SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

MEETING ROOM
COMMUNITY RECREATION CENTRE
TOM PRICE

18 NOVEMBER 2008
Dear Councillor,

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on Tuesday 18 November 2008 at Meeting Room, Community Centre Tom Price commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson
CHIEF EXECUTIVE OFFICER

12 November 2008

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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1.11.0 DECLARATION OF OPENING

2.11.0 ANNOUNCEMENT OF VISITORS

3.11.0 ATTENDANCE

3.11.01 PRESENT

Cr L Corker Shire President, Ashburton Ward
Cr L Rumble Deputy Shire President, Paraburdoo Ward
Cr I Dias Paraburdoo Ward
Cr L Thomas Tableland Ward
Cr K White Onslow Ward
Cr S Dann Pannawonica Ward
Cr T Bloem Tom Price Ward
Cr C Fernandez Tom Price Ward

Mr K Pearson Chief Executive Officer
Mr J Breen Executive Manager Engineering Services
Mr L Softley Executive Manager Community & Economic Services
Ms A O’Halloran Executive Manager Western Operations
Mr B Smith Executive Manager Development Services
Miss D Reid Administration Manager
Mrs P Hanson Acting Executive Assistant CEO

3.11.02 APOLOGIES

3.11.03 APPROVED LEAVE OF ABSENCE

There is no approved leave of absence for this meeting

4.11.0 PUBLIC QUESTION TIME

4.11.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Cr White tabled a series of written questions which were taken on notice at the Ordinary Meeting of Council on 16 September 2008.

At the Ordinary Meeting of Council held 21 October 2008 Jeff Breen, Acting Chief Executive Officer advised that answers were not ready to be tabled and would be circulated to Councillors as soon as possible. The responses to Cr White’s questions will be tabled at the Council meeting.
4.11.02  PUBLIC QUESTION TIME

5.11.0  APPLICATIONS FOR LEAVE OF ABSENCE

6.11.0  PETITIONS / DEPUTATIONS / PRESENTATIONS

   6.11.01  PETITIONS

   6.11.02  DEPUTATIONS

   6.11.03  PRESENTATIONS

   9.15 a.m. Amanda O’Halloran Executive Manager Western Operations regarding Youth Services and Crime Prevention Program Update Onslow

7.11.0  CONFIRMATION OF MINUTES OF PREVIOUS MEETING

   7.11.01  ORDINARY MEETING OF COUNCIL HELD ON 21 October 2008

   Officers Recommendation

   ▪ That the Minutes of the Ordinary Meeting of Council held on 21 October 2008, as previously circulated on 27 October 2008, be confirmed as a true and accurate record with the following amendments
     • Item 11.10.26 amend the name of the Tom Price Swimming Pool to read Vic Hayton Memorial Swimming Pool.
     • Item 13.10.41 Include the reason for change to the officers recommendation.

8.11.0  ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9.11.0  DECLARATION BY MEMBERS

   That Councillors have given due consideration to all matters contained in the Agenda presently before the meeting.
Summary
Main Roads Western Australia (MRWA) seeks the formal endorsement of Council for the proclamation of Warlu Road as a main road in accordance with Section 13 of the Main Roads Act.

Background
The Karratha –Tom Price Stage 2 road was opened in August of this year.

The Geographic Names Committee has decided to name this section of road Warlu Road.

In order to formalise responsibility for the road the Commissioner of Main Roads intends to recommend to the Hon Minister for Transport that the road be proclaimed a main road in accordance with Section 13 of the Main Roads Act.

Comment
The Karratha –Tom Price Stage 2 road is now complete and has been named Warlu Road by the Geographic Names Committee.

MRWA has requested that Council endorse the proclamation of the section of Warlu Road within the Shire of Ashburton as a main road in accordance with Section 13 of the Main Roads Act.

This proclamation pertains only to MRWA taking formal responsibility for the road (excluding footpaths).

As part of the process the Commissioner of Main Roads seeks formal endorsement by Council of these intentions.
The road alignment is shown on the attached plans. If Council does not support the proclamation it may lodge an objection by 19 December 2008.

Consultation
MRWA Regional Manager Pilbara

Statutory Environment
Section 13 Main roads Act

Policy Implications
There are no policy issues relative to this matter

Financial Implications
There are no policy issues relative to this matter

Strategic Implications
There are no policy issues relative to this matter

Voting Requirement
Simple Majority Required

Officers Recommendation
That Council endorses the proclamation of Warlu Road as shown on Attachment 10.11.29

<table>
<thead>
<tr>
<th>Author:</th>
<th>Jeff Breen</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
<td>Signature:</td>
</tr>
</tbody>
</table>
**Summary**

Tenders for the Purchase and Removal of Transportable Units Onslow closed at 4pm on Tuesday 4 November 2008.

One tender was received which conformed to the tender requirements, and has been assessed on the principle of best value for the Shire.

**Background**

Council owns two blocks of land in Onslow which have transportable buildings on them. These lots are to be sold to contribute funds to the employee accommodation program and the transportable are to be removed prior to advertising the lots for sale. The lots are located in 1st Avenue and 2nd Avenue.

**Comment**

Tenders were assessed by the Chief Executive Officer and the Executive Manager of Engineering Services.

The only tenderer was submitted by Basefield Contracting and Hire Services.

This tender offered a cash price and an in kind component to tidy up the blocks. The in kind work is detailed in the tender and includes removal of concrete, clearing of brush and rubbish, removal of septic tanks and backfilling and removal of carport. The tenderer has valued this work in his offer.

<table>
<thead>
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<th>ITEM</th>
<th>DESCRIPTION</th>
<th>PRICE (inc GST)</th>
<th>IN KIND</th>
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<tr>
<td>Separable Portion A</td>
<td>Purchase and removal of 1 x 2 x 1 bed units (1st Avenue)</td>
<td>$4400</td>
<td>$7810</td>
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</table>
The tendered prices are quite low considering it would cost in excess of $100,000 to replace the units. However, removal costs will be high and the units will need to be renovated and upgraded to comply with requirements of the Building Code of Australia.

To finalise the clearance of a unit from one lot to enable its sale it is proposed to accept only the Options for the 2nd Avenue unit will be further considered.

Consultation
Chief Executive Officer
Executive Manager Engineering Services
Executive Manager Development Services

Statutory Environment

Policy Implications
Not Applicable

Financial Implications
No income was budgeted for the sale of units in budget

Strategic Implications

Voting Requirement
Simple Majority Required

Officers Recommendation
That Council accepts the tender from Basefield Contracting and Hire Services for Separable Portion A Purchase and removal of 1 x 2 x 1 bed units (1st Avenue) for the sum of $4400 inc GST and in kind work valued at $7810.

<table>
<thead>
<tr>
<th>Separable Portion B</th>
<th>Purchase and removal of 1 x 2 x 1 bed units (2nd Avenue)</th>
<th>$3300</th>
<th>$6710</th>
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<tr>
<td>TOTAL</td>
<td>Total Price Offered</td>
<td>$7700</td>
<td>$14520</td>
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</table>

Author: Jeff Breen  
Manager: Keith Pearson
Summary
The Tip site at Paraburdoo has been staffed since mid-July 2008.

Opening times and charges have mirrored those already established at the Tom Price site. Commercial operators were notified, public notices put up and a leaflet distributed at the tip gate, as well as reports in Community Newsletters. There has been a good response to the changes.

Background
The Paraburdoo site is nearing capacity and approvals have been sought for extension of the available area.

The site was previously unmanned with little or no controls on where waste is deposited nor was there any reliable data on the type or quantity of waste being deposited. Commercial users were not paying for dumping at the facility. More importantly, this contravened the Shire’s licence conditions which require the tip be closed when the site is unattended.

With staffing the tip opened Tuesday to Saturday 7:30am-3.30pm and 7.30am-12pm Sunday. A staff member has been stationed there weekdays and Paraburdoo town crew have been on a rotating roster to man the tip on weekends, with a pay incentive to do so. This has been mainly working well to date.

An air-conditioned donger has been purchased and placed at the site, together with a boom gate, portaloo, generator, as well as roadworks and signage to better delineate waste areas. Recyclables have been grouped close to the site office.
Comment
Between the 11 July 2008 and 30 September 2008 the Shire has collected $15,738.30 from gate fees. The majority of this has been registered under General Waste, which is currently charged at $36 per cubic metre.

Oil is also a significant product disposed of at the site.

It should be noted that this income may be likely to decrease with the implementation of recycling strategies, as some products e.g. cardboard will not be part of general waste and will not be charged for. This should be taken into account when considering future income projections.

Businesses have been largely supportive. Paraburdoo staff have also suspected incidents of illegal dumping but this is in the minority. Even so, there is a case for increased ranger presence to support changes to waste management and to enforce the consequences of illegal dumping.

In the first week of the tip closing on Monday there was a trailer load of rubbish dumped outside the gate however this has not happened since. This reflects that residents and businesses are generally aware and accepting of the opening hours.

The tip attendant recently resigned. A result of this has been the dumping of waste in the general waste area closest to the gate, including hazardous materials such as batteries and gas bottles. Without a staff member to direct people to designated waste areas it would seem that the separation of rubbish is not properly achieved.

An added benefit of having a tip attendant is in the general cleanliness on site. Weekend workers have taken the time to empty oil bottles, stack batteries and collect gas bottles and the tip remains tidier and safer as a result.

The Shire has disposed of approximately 10,000 litres of waste oil from the Paraburdoo site in the trial period.

Staffing the tip site at Paraburdoo is beneficial to the sustainability of the site, provides financial benefit and helps with achieving the aims of Zero Waste, the Regional Waste Management Plan and the Shire of Ashburton Waste Management Plan.

Consultation
Executive Manager Engineering Services
Leading Hand Town Maintenance Paraburdoo

Statutory Environment
Compliance with Environmental licence conditions need to be met.

Policy Implications
There are no policy implications relative to this matter.

Financial Implications
Expenditure is budgeted for and income from commercial dumping has included in the current budget at $25,000
Strategic Implications
Zero Waste, Shire of Ashburton Waste Management Plan (3.4 Paraburdo Landfill Future Actions), Pilbara Regional Waste Management Plan (4.5.1 Best Practice, 5.1.4 Compliance with DEC Licence Conditions, 5.1.7 Gate Fee Prices and Regional Coordination).

Voting Requirement
Simple Majority Required

Officers Recommendation
That Council approves the continued staffing of the Paraburdo Tip.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Victoria Headlam</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Manager:</td>
<td>Jeff Breen</td>
<td>Signature:</td>
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## 10.11.32 ENGINEERING SERVICES DECISION STATUS REPORT

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<tr>
<td>1.</td>
<td>10/08</td>
<td>10.10.23</td>
<td>Construction of mini recycling stations Tom Price and Paraburdo</td>
<td>The Council endorses the locations of mini recycling facilities at the sites described.</td>
<td>Ongoing Frames constructed, awaiting erection.</td>
</tr>
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<td>2.</td>
<td>10/08</td>
<td>10.10.26</td>
<td>Onslow Refuse Disposal site – operational charges</td>
<td>That Council approves the staffing of the Onslow Tip with restricted opening times in accordance with this report.</td>
<td>Ongoing Site office and facilities ordered.</td>
</tr>
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<td>3.</td>
<td>10/08</td>
<td>10.10.25</td>
<td>RFT 08/08 Tender for Supply of one (1) 4 x 4 Backhoe Loader</td>
<td>That Council accepts the tender from Hitachi John Deere for supply of one (1) Backhoe Loader for the price of $143,697 including GST</td>
<td>Finalised Tenderer advised and plant ordered.</td>
</tr>
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<td>4.</td>
<td>10/08</td>
<td>10.10.24</td>
<td>RFT 07/08 Tender for Supply of one (1) Truck Mounted Road Sweeper</td>
<td>That Council accepts the tender from McDonald Johnston for supply of one (1) Truck Mounted Road Sweeper for the Shire of Ashburton at a price of $340,000 excluding GST</td>
<td>Finalised Tenderer advised and plant ordered.</td>
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<td>5.</td>
<td>09/08</td>
<td>10.10.27</td>
<td>RFT 09/08 Tender for the Supply of temporary Construction Camp Facilities</td>
<td>That Council accepts the Tender from Royal Wolf for the Supply of temporary Construction Camp Facilities</td>
<td>Finalised Tenderer advised and plant ordered.</td>
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<td>6.</td>
<td>04/08</td>
<td>10.04.07</td>
<td>Tom Price Primary School – Conversion of Creek Road Into a One-Way Thoroughfare</td>
<td>That Council 1.) Support in principle, the changes to school precinct and conversion of Creek Road into a One-Way thoroughfare. 2.) Direct the CEO to seek public comment on the proposal to make Creek Road one way 3.) Report back to Council for final approval to proceed with making Creek Rd One Way</td>
<td>Ongoing Met on site with Principal and P&amp;C rep. Voluntary one way scheme in place, kiss and drop working well.</td>
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<td>7.</td>
<td>04/08</td>
<td>15.04.05</td>
<td>RFT 01/08 Design, Construction and Refurbishment of the</td>
<td>That Council; 1. Resolves to appoint Aquatic Construction Services Pty</td>
<td>Ongoing Tenders notified, negotiations held with preferred Tenderer,</td>
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<td>Vic Hayton Memorial Swimming Pool Tom Price</td>
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<td>Ltd as the preferred Tenderer</td>
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<td>2. Instructs the Executive Manager Engineering Services to negotiate contract details with the preferred Tenderer</td>
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<td>3. Approves the Chief Executive Officer to award the contract upon completion of satisfactory negotiations and the securing of adequate funding.</td>
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<td>Contract awarded for design component. Construction phase of project postponed until May 2009 due to late notification of funding not allowing adequate time to complete works without interrupting pool open season. Proposed to commence construction of leisure pool ASAP.</td>
<td>Contract details finalised with contractor.</td>
</tr>
<tr>
<td>8.</td>
<td>06/08</td>
<td>10.02.02</td>
<td>Closure of Urandy Creek Road</td>
<td>That Council 1) Resolves to Instruct the Chief Executive Officer to formally request the Minister of Lands to close the section of Road Reserve No. 2100, Urandy Creek Road in accordance with s.58 of the Land Administration Act 1997.</td>
<td>Ongoing Responses to closure notice sent to DPI along with request to Minister of Lands to close road. Awaiting response from DPI</td>
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<td></td>
<td>10.06.17</td>
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<td>9.</td>
<td>12/07</td>
<td>10.12.29</td>
<td>Temporary Road Closure Yampire Gorge Road</td>
<td>That Council 1. Approves the temporary closure of Yampire Gorge Road (all sections) for a period of twelve months, in accordance with Section 3.50 of the Local Government Act 1995. 2. Directs the Executive Manager Engineering Services to implement signage and barrier work to prevent traffic traversing the road.</td>
<td>Ongoing Signs have been delivered. Awaiting installation.</td>
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<td>10.</td>
<td>09/07</td>
<td>10.09.22</td>
<td>Paraburdoo Refuse Disposal Operational Changes</td>
<td>That Council approve the staffing of the Paraburdoo Tip and restricting the opening times to the following 7:30am – 3:30pm Tuesday to Saturday 7:30am – 12:30pm Sunday Closed Monday and Public Holidays for a trial period of up to three months.</td>
<td>Finalised Subject to report to November Council meeting</td>
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<tr>
<td>11.</td>
<td>07/07</td>
<td>10.07.19</td>
<td>Residential Land Development – Tom</td>
<td>That Council approves the staged development and sale of residential land in Tom Price as generally outlined in the report,</td>
<td>Ongoing Proposed plan of subdivision</td>
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<tr>
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<td>Price</td>
<td>subject to the costing of the project being incorporated into the Shire’s budget for the 2007/08 financial year.</td>
<td>completed along with survey. Applied for development lease from DPI. Change of use for communications site to accommodation approved. Business Plan being prepared.</td>
</tr>
<tr>
<td>12.</td>
<td>06/07</td>
<td>10.06.16</td>
<td>Yampire Gorge Road – Temporary Road Closure</td>
<td>That Council 1. After considering the submissions received, proceed with the closure of vehicle traffic to part of Yampire Gorge Road defined as being three (3) kilometers north of the Banjima Drive intersection and extending to ten (10) kilometres south of the Nanutarra Munjina Road in accordance with Section 3.50 of the Local Government Act 1995, for a period of eighteen (18) months. 2. That Council instructs EMES to place signage to this effect, with advice from Main Roads Pilbara Region. 3. That EMES notify DEC Local emergency authorities, and LGIS as to the continued closure of the road. 4. Commence the process for closing the two remaining sections for a period to coincide with the current 18 months.</td>
<td>Ongoing Closure process complete. Signage delivered.</td>
</tr>
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<td>13.</td>
<td>05/07</td>
<td>10.05.13</td>
<td>Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price</td>
<td>That Council; 1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire. 2. Directs the EMES to seek a valuation of the proposed subdivision and prepare a detailed cost estimate for all works including survey, design and construction. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender</td>
<td>Ongoing Preliminary Design work being undertaken Met with DPI and surveyors. Meeting held with PI re Boonderoo Rd. PI agrees in principle, details of timing, construction and cost sharing to be negotiated. Awaiting advice from RTIO regarding provision of utilities. Draft water services and electricity report received. Preparing Business Plan in accordance with Local</td>
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<td>Council Meeting (mm/yy)</td>
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<td>Report Title</td>
<td>Council Decision</td>
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| 14. | 04/07 | 10.04.07 | Relocation of Onslow Landfill | 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled ‘Onslow Landfill Options’ subject to environmental approvals being forthcoming.  
2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. Further, a transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site.  
3. That funds amounting to $100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date $135,000 from budget $410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design. | Ongoing Met with DPI re land tenure, Heritage and flora surveys complete, no issues raised. Survey complete, application for lease forwarded to DPI. Minderoo Station owners approved location of site. Drillers on site late November for monitoring bores. |
| 15. | 12/06 | 10.12.26 | Closure of Dedicated Road No. 1009 – Red Hill to Mt Stuart | That Council (a) Agreed the closure of the Road No.1009 – Red Hill to Mt Stuart Road  
(b) Directs the EMES to advertise the proposed closure in accordance with the Land Administration Act 1997, Section 58, and report back to Council. | Ongoing Process completed. Responses sent to DPI. Awaiting final confirmation before proceeding with signage and closure measures. Awaiting DPI finalisation. |
| 16. | 07/05 | 10.07.757 | Closure of dedicated road no. 1718 – Hamersley Station to Rocklea Station | That Council in accordance with Section 58 of the Land Administration Act 1997, request the Minister for Lands to close the section of road reserve No. 1718 as described in the Government Gazette dated 18 December 1903, west of the Tom Price-Paraburdoo Road. | Ongoing Process completed. Responses sent to DPI. Awaiting final confirmation before proceeding with signage and closure measures. Awaiting DPI finalisation. |
11.11.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.11.28 REVIEW OF COUNCIL POLICY DONATIONS/CONTRIBUTIONS

FILE REFERENCE: FI.DO

AUTHOR’S NAME AND POSITION: Donna Reid
Administration Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 November 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary
A review of Policy FIN03 – “Contributions to Various Organisations” has indicated a need to update the current policy to outline the criteria and administration procedures and guidelines for distributing the budgeted funds for Community Contributions and Donations. The review also allows for Council to have a greater role in the process and makes the process more transparent.

Background
Community donations have previously been administered by the Executive Manager Community Services pursuant to Council Finance Policy FIN03 - “Contributions to Various Organisations”.

At various times Council has expressed concern with regards to this policy. Particular areas of concern have been the lack of involvement by elected representatives and an associated perceived lack of transparency.

The new policy, which has been prepared, attempts to address these deficiencies. A copy of the proposed policy is attached.

Comment
The proposed policy has been drafted after a review of similar policies applying within other local governments located within the Pilbara and Kimberley.
The resultant policy identifies three types of grants, these being:

- One of Donations up to $500
  It is anticipated these would be small grants from a small pool of funds budgeted by Council annually (say $5,000).

- Annual Community Sponsorship
  These are grants which are individually budgeted for in the Annual Budget, for example donations to the schools, the Tom Price SES, the Onslow St Johns Ambulance etc..

- Recreation & Cultural Grants
  This would be the main source of community grants. A total provision (of say $25,000) would be provided for in the Annual budget and these funds would be distributed twice yearly, after Council had considered the outcome a publically advertised grant application process

It is noted that while the policy proposes that the Recreation and Culture grants be distributed twice yearly in February and October. It is recommended however that there be a single event during the current financial year.

Consultation
Councillors
CEO
Executive Manager Community & Economic Services
Administration Manager

Statutory Environment
Local Government (Financial Management) Regulations 1996
Functions and General Regulations 1996

Policy Implications
Council Policy FIN03 is repealed and replaced with Council Policy REC08 Community Donations, Sponsorships & Funding

Financial Implications
Donations and Community Contributions have been included in the 2008/2009 Budget

Strategic Implications
Strategic Plan 2007/2011 (Incorporating Plan for the Future)
6. A Well Managed & Contemporary Corporation
   *Statutory Compliance, Compliance with Shire of Ashburton procedures and policies

Voting Requirement
Simple Majority Required
Officers Recommendation

That Council;

1. Revokes the previous Council Policy FIN03 “Contributions to Various Organisations” Attachment 11.11.28

2. Adopts the proposed Council Policy REC08 “Community Donations, Sponsorships & Funding” Attachment 11.11.28a

3. Instruct the Chief Executive officer to call for submissions for the 2008/09 Financial Year grants for consideration by Council at its meeting to be held on 17 March 2009.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Donna Reid</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager:</td>
<td>Larry Softley</td>
<td>Signature:</td>
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</tbody>
</table>
## 11.11.29 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

<table>
<thead>
<tr>
<th>#</th>
<th>Council Meeting (mm/yy)</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
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<tbody>
<tr>
<td>1.</td>
<td>08/08</td>
<td>11.08.22</td>
<td>Licence Agreement Panthers Football Club Inc.</td>
<td>That Council; 1. Council continue to support the Panthers Football Club (Inc.) with a licence agreement for the current area occupied by the Panthers Football Club (Inc.), located at the southern end of the Sports Pavilion known as the Panthers Football Club rooms, excluding the central part of the building known as the Sports Pavilion Hall, which is the subject of a proposal to Council; and 2. Council retain the status quo for the Sports Pavilion Hall (i.e. that it be managed by the Shire).</td>
<td>Ongoing Panthers notified of Council decision and licence. Agreement to be drawn up with Panthers Football Club Inc. Expect new licence agreement will be presented to Council’s ordinary meeting in December.</td>
</tr>
<tr>
<td>2.</td>
<td>06/08</td>
<td>11.06.12</td>
<td>Tom Price Office - Renovation</td>
<td>That Council: Approve the renovation of the Tom Price Shire Office, and associated works at the Shire Depot in Tom Price, to the value of $165,100 and that these costs are included into the Draft 2008/09 Budget.</td>
<td>Ongoing Council approved project at Pannawonica Council meeting in June 2008. Works commenced, renovations to the engineering department near completion. Transportable building for archives and office accommodation for maintenance team have arrived, progress continuing.</td>
</tr>
<tr>
<td>3.</td>
<td>06/08</td>
<td>11.06.14</td>
<td>Proposal to Combine the Paraburdooo Shire Office and Paraburdooo Library</td>
<td>That Council: 1. Approve renovation costs estimated at $45,000 to move the existing Paraburdooo Office, jointly occupied by United Credit Union (UCU) in the main shopping walkway, to a location next to the Paraburdooo Library with provision being made in the 2008/09 Budget; 2. Instruct the Chief Executive Officer to arrange a new five year lease agreement between the Shire of Ashburton and UCU for occupying the whole premises incorporating the following: • Rental value of $400.00 per week</td>
<td>Ongoing Office modifications to be commenced during coming month. Advised by Building Maintenance Officer work will start by beginning of November. New toilet and associated plumbing works completed, continuing with project works.</td>
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<td>4.</td>
<td>05/08</td>
<td>11.05.08</td>
<td>Review of Council Policies – Recreation &amp; Culture</td>
<td>Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC05 &amp; REC07 and report back to Council.</td>
<td>Ongoing Administration Manager has reviewed a number of policies that have been adopted by Council and remaining policy reviews are awaiting legal advice.</td>
</tr>
</tbody>
</table>
| 5. | 05/08                  | 11.05.09    | Proposed Tom Price Structure Plan & Town Centre Revitalisation Plans           | That Council;  
1. Form a Tom Price Structure Plan and Town Centre Revitalisation Working Group, consisting of Cr Bloem, Cr Martin & Cr Fernandez, Chief Executive Officer, Executive Manager Community and Economic Services, Executive Manager Engineering Services, representative of Department for Planning & Infrastructure, representative of Department of Industry and Resources, representative of Department of Environment & Conservation, representative of Landcorp, representative of Rio Tinto Iron Ore P/L, and representative of Pilbara Development Commission  
2. Instruct the Chief Executive Officer to make provision for $50,000 towards the cost of preparing the Tom Price Structure Plan and Town Centre Revitalisation Strategy in the draft 2008/09 Budget. | Ongoing Initial discussions held with DPI. Written invitations sent to proposed working group members inviting them to participate. Meeting held 6 September, 2008. Further meeting of the working group set for the 21st November 2008. |
| 6. | 10/08                  | 11.10.26    | Reconstruction of Vic Hayden Memorial Swimming Pool                           | 1. Resolves to bring forward funding of $400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayden Memorial Pool Tom Price.  
2. Resolves to endorse the early start of construction (pending confirmation of RIFP |                                                                                                                                                                                                                 |
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<tr>
<td>02/08</td>
<td>11/02.01</td>
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<td>Funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayden Memorial Pool Tom Price</td>
<td>Council decision as at February 2008 That Council; 1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool; 2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner; o Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware o Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room o Demolition of existing toddler’s pool and construction of new toddler’s of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children’s pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm. o Demolition and construction of concrete concourse including new drainage o Upgrade lighting to required standard o Refurbishment of existing office, kiosk, change rooms and toilets; 3. Providing that the necessary funds are available, resolves to direct the Executive Manager Community &amp; Economic Services to call a Design and Construct Tender for the works</td>
<td>Ongoing Design component of Tender has been confirmed with successful tenderer. Negotiations are taking place in relation to “construct” component. Pilbara Iron invoiced for their portion $750,000 of funding. Received from PI $825000.00 which is funding of $750000.00 inclusive of GST. Advised by PDC that RIFP funding &amp; cabinet submission to go before Cabinet 18 June. Due to delay in funding “construct” has been rescheduled to begin in April 2009. Repairs to existing structure will be completed so pool will be operational for Summer season. Deputy Premier Hon. Eric Ripper announced successful funding of $1.5 million for the construction works of the new pool at Tom Price. Advised by Pilbara Development Commission (PDC) $750000.00 funding grant received signed off by</td>
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<td>previous Gov Deputy Premier Hon. Eric Ripper for funds from Dept. Sport &amp; Rec. advised that the other $750000.00 from RIFP funding didn’t go through Cabinet prior to the election being called, Hon. Brendon Grylls Minister for Regional Development has been given the submission for Cabinet. PDC advised that the Minister has given our funding high priority. <strong>Pool expected to be open to the Community on the 18th October 2008 and closed for new pool construction mid March 2009.</strong> Pool opened Saturday 25th October 2008 after minor repairs and disconnection of the childrens pool which was a point of extreme damage by tree roots causing large loss of water. RIFP funding $750000.00 went to cabinet 3rd November 2008 result of funding status will be known when Council sit for the November meeting.</td>
</tr>
<tr>
<td>7</td>
<td>10/07</td>
<td>12.10.69</td>
<td>Draft Tourism Policy – Pilbara Regional Council</td>
<td>That Council review and comment on the draft Regional Tourism Plan by 30th November 2007 to the Pilbara Regional Council.</td>
<td>Ongoing EMCES has attended meeting with representatives from PRC Council’s. <strong>PRC has endorsed the Pilbara Regional Tourism Plan at its ordinary meeting of Council 22nd September</strong></td>
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<td>#</td>
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| 8  | 08/07                  | 11.08.09    | Expressions of interest reserve 39204 Tom Price (Archery Site) | That Council  
   a) Invite expressions of interest from persons or community groups interested in entering into a License Agreement to occupy Reserve 39204  
   b) That any proponent be required to seek necessary approvals and site clearance as part of their expressions of interest. | Ongoing  
   Awaiting comment from DPI in regards to Management of Reserve and restrictions. |
| 9  | 12/05                  | 11.12.368   | Tom Price Entry Statement | That Council grant approval to the Tom Price Tourism Committee for the establishment of a Tom Price Entry Statement on Mine Road Tom Price, and wishes to consider further options for the Entry Statement as these may relate to location and the nature of the structure. | Ongoing  
   Discussions between EMCES and the Tom Price Business Association. Project to be developed for presentation to Council, funding to be budgeted in 2009/2010 fiscal year. |
| 10 | 12/05                  | 11.12.369   | Tom Price Area W Civic Centre | That Council:  
   1. Include $40,000 for consideration in the 2006/07 draft budget for repairs to the Area W Civic Centre subject to successful grant funding being obtained by the Children’s Activity Centre Group.  
   2. Include $5,000 in the 2006/07 draft budget for consideration as a donation towards operational costs by the Children’s Activity Centre Group provided they undertake cleaning of the toilets when utilized by netball and basketball.  
   3. Meet the cost of water at the Area W Civic Centre and include this clause in the draft licence agreement. | Finalised  
   Council have withdrawn the $40,000 in budget due to Children’s Activities group failure to provide structured business plan for the project. Further discussions are taking place between PI & SOA re a designated building for play groups/child minding in Tom Price. PI will allocate $30,000 for a feasibility study. Further meeting with Michelle McGregor Early Years and Rhiannon Bloem. Pilbara Iron planned ongoing further discussions to take place with the Children’s Activity Group & Pilbara Iron. Received a report from PI on the structural condition of the Civic Centre together with |
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<td>some costing to upgrade.</td>
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12.11.0 CORPORATE SERVICES REPORTS

12.11.62 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE: AS.AS

AUTHOR’S NAME AND POSITION: Pam Hanson
Action Executive Assistant

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 October 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

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

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

Comment
The Common Seal has been affixed to the following documents since 21 October 2008.

Seal 275 Licence agreement between Shire of Ashburton and Paraburdoo Swimming Club and Paraburdoo Netball Association x 2

Seal 276 Transfer of Land, between Shire of Ashburton and the State of WA for Lot 555 and Lot 556 on Deposited Plan Number 181876 Onslow x1

Seal 277 Easement in Gross Lot 555 and 556 on Deposited Plan 181876 x 2

Consultation
Chief Executive Officer

Statutory Environment
Policy Implications
There are no policy implications relevant to this issue.

Financial Implications
There are no specific financial implications related to this issue.

Strategic Implications
Strategic Plan 2007-2011 (Incorporating Plan for the Future)
  6 – Well Managed and Contemporary Corporation
    Statutory Compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement
Simple Majority Required

Officers Recommendation

That Council note the contents of this report.

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<thead>
<tr>
<th>Author</th>
<th>Pam Hanson</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Manager</td>
<td>Keith Pearson</td>
<td>Signature</td>
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</table>

In accordance with regulation 34 of the Local Government (Financial Management) Regulations, the Shire is to prepare a monthly Statement of Financial Activity for approval.

Comment
The objective of this item is to present a summary of the financial activity to the 31 October 2008.

1. Presented (see attachments) in this report for the financial period ended 31 October 2008, are the:
   - Statements of Financial Activity
   - Reconciliation of statement of financial activity to current assets for the period 31 October 2008.
2. The schedule of accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costings.
3. **Outstanding Debtors** – Unable to produce at time of writing report – Will be updated at December 2008 meeting
4. **Rates** raised this year on the 27 August 2008 were - $5 668 358.44.
   
   Rates received at the 31 October 2008 – $3,602,100.84
5. **Cash at Bank** – An unaudited account of pure cash amounts as at 31 October 2008.

<table>
<thead>
<tr>
<th>Account Name</th>
<th>Account Balance</th>
<th>% rate</th>
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<tr>
<td>Municipal Account</td>
<td>$5,470,604</td>
<td></td>
</tr>
<tr>
<td>Trust Account</td>
<td>$ 215,901</td>
<td></td>
</tr>
<tr>
<td>Reserve Account</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Term Deposit 1</td>
<td>$2,469,917</td>
<td>7.420%</td>
</tr>
<tr>
<td>• Term Deposit 2</td>
<td>$ 324,293</td>
<td>6.350%</td>
</tr>
<tr>
<td>• Term Deposit 3</td>
<td>$1,016,500</td>
<td>7.800%</td>
</tr>
<tr>
<td>Commonwealth Account</td>
<td>Unable to confirm month end figure approx $95,000</td>
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<tr>
<td>Total as at 31 October 2008</td>
<td>$9,592,215.00</td>
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</tbody>
</table>

6. Budget Variance Report – see attached

**ATTACHMENT 12.11.63 Overview of Accounts**

**ATTACHMENT 12.11.63a Financial Statement**

**Consultation**
Finance Officers
Consultant Accountant

**Statutory Environment**

**Policy Implications**
There are no Council Policies relevant to this issue.

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

**Strategic Implications**
There are no strategic implications relevant to this issue

**Voting Requirement**
Simple Majority Required

**Officers Recommendation**


<table>
<thead>
<tr>
<th>Author :</th>
<th>Amanda O'Halloran</th>
<th>Signature :</th>
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</thead>
<tbody>
<tr>
<td>Manager :</td>
<td>Keith Pearson</td>
<td>Signature :</td>
</tr>
</tbody>
</table>
Summary
Council, at its ordinary meeting on the 20 November 2007, resolved to appoint Councillor Thomas to be the council representative on the Land Conversation District Committee (LCDC) for the zones, Roebourne/Port Hedland and also Ashburton.

The appointment with the LCDC for the Roebourne/Port Hedland District is due to expire on the 31 December 2008 and LCDC are asking for nomination for re-appointment to this Committee.

Background
Land Conservation District Committees (LCDCs) are statutory bodies formed under section 23 of the Soil and Land Conservation Act 1945 (the Act).

LCDC’s operate with respect to defined land conservation districts and are formed by an Order of the Governor in Council on the advice of the Minister for Agriculture, Forestry and Fisheries.

Membership of Land Conservation District Committees (LCDCs) is set out in the Soil and Land Conservation Act 1945 (the Act) and includes:

- the Commissioner of Soil and Land Conservation or his/her nominee;
- representative(s) of the relevant local government(s) in the district (can be a councillor, employee of the local government or other person);
- a total of three persons representing the Western Australian Farmers Federation (WAFF) and/or the Pastoralists and Graziers Association (PGA), if agricultural and pastoral activities are a major land use within the district (does not have to be a member of WAFF or PGA, although this will usually be the case); and such other number of persons from the local
community required to complete the membership, being people or organisations who are actively engaged in land use within the district (generally referred to as the "land user" category).

The actual number of members on a particular LCDC is set by the order establishing the district. This varies between LCDCs.

The Commissioner of Soil and Land Conservation approves all appointments to LCDCs and members serve a maximum term of three years.

The Shire’s previous appointee for the Roebourne-Port Hedland zone was Cr Lorraine Thomas.

**Comment**

The author has been in contact with Cr Lorraine Thomas who has confirmed that she is willing to be re-nominated to represent Council on this Committee.

Council approval is being sought in relation to this appointment.

**Consultation**

Department of Agriculture & Food
Cr Lorraine Thomas
Chief Executive Officer

**Statutory Environment**

Soil and Land Conservation Act 1945

**Policy Implications**

There are no policy implications relative to this issue.

**Financial Implications**

There are no financial implications relative to this issue.

**Strategic Implications**

There are no strategic implications relative to this issue.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That Council;

1. Appoint Cr Lorraine Thomas