the Chief Executive Officer carryout the modifications to the Amendment Report in accordance with recommendations associated with the Schedule of Submissions. (ATTACHMENT 9.1D)</p> <p>8. That the Council refer draft Amendment 10 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.</p> <p>9. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.</p>				
<p>CARRIED BY ABSOLUTE MAJORITY 6/0</p>				

**9.2 DRAFT LOCAL PLANNING SCHEME DRAFT AMENDMENT NO. 11
(CONSIDERATION FOR ADOPTION FOR FINAL APPROVAL)**

MINUTE: 2

FILE REFERENCE: PS.TP.7.11

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

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

DATE REPORT WRITTEN: 26 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.07.55 Ordinary Meeting of Council 20 July 2011
Agenda Item 16.06.36 Ordinary Meeting of Council 15 June 2011
Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011
Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011
Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010
Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008
Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009
Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009
Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009
Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010
Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

Summary

The existing Onslow Strategic Industrial Area (SIA) is approximately 475 ha in area with a 3,000 metre buffer zone that limits other land uses. Located to the south-west of the existing Onslow townsite, the Onslow SIA is loosely bound by the existing Onslow Salt haul road and ponds/crystallisers, on some of the highest land available. Conservation and Recreation reserved areas are situated to the north and west, the Onslow Salt evaporation ponds to the west, and low-lying wetlands to the south. At the Council meeting of 16 June 2009 resolved (in part) to:

“(c) Support the rezoning of the existing Onslow Strategic Industrial Area to “Rural” pursuant to the Shires Town Planning Scheme No 7.”

A set of actions have been identified within draft Amendment No. 9 (gazetted on 21 December 2010) to protect the character and viability of Onslow. This has been reinforced in the Department of Planning’s *“Onslow Regional Hotspots Land Supply Update”* (2010) and the Shire’s *“Onslow Townsite Strategy”* (2010) both identified the likely rezoning of the existing Onslow SIA given development of the Ashburton North SIA.

Rezoning of the Onslow SIA to ‘Rural’ frees up the area to support growth and expansion of Onslow. At its 15 December 2010 meeting, Council initiated draft Amendment No. 11 to rezone the Onslow SIA to ‘Rural zone’ and to delete the Onslow Strategic Industrial Buffer Area.

At the Council meeting of July 2011, Council adopted draft Amendment No.11 for advertising (42 days) which was undertaken in association with the draft ANSIA Structure Plan and draft Amendment No. 10. Three (3) submissions of either no comment or no objection have been received during the advertising period.

After considering the submissions, it is recommended that Council adopt draft Amendment No.11 for final approval (without modification) and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

Background

The Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’) was Gazetted on 24 December 2004 and has not been reviewed. The Scheme introduced the ‘Strategic Industrial’ zone which has only been located within Onslow. As the following indicates, planning for a strategic industrial site predates the actual Gazettal of the Scheme.

The existing Onslow SIA is Lot 303 Onslow Road, Onslow and was originally identified through the (then) Department for Planning and Infrastructure’s 2003 *Onslow Structure Plan*. The current Onslow SIA is approximately 475 ha in area and allows for a 3000 m buffer zone that limits other land uses. Located to the south-west of the existing Onslow townsite, the Onslow SIA is loosely bound by the existing Onslow Salt haul road and ponds/crystallisers, on some of the highest land available. Conservation and Recreation reserved areas are situated to the north and west, the Onslow Salt evaporation ponds to the west, and low-lying wetlands to the south.

The area of the ‘Strategic Industrial’ zone is in two separate locations. The larger of the two zones has an area of approximately 400ha and is encompassed by a ‘buffer’ area that extends 3 km from the boundary of the zone. The buffer area effectively limits land uses in a manner not to impact any developments or operations in the zone. The second of the ‘Strategic Industrial’ zones has an area of approximately 50ha and is understood to be associated with the *Onslow Solar Salt Agreement Act 1992*. It is not the intention to seek to modify the Scheme in relation to this land. The two ‘Strategic Industrial’ zones have never been developed.

The *Onslow Structure Plan* (Final September 2003) notes that in July 1998, the (then) DRD commissioned a consultant to review industrial development potential in the Onslow area. The result was the report *Onslow - Potential Development Sites for Processing Industry and Offshore Support*. It contended that, due to the Onslow Solar Salt Project and the established and potential oil and gas industries in the Onslow area, there was potential for strategic industry such as a petrochemical plant or mineral resource processing. The report

also indicated potential for further port development for industry. This, in conjunction with offshore oil/gas activity and the local fishing industry might justify the development of a supply base/secure harbor at Onslow. The proposals in the report outlined several development options in and around the Onslow townsite, which included:

- a strategic industrial estate in the vicinity of 350ha (five site options);
- a marine facility - supply harbor (three options, including one at Beadon Point);
- a supply base land support area in the vicinity of 80ha; and
- additional port facilities.

Further research occurred in 1999, through the DRD commissioned *Review of Development Factors for Potential Onslow Industrial-Estate*. The DRD report identified a preferred site for strategic industry and support services, and outlined a number of development scenarios for various industries that could locate in the Onslow area in the long term. As a result of the then DRD assessment, the *Onslow Structure Plan* made provision for a strategic industry with an area of approximately 475ha which could potentially accommodate the following generic industries:

- petrochemical plant - 150ha;
- magnesium plant - 50ha;
- sodium cyanide plant - 80ha;
- ammonia urea plant - 50ha;
- gas to liquids plant - 50ha.

A nominal buffer zone of 3km was sought which allowed for noise and risk factors and can be refined as project details are developed, and environmental approvals sought. At the 16 December 2008 meeting of Council, Council resolved:

“That Council:

- 1. Lobby State Government to seek in principle agreement and endorsement of the North Ashburton Industrial Precinct.*
- 2. Request the State Government undertake the necessary fatal flaw studies and high level site analysis to better understand the feasibility of the North Ashburton Industrial Precinct.”*

This preceded an announcement on 19 December 2008 by the State Premier who announced that *“... a new Strategic Industrial Area would be created at Ashburton North, 11km south-west of Onslow. This would provide the opportunity to establish processing facilities for the commercialisation of recent and expected future gas discoveries.”*

The State Government has determined that the Ashburton North Strategic Industrial Area (ANSIA) has the ability to better support an industrial hub and the associated downstream industries than the existing Strategic Industrial Area in Onslow. The ANSIA will ultimately encompass an area of some 8,000ha. Between December 2009 and October 2010, Council actively pursued Amendment No. 9 to the Scheme which sought to establish the *‘Ashburton North Strategic Industrial Area’* reflecting the Premier’s statement and Council resolution of 16 December 2008. Amendment No. 9 was Gazetted on 21 December 2010 (now included as Appendix 11 in the Scheme) and which includes the following policy statement:

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

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

The *Onslow Townsite Strategy* also reflects the direction of Appendix 11 of the Scheme.

The Council has initiated an amendment to the Scheme (draft Amendment No. 10) that would result in the rezoning of the Wheatstone LNG site as well as the proposed common port facility site to “Strategic Industrial” in the Scheme.

Given the constraints placed by the location of the Onslow SIA to enable the townsite expansion, coupled with the provision of some 8,000 ha of strategic industrial land at Ashburton North, it is concluded that the SIA in Onslow is surplus to the town's industrial requirements. At its 15 December 2010 meeting, Council initiated draft Amendment No. 11 to rezone the Onslow SIA to ‘Rural zone’ and to delete the Onslow Strategic Industrial Buffer Area.

At the Council meeting of July 2011, Council adopted draft Amendment No.11 for advertising (42 days) which was undertaken in association with the draft ANSIA Structure Plan and draft Amendment No. 10.

Comment

The advertising of draft Amendment No. 11 was then carried out in accordance with the planning regulations. Three (3) submissions of either no comment or no objection were received during the advertising period. The submissions are addressed in the attached Schedule.

ATTACHMENT 9.2A
ATTACHMENT 9.2B

After considering the submissions, it is recommended that Council adopt draft Amendment No.11 for final approval (without modification) and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

Consultation

Chief Executive Officer
Executive Manager Western Operations

The draft Amendment was advertised in association with the draft ANSIA Structure Plan and draft Amendment No. 10 for 42 days. Advertising concluded on 19 September 2011. Advertising comprised:

- One notice in the Western Australian newspaper (first day of advertising).
- Three notices in the Pilbara News (first day of advertising).
- A3 notice in the Onslow and Tom Price Shire offices, with all Reports etc made available (immediately before the day advertising started).
- Notice on the Shire's Website, including links to all documentation (immediately before the day advertising started).
- Correspondence sent to the following:
 - Buurabalayji Thanlanyji Association Inc
 - Department of State Development
 - Department for Planning

- LandCorp
- Department of Transport
- Heritage Council
- Department of Health.

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and planning regulations. The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the EPA after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the Western Australian Planning Commission.

Environmental Protection Act

Council will recall that the 15th December 2010 resolution associated with draft Amendment No. 11 required referral to the Environmental Protection Authority (EPA) to determine the level of environmental assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

The EPA has advised that the proposed scheme amendment should not be assessed under (EP Act).

Policy Implications

The rezoning reflects the policy direction associated with the Onslow Townsite Strategy and Appendix 11 of the Scheme and as provided for in the draft ANSIA Structure Plan.

Financial Implications

The Shire is the proponent of the draft Amendment and therefore will absorb the costs associated with the Amendment. However, as it was undertaken in concert with Amendment No 10, this enabled the sharing of advertising costs. The rezoning as proposed would limit the amount of rates that could be pursued on the land if the Onslow SIA was ever developed. However, the ability to rate the ANSIA will be greater than the Onslow SIA. Importantly, removal of the 3km buffer may allow other development to occur that would otherwise be prohibited.

Strategic Implications

The modifications to the Scheme as sought will assist in achieving the focus as stated in the Shire's Strategic Plan 2007-2011:

“Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire.”

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr Bloem

SECONDED: Cr Shields

That Council:

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period: –
 - i. Adopt for final approval, draft Amendment No. 11 to Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") without modification by:
 - "a. Rezoning Part Location 303, Onslow Road, Onslow from 'Strategic Industrial zone to 'Rural' zone.*
 - b. Modifying the Scheme Maps accordingly.*
 - c. Modifying Clause 7.1 of the Scheme to delete reference to 'Onslow Strategic Industrial Buffer' and for Clause 7.1 to read as follows:*
 - "7.1 Operation of Special Control Areas*
 - 7.1.1 The following special control areas are shown on the Scheme map:*
 - (a) Tidal Inundation Areas*
 - (b) Onslow Coastal Hazard Area*
 - (c) Onslow Airport Height Restrictions Area*
 - (d) Cane River Water Reserve Area*
 - (e) Turee Creek, Mt Lionel and Mt Stevenson Borefields*
 - (f) Wittenoom*
 - (g) Ashburton North Strategic Industrial Area"*
 - d. Modify the Scheme Legend to delete "Onslow Strategic Industrial Buffer – Special Control Area" as set out in the Amendment Legend.*
 - c. Modify the Scheme Maps to delete "Onslow Strategic Industrial Buffer – Special Control Area".*
 - ii. That the Council endorses the Schedule of Submissions prepared in response to the community consultation undertaken in relation to the draft Amendment No. 11.
 - iii. That the Council refer the draft Amendment No. 11 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
 - iv. That, where notification is received from the Western Australian Planning Commission that a modification of the draft Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the *Town Planning Regulations 1967*, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.

CARRIED 6/0

10. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

No new business of an urgent nature was introduced at the meeting.

11. NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 October 2011, at the Ashburton Hall, Paraburdoo at 3.00 pm.

12. CLOSURE OF MEETING

The Acting Shire President closed the meeting 8.12 pm.