



MINUTES

FOR THE

ORDINARY MEETING

OF COUNCIL

HELD ON

TUESDAY, 31 JANUARY 2012

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in these Minutes in which they may have an interest, until such time as they have been advised in writing by Council staff.

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
31 JANUARY 2012

Signed:
Presiding Elected Member

Date:.....



**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 31 JANUARY 2012
COMMENCING AT 4.00PM**

PRESENT:	President	Cr S C Chandler (Presiding Member)
	Councillors	Cr R T McClurg (Deputy President) Cr J B Fitzhardinge Cr K J Hepworth Cr J A R Porteus Cr B C Scott Cr M T Smith Cr I F West
	Staff	Mr D J Simmons – Chief Executive Officer Mr G M Peddie – Director, Corporate Services Mr F A Neuweiler – Manager, Community Development Mr G F Coaker – Town Planner Mr A S Wootton – Works Manager Mrs C M Palmer - Executive Assistant (EA) (Minute Taker)
	Gallery	4 Members of the Public
GUESTS:		-
APOLOGIES:		-
LEAVE OF ABSENCE:		-

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 4.00pm and welcomed all those in attendance to the proceedings.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

All Council members were in attendance.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

John Rossiter

Summary of Question One

Why weren't the attachments to the Council Meeting available on the website?

Answer: The attachments were above the allowed size limit so a message was placed on the website advising copies could be obtained from the Shire office.

Mr Rossiter thanked CEO Darren Simmons for attending the Irwin Community Progress Association meeting held on Wednesday 25 January and providing a detailed briefing on digital TV issues and, in conjunction with Andrew Klein from the Department of Health, medical services within the Shire.

Rob Smith

Summary of Activities

An overview of the Dongara Denison Surf Life Saving Club was provided by Mr Smith. The club currently do 143 voluntary patrol hours and patrons visiting South Beach has increased in numbers from 3151 in 2007 to 4081 in 2010/11.

Phil Toon

Mr Toon introduced himself and indicated a willingness to answer questions regarding an emailed proposal forwarded to all Councillors concerning his development application for Lot 1771 Wye Farm Road.

Answer: The Presiding Member advised that whilst it was open for Mr Toon to ask questions under Council's Public Question Time, individual Councillors are not in a position to enter into discussion concerning his proposal as the matter is before the State Administrative Tribunal in order to seek a resolution.

5. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL MOTION:

MOVED Cr West

SECONDED: Cr Fitzhardinge

That the leave of absence requested by Cr Hepworth is granted for the Ordinary Council Meetings being held on 27 March 2012 and 24 April 2012 and the leave of absence requested by Cr Chandler is granted for the Ordinary Council Meeting being held on 27 March 2012.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

6. PETITIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 DECEMBER 2011

A copy of the Minutes of the Ordinary Council Meeting held on 20 December 2011 has been provided to all Councillors under separate cover.

COUNCIL MOTION:

MOVED: Cr Scott

SECONDED: Cr Hepworth

That the Minutes of the Ordinary Council Meeting, held on 20 December 2011, be confirmed as a true and accurate recording of that meeting.

CARRIED UNANIMOUSLY
8/0

VOTING DETAILS:

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

- 8.1 Kitestock ran from 26 – 29 January and unfortunately suffered through a lack of wind, the Shire will again offer support next year.
- 8.2 I wish to thank the wonderful efforts of the Shire's Chief Bushfire Control Officer, Peter Summers, all volunteers and FESA officials for their effort fighting the recent fires.
- 8.3 I offer Council's congratulations to the following Active Citizenship Award recipients presented at our Australia Day celebrations:
- Premier's Australia Day Active Citizen Award – 25 years or older – **Peter Summers**
 - Premier's Australia Day Active Citizen Award – under 25 years **Lester Drummond**
 - Premier's Australia Day Active Citizen Award for Community Group - **Dongara Denison Festival Committee**

Prior to the item being introduced the Shire President disclosed a financial interest in Item CEO.470 Emergency Response and Recovery Management Summit as he may receive a conference attendance benefit. Accordingly, Cr Chandler left the chambers at 4.12pm and took no part in the discussion or vote on the matter.

Cr McClurg assumed the Chair.

9. REPORTS

CEO.470

Subject: Emergency Response and Recovery Management Summit
Reporting Officer: Chief Executive Officer (CEO)
File Reference: GV.CO.4
Date Prepared: 24 January 2012
Voting Requirements: Simple Majority

Report Purpose:

To seek Council's endorsement of the CEO's actions in arranging for the Shire President to attend an Emergency Response and Recovery Management Summit 2012 from 26 to 28 March 2012.

OFFICERS RECOMMENDATION/COUNCIL DECISION:

MOVED: Cr West

SECONDED: Cr Hepworth

That Council endorses the actions of the Chief Executive Officer in facilitating the attendance of the Shire President at the Emergency Response and Recovery Management Summit 2012 being held in Wellington, New Zealand from 26 to 28 March 2012.

CARRIED UNANIMOUSLY

VOTING DETAILS:

7/0

Body/Background:

From the 26th to the 28th March 2012, New Zealand and Australia's leading emergency response and recovery professionals are gathering together 3 days to discuss the preparation, response and recovery of recent disasters and is an opportunity for delegates to hear from experts in community resilience and find out how to build resilience in our community.

As the Chairman of the Shire's Local Emergency Management Committee, the Shire President's attendance at the Emergency Response and Recovery Management Summit has been suggested and recommended by the Fire and Emergency Services Authority's regional community emergency services officer – a recommendation of which the CEO concurs.

The Shire President will be on holidays in New Zealand at this time and has indicated to the CEO that he was prepared to redirect some of his vacation time and travel plans in order to be in Wellington to attend the Summit and due to Summit registration and travel arrangement booking deadlines, the CEO authorised and initiated action to facilitate the Shire President's attendance.

Officer's Comment;

Taking into account the Shire President's significant Council-appointed emergency management leadership role, his attendance at the Summit and associated workshops represents a unique training opportunity to learn from and network with eminent emergency management speakers and

fellow delegates from New Zealand and Australia wide to improve communication and skills within the emergency management and recovery sector. It is also an opportunity to look at response and recovery at a local government level and update and develop new initiatives that have been tested while dealing with ongoing disasters.

On this basis, and taking into account the Shire President's willingness to incorporate attendance during his personal vacation, the CEO authorised and initiated action to facilitate the Shire President's attendance in order to meet Summit registration and travel arrangement booking deadlines and now seeks Council's endorsement of this action.

Financial Implications:

Approximately \$3,000 to cover Summit registration and incidental expenses arising from Summit attendance such as accommodation, meals and minor travel expenses.

It is important to note that, as the cost of air travel to and from New Zealand is being met by the Shire President as part of his personal vacation arrangements, the costs applicable to Council will be the similar to or the same as if the Summit was held within Western Australia.

Statutory Environment:

Local Government Act 1995

Policy Implications:

Council Policy F1 - Conference Expenses

Cr Chandler re-entered the Chambers at 4.15pm and resumed the Chair.

DCS.397

Subject: Accounts for Payment
Reporting Officer: Director Corporate Services
Date of Report: 20 January 2012
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To receive the list of accounts paid under delegated authority during December 2011.

OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: Cr Scott

SECONDED: Cr Porteus

That the Accounts paid during December 2011, represented by Municipal Cheque Numbers 28423-28464, EFT payment numbers 12441-12537 totalling \$355,689.14, Trust Payment Cheque Numbers: 2283-2288 totalling \$9,650.00 & Police Licensing Payment No's PL021211-PL281211 totalling \$45,298.20 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Background:

A list of accounts paid under delegated authority is attached showing all payments made during the month of December 2011.

Policy Implications:

Under Delegation C3 Council has delegated authority to the Chief Executive Officer to authorise all payments by Council.

Statutory Implications:

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

DCS.398

Subject: Financial Statements for the Period ending 31/12/2011
Reporting Officer: Director Corporate Services
File Reference: Minute Book
Date Prepared: 20 January 2012
Voting Requirements: Simple Majority

Report Purpose:

To consider and receive the Monthly Financial Statements for the period 1 July 2011 to 31 December 2011

OFFICERS RECOMMENDATION/COUNCIL DECISION

MOVED: Cr West

SECONDED: Cr Hepworth

That the Monthly Financial Statement for the period 1 July 2011 to 31 December 2011 be received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Body / Background:

The Monthly Financial Report to the 31 December 2011 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Rate Setting Statement
- Statement of Comprehensive Income by Program
- Statement of Comprehensive Income by Nature & Type
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Disposal of Assets
- Information on Borrowings
- Reserve Funds
- Net Current Assets
- Rating Information
- Trust Fund Summary
- Statement of Bank Reconciliations
- Capital Works Program
- Restricted Assets Statement
- Schedules 3 – 14 Budget vs Actuals Comparison
- APU Operating Statement

Officers Comment:

Nil.

Financial Implications:

Nil.

Statutory Environment:

The Local Government (Financial Management) Regulations provides as follows:

Section 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing -
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown -
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub-regulation (2), are to be -
 - (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications:
Nil.

COUNCIL MOTION:

MOVED: Cr McClurg

SECONDED: Cr Porteus

That Standing Orders be suspended at 4:18pm to enable discussion to take place in regards to report DCS.399.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

COUNCIL MOTION:

MOVED: Cr Scott

SECONDED: Cr Porteus

That Standing Orders be resumed at 4:38pm.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

DCS.399

Subject: Switchover to Digital Television
Reporting Officer: Director Corporate Services
Date of Report: 24 January 2012
File Reference: Minute Book
Voting Requirements: Simple Majority

Report Purpose:

To consider the options available for reception of digital television in the residential areas of the Shire of Irwin and provide advice to the Digital Switchover Taskforce of the preferred option.

OFFICERS RECOMMENDATION/COUNCIL DECISION

MOVED: Cr McClurg

SECONDED: Cr West

That Council advises the Digital Switchover Taskforce that it intends to switch off the self help analogue transmitter tower so that residents currently served by the tower may move to the VAST service and subject to eligibility receive assistance under the Satellite Subsidy Scheme.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Body/Background:

In December 2012 the Digital Switchover Taskforce wrote to the Shire of Irwin requiring that the Shire advises the Taskforce by 15 February 2012 of its intentions to opt in to the Satellite Subsidy Scheme or whether it proposes to upgrade the self help retransmission tower at its own cost.

A copy of this letter is included in the attachments along with a number of other documents from the Taskforce's digital ready website which provides the background information for Councillors to make a fully informed decision.

Officer's Comment:

The provision of digital television services to the community can be provided through three different means, being:

- A terrestrial service provided, and funded, by the broadcasters.

The digital ready website suggest that the Geraldton transmitter will provide a terrestrial transmission to the town sites of Dongara and Port Denison, however, depending on the location of each residence the quality of the reception will vary from moderate to variable, whereby some locations will experience a reasonable reception and others will experience varying degrees of pixelation and freezing of the picture. Some residences can already receive ABC and SBS while others are unable to, again depending on location and the standard and size of the reception equipment (antenna, booster etc) being used. Until the commercial digital transmission commences it is not known what the reception quality will be and how consistent it will be available across the townsite areas.

- The Government subsidised VAST service (Viewer Access Satellite Television) which is provided direct from satellite to home.

The VAST service is only available to those areas that the broadcasters have advised will not receive digital terrestrial television services or, having been turned on, the area does not receive adequate digital television service. Who determines what is adequate is not clear.

The advice received to date is that one service per residence will be subsidised with the householder paying an upfront \$200 to \$350 payment and the government meeting the balance. Any further connections (ie more than one television) within the home requires full payment by the householder. Generally only single residential buildings qualify for the subsidy which does not apply to commercial buildings, hotels motels, caravan parks etc.

It is probable that some locations within Dongara and Port Denison will receive an adequate reception and therefore not require or be eligible to receive the VAST service whilst others will experience the reverse result.

- A service from a self help tower funded by the Council/Community and maintained by the Shire of Irwin with no assistance from the Federal Government.

The Shire would need to apply for a digital broadcasting license to retransmit which would be subject to approval from the Australian Communications and Media Authority. Should Council pursue this option the subsidy for the VAST service would not be available to anyone currently receiving their television service from this tower.

A quote of \$77,800 has been obtained from N-Comm to upgrade the existing television retransmission site to digital. A copy is included in the attachments. The funding to proceed with this option would need to be identified by Council as would a further annual amount for the ongoing maintenance and management of the site. The attachments refer to a number of conditions that Council needs to meet to comply with the license requirements

For a number of years, and since the Federal Government first provided some detailed advice about the switchover of television from analogue to digital, Council staff have lobbied the Federal Government directly and through various bodies such as WALGA and the Mid West Development Commission to provide funding to upgrade the equipment at the existing retransmission tower rather than individually fund the equipment at each residence. Unfortunately the Taskforce dealing with the switchover has advised that the Government's policy in regards to funding will only be through providing a subsidy to the VAST service and therefore will not fund self help sites.

It would appear therefore that economically for Council the most appropriate available option is to opt for the VAST service rather than fund the upgrade of the existing tower. This will enable the Government to deal directly with each household without the need for Council interaction. It also removes the requirement for Council responsibility for the management and maintenance of the television reception, tower and equipment.

Financial Implications:

Should Council adopt the recommendation to opt for the VAST service there is no financial implication for Council except for some potential savings for the operation and maintenance of the existing self help retransmission site.

If Council wishes to upgrade the existing self help tower there will be a requirement to raise approximately \$80,000 for the capital equipment. There is also the possibility of additional funds being required for licensing and spectrum clearance fees and should the tower, building or fencing require any expansion or upgrading to accommodate the new service.

Statutory Environment:

Nil

Policy Implications:

Nil

Prior to the item being introduced the Shire President advised that a written Disclosure of Impartiality Interest in Item DCS.400 Dongara Golf Club – Request for Loan had been received from Cr West and Cr Hepworth the nature of the interest is both are current members. Accordingly Cr West and Cr Hepworth remained in the Chambers.

DCS.400

Subject: Dongara Golf Club – Request for Loan
Reporting Officer: Director Corporate Services
Date of Report: 24 January 2012
File Reference: Minute Book
Voting Requirements: Absolute Majority

Report Purpose:

To consider a request from the Dongara Golf Club for a cash advance for \$6,000 to purchase second hand machinery.

OFFICERS RECOMMENDATION/COUNCIL DECISION

MOVED: Cr Fitzhardinge

SECONDED: Cr Scott

That Council provides an interest free cash advance of \$6,000 to the Dongara Golf Club for the purchase of second hand machinery to be repaid within 12 months.

CARRIED BY ABSOLUTE MAJORITY

VOTING DETAILS:

8/0

Body/Background:

The Dongara Golf Club has requested that Council provide a short term loan of \$6,000 to assist the Club to purchase a vertidrainer. The Vertidrainer will cost \$11,000 and the Club has secured a \$5,000 donation from The Dongara Charities Group in Dongara to fund the balance. They have requested a repayment period of twelve months to cover their cash flow requirements as the machine is available now but their membership funds are not due until accounts are issued in April.

Officer's Comment:

It is recommended that Council support the Golf Club with this request and, due to the short term nature of the cash advance that it is provided on an interest free basis.

Financial Implications:

Should Council support this request it is suggested that this amount could be identified through the budget review process and recognized at year end as an outstanding current debt. Therefore it will not affect Council's Nett Current Asset position at 30 June 2012.

Statutory Environment:

Section 6.8 of the Local Government Act requires unbudgeted expenditure to be authorised in advance by Absolute Majority resolution.

Policy Implications:

Nil

TP.530

Subject: Proposed Temporary Construction Camp
Reporting Officer: Town Planner
Date of Report: 23 January 2012
File Reference: A4568 (P334)
Voting Requirements: Simple Majority

Report Purpose:

Council to consider an application to develop a portion of Lot 123, Milo for the purpose of a Temporary Construction Camp to service the expansion of the Mondarra Gas Storage Facility.

OFFICERS RECOMMENDATION/COUNCIL DECISION

MOVED: Cr Hepworth

SECONDED: Cr Scott

That Council approves the proposed Temporary Construction Camp on Lot 123, Milo subject to the following conditions:

1. The development hereby approved shall occur in accordance with the attached endorsed plans. The endorsed plans shall not be modified or altered without the prior written approval of the local authority.
2. Approval for the use of "Temporary Construction Camp" is granted for a period of 2 years from the date of this determination, after which time the approval shall expire and the use shall no longer be carried out. The proponent may make written application to extend the period of approval before of within 14 days of the expiry of this approval.
3. The development shall be connected to an on-site effluent disposal system that is located, designed, installed and operated to the approval of the local government and the Department of Health.
4. A Waste Management Plan is to be prepared and implemented to the approval of the local government prior to commencement of construction works on-site.
5. A Bush Fire Prevention and Management Plan is to be prepared and implemented to the approval of the local government prior to commencement of construction works on-site.
6. A Site Decommissioning and Rehabilitation Plan is to be prepared and implemented to the approval of the local government.
7. The area for car parking as indicated on the approved plan is to be provided and maintained to the satisfaction of the local government.
8. Any proposed fencing must be in accordance with the Shire of Irwin Local Laws Relating to Fencing.
9. Any proposed signage in conjunction with the approved use/development requires further, separate approval from the local government.
10. Any soils disturbed or deposited on the site are to be stabilised and retained on site.
11. All stormwater runoff is to be retained and disposed of on-site to the approval of the local government.
12. Any additions to or change of use of any part of the building/s or land (not the subject of this consent) shall be subject to a further development application and consent for that use.

Advice:

1. In regards to Condition No 4, the Waste Management Plan is to provide details of proposed rubbish collection and disposal, to ensure the land is not contaminated in any way.
2. A Building License for this development is required to be approved by the local government prior to the commencement of any construction works on site.
3. On application for a Building License, certification is to be provided by a qualified engineer that all transportable buildings are suitable for location on this site.
4. The set-back distance between each accommodation unit is to comply with the Building Code of Australia.

5. All food premises are to be registered with the local government prior to commencement of operation and are to comply with the *Health Act 1911*.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Body/Background:

Background

APT Parmelia Pty Ltd (APA) own and operate the Mondarra Gas Storage facility located approximately 20 kilometres south east of Dongara on portions of Lot M356 and 123 Milo, which are leased from Messrs LA Watson and CR Forsyth respectively.

Mondarra was originally commissioned to supply natural gas to the Parmelia Gas Transmission Pipeline in 1971. That supply was depleted in 1994. Since then the facility has been operating as a gas storage facility, whereby gas from nearby transmission lines is stored in the sub-surface reservoir (approximately 2,700 metres below ground level) and then as needed, is extracted from the reservoir and reintroduced into the transmission lines. Following the Veranus Island gas plant explosion in 2008, the demand for gas storage facilities has increased, in order to improve the reliability of gas supply to the major gas consuming area of Perth and its surrounds. As such, the APA Group is in the process of expanding its Mondarra facility.

The Land

APA has two lease areas divided between Lot M356 on the south side and Lot 123 on the north, totaling approximately 28 hectares in area. Abutting the eastern boundary of both lease areas is the corridor for the Dampier to Bunbury Natural Gas Pipeline (DBNGP). Although the Mondarra project is in very close proximity to the DBNGP, APA's are not the operator of this pipeline. The remainder of the surrounding land is privately owned agricultural land.

The southern lease area is currently occupied by the existing operation, including infrastructure associated with gas storage, a number of small sheds and equipment shelters, burn pit etc. The majority of the expansion will be located over the northern lease area and will also include the proposed Temporary Construction Camp for which approval is sought.

The proposed location of the Temporary Construction Camp will not require the removal of any remnant vegetation as the northern lease area has up until recently been used for agricultural purposes and is completely cleared.

The site is accessed via Brand Highway and Pye Road to the end of the bitumen seal, then via an access track continuing on in an easterly direction for approximately eight kilometres, and terminating at the Mondarra operation.

The Proposal

This application is for approval of the Temporary Construction Camp only. The planned expansion of the gas storage facility comes under the control of the Department of Mines and Petroleum.

The purpose of the camp is to provide on-site accommodation for personnel during the construction and commissioning phase of the expansion project. The camp is planned to accommodate up to a maximum of 152 people at any one time, and will be accommodated in portable 'donga' style units.

Infrastructure included in the project for which approval is sought includes as follows:

- Camp office;
- Power generation facilities;
- Diesel Storage tank;
- Water storage tanks;
- Sewage treatment facilities;

- Laundry;
- Ablution facility;
- Kitchen (including cold and dry store);
- Storage facilities;
- Dining room/mess;
- Wet mess;
- Ice room;
- Recreation/gym; and
- Accommodation dongas.

Other relevant details of the proposal are as follows:

- The majority of the personnel who will be accommodated at the site will be transported by bus from their permanent place of residence on a roster basis.
- A stormwater detention basin is included to the immediate west of the camp to cater for a 1 in 100 year storm event for the whole leased area.
- The camp will be on site for the duration of the construction and commissioning period only, which is estimated to be approximately 12 months. Once these activities have been completed the camp will be removed from the site and the area on which it is to be located will be appropriately rehabilitated.

Statutory Environment:

Lot M356 and Lot 123 are both zoned 'General Farming' under the Shire of Irwin Local Planning Scheme No 5 (the Scheme) and fall within Policy Area C of the Local Planning Strategy.

The surrounding land on all sides is also zoned 'General Farming'.

A 'Temporary Construction Camp' is not included in the Zoning Table (Table 1) of the Scheme. As such, Clause 4.4.2 of the Scheme applies in determining a proposal for a use which is not listed, and one that cannot reasonably be determined as falling within the definition of any other use. It states the following:

'If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.'*

Further to the above, the objectives for the 'General Farming' zone under the Scheme are as follows:

'4.2.7 General Farming Zone

- (a) To provide for rights of vehicular access, unfettered as to time, location and circumstance, to any land subject of a planning approval.*
- (b) To ensure the preservation of the rural character and rural appearance of land within the zone.*
- (c) To protect the economic viability of agricultural production via support only for subdivision or boundary relocation which retains or results in lot or location sizes which facilitate ongoing agricultural activity.*
- (d) To preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any planning approval issued, in order to assist in*

- balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna.*
- (e) To ensure that natural drainage patterns/catchments throughout the Shire are paid regard to, via the appropriate location of man-made drainage networks.*
 - (f) To limit the number of dwellings to one per lot, unless for specific farm operation purposes, to discourage fragmentation or rural living use of agricultural land.'*

Although the proposed use in this instance is not agricultural or rural in nature, it is recommended that it can still be considered under part (a) of clause 4.4.2 above, on the basis that the proposal is not likely to jeopardise the objectives of the zone. In this regard, the proposed development is temporary (12 months), is designed to service the expansion of a facility that has been in operation for some time and will have minimal impact on the continued use of the surrounding area for agricultural purposes.

The proposal is also subject to Clause 5.14 of the Scheme which applies to land without constructed road frontage. It states as follows:

'Notwithstanding any other provisions of the Scheme, the local government's Planning Approval is required for the development of land abutting an unconstructed Crown road reserve or a lot which does not have frontage to a Crown road reserve.

In considering such an application, the local government may:-

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided; or*
- (b) grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose; or*
- (c) require other legal arrangements are made for permanent access, to the satisfaction of the local government.'*

Officer's Comment:

In determining this application, it is noted the Shire does not have any specific policy governing applications for Temporary Construction Camps. As such, this proposal has been assessed in accordance with the provisions of the Scheme and on the merits of the application itself.

In regards to the Scheme, assessment against the General Development requirements has found the application to be compliant, including provisions relating to setbacks, building height, transported dwellings etc.

Of note however, is the proposed access to the site and the provisions of Clause 5.14 of the Scheme (as detailed above), relating to development of land without constructed road frontage.

This clause is relevant on the basis the lease areas over which the development is to be located do not have access to a constructed Crown road reserve. The southern lease area does extend to include a connection with the Ejarno Springs road reserve, although as this road is unconstructed, the provisions of Clause 5.14 still apply.

APA are conscious of the need to ensure suitable access to their site is available and have provided the following details of how this has been achieved, utilising the access track from the current end of Pye Road (approximately the end of the bitumen seal).

Firstly, the alignment of the track corresponds with the alignment for the Cockburn Cement gas pipeline (PL39) which runs between Mondarra and the Cockburn Cement plant on Kailis Drive. An easement has been placed over the track to ensure access for maintenance of the pipeline and for access to the Mondarra infrastructure. APA being the registered operators of that pipeline and the Mondarra project are the custodians of the easement and therefore also the access track. This

easement cannot be extinguished without the party to whom it benefits (APA) agreeing to such and is available for use by anyone acting on the permission of APA.

Secondly, the above easement overlaps an offshoot of the DBNGP corridor. The track has been included in the corridor for the specific purpose of providing access to the pipeline, under the provisions of the *Dampier to Bunbury Natural Gas Pipeline Act 1997*. APA are not the registered operators of this pipeline and in order to formalise their access authority over the corridor, have recently applied for, and are likely to receive, approval from the Department of Regional Development and Lands for access to the corridor.

In consideration of this, it is suggested that these two provisions represent adequate legal arrangements to ensure permanent access to the proposed development is available, in accordance with part (c) of clause 5.14 of the Scheme.

APA have also advised that they intend to upgrade the standard of the access track with gravel surfacing, similar to the Shire's rural road standard. This will ensure an all weather surface to the site for all vehicles. Additionally, being that this access represents a private arrangement, there is no requirement for the Shire to provide maintenance to the access.

In relation to the design of Temporary Construction Camp, the proposal is considered satisfactory. The following aspects are of note.

Only limited car parking is intended to be provided on the basis the majority of personnel will be transported by bus to the site on a roster basis from their place of residence. As such the requirement to provide individual bays for staff members will be limited, with only a 20 bay car park provided at the main entrance to the development.

Effluent disposal is proposed to be via leach drains located over a portion of the southern lease area. This is a generally accepted method of effluent disposal in rural areas, although will require further, specific approval from the Department of Health prior to commencement of operation. This can be enforced by way of condition.

Stormwater runoff is proposed to be contained in a large infiltration basin over a portion of the northern lease area. APA have advised this has been designed with enough capacity to accommodate a 1 in 100 year rainfall event over the entire construction site. This will ensure stormwater runoff is contained on-site, in accordance with standard development practice. It is not expected that natural drainage lines that may be within the area will be impacted on by the proposed development.

Only limited details have been provided in relation to how the proposed camp will be managed, including waste disposal, fire prevention and management and site decommissioning and rehabilitation.

It is envisaged however, that these can be addressed via conditions of approval. This will allow the specific details of these aspects of the camp to be finalised in the knowledge that development of the camp can progress.

Lastly, the location of the camp is in a semi-isolated area with few sensitive (i.e residential) uses nearby. The closest residence is approximately 1.5 kilometres away to the north east, that being Forsyth's who are providing the northern lease area for the planned expansion. The next closest residence is approximately 6 kilometres to the west, that being Whitmarsh's. At these distances, it is not expected that the development will create any significant off site disturbances. However, standard conditions should be applied in relation to minimising off site impacts.

It is recommended that the proposed Temporary Construction Camp be approved, subject to conditions.

Financial Implications:

Nil.

Policy Implications:

Nil.

W.175

Subject: Tender 1 – 2011 Supply and Spray of Bitumen
Reporting Officer: Works Manager
File Reference: Minute Book
Date Prepared: 20 January 2012
Voting Requirements: Simple Majority

Report Purpose:

To seek Council approval to award contract, to successful tender for the “Supply and Spray of Bitumen 1 -2011 tender”.

OFFICERS RECOMMENDATION/COUNCIL DECISION

MOVED: Cr Fitzhardinge

SECONDED: Cr Hepworth

That the tender submitted by Boral Contracting be accepted as it meets Council’s requirements and is also the most cost-effective option of the three tenders received.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Body/Background:

Tenders were advertised in the West Australian on 10th and 17th of December for the supply and spraying of approximately 93,000 litres of bitumen and to supply spreader trucks for the works. The works were planned into two stages, the first stage being the primer seal and the second is the seal coat. The tender process closed on Friday 13 January 2012 with the Shire receiving 3 tenders.

Officer’s Comment:

The following companies have submitted tenders for Council’s sealing program for the 2011/2012 financial year.

Tender 1 – RNR Contracting were awarded the supply and spray tender in the previous year 2010/2011, they have also completed contract works for the shire in the past to a very high standard.

Tender 2 - Boral Contracting has completed contract works for the shire in the past to a very high standard.

Tender 3 - Fulton Hogan has not done sealing works for the shire before.

Financial Implications:

RNR CONTRACTING:

Supply and Spray 48,000 litres of Cutback Bitumen for primer seal works on Table-top Rd. \$1.07 per litre (\$51,360).

Supply and Spray 45,000 litres of Bitumen for seal works on Table-Top Road \$1.07 per litre (\$48,150)

Total \$99,510

Supply of two spreader Trucks on an hourly rate \$115.00 per hour each gate to gate, plus accommodation costs as required.

BORAL ASPHALT:

Supply and Spray 48,000 litres of Cutback Bitumen for primer seal works on Table-Top Road \$1.03 per litre (\$49,440)

Supply and Spray 45,000 litres of Bitumen for seal works on Table-Top Road \$1.02 per litre (\$45,900)

Total \$ 95,330

Supply of two spreader Trucks on an hourly rate \$120.00 per hour each gate to gate.

FULTON HOGAN:

Supply and Spray 48,000 litres of Cutback Bitumen for primer seal works on Table-Top Road \$1.19 per litre (\$57,120)

Supply and Spray 45,000 litres of Bitumen for seal works on Table-Top Road \$1.19 per litre (\$53,550)

Total \$110,670

Supply of two spreader Trucks on an hourly rate. Unable to supply trucks as required.

Statutory Environment:

Division 2 — Tenders for providing goods or services (s. 3.57)

Policy Implications:

Nil

W.176

Subject: Proposed Transport Arrangement - Karara Mining Ltd
Reporting Officer: Works Manager
File Reference: Minute Book
Date Prepared: 23 January 2012
Voting Requirements: Simple Majority

Report Purpose:

That Council consider a proposal from Karara Mining Ltd to extend their agreement to allow empty returning road trains to use the Allanooka Springs Rd/Depot Hills Road as a return route from January 2012 to June 2012.

OFFICERS RECOMMENDATION/COUNCIL DECISION

MOVED: Cr Porteus

SECONDED: Cr Scott

That Council support Karara Mining Ltd for the proposed route extension for cartage of iron ore and the continued extra payment of \$0.10p/t made directly to Council to offset vehicle movements through the town site via Brand Highway.

CARRIED UNANIMOUSLY

VOTING DETAILS:

8/0

Body/Background:

Council had an agreement with Karara Mining Ltd to allow empty returning road trains to use the Allanooka Springs/Depot Hills Road to divert traffic from the Midlands Road, Brand Highway and town sites in between. This agreement was to cart an estimated 2,600 tonnes per day and finished on 31 October 2011.

Karara also negotiated rail cartage from Mingenew and this is the reason that the estimated tonnage has been less than proposed when negotiating the agreement. At the time of issuing councils permission Karara was in negotiations with Main Roads Western Australia (MRWA) for contributions to road maintenance costs, this agreement is still be finalized and was the basis of the original approval.

MRWA has since advised that under their system only companies transporting more than 300,000 tonnes per annum are charged under a formal maintenance agreement.

Officer's Comment;

Karara's last proposal didn't include maintenance payments directly to the Main Roads Department because of the small quantity of ore that was carted. Karara is still proposing a payment directly to council. This payment will be \$0.10 cents per tonne based on 1,000 tonnes per day. This is down from the previous agreement which was for 2,600 tonnes per day, which was never reached.

Karara has confirmed that the use will be from January 2012 through till June 2012 but have advised that this date may change dependent upon their access to the regional rail network. Up to date Allanooka Springs Rd seems to be handling the extra large traffic without any foreseeable damage taking place.

Financial Implications:

Future Budgets - Karara is proposing to pay \$0.10 cents per tonne based on carting 1,000 tonnes per day with at least 20 x 27.5 metre roadtrains. The previous agreement netted the council \$4,500 this was for the cartage of 45,251 tonnes of iron ore. The proposed current agreement should net approximately \$15,100 based on cartage of 1,000 tonnes per day over approximately 151 days, if Karara don't have problems with their transport arrangements.

Statutory Environment:

Nil.

Policy Implications:

Nil

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 4:44pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on
31 JANUARY 2012

Signed:
Presiding Elected Member

Date:.....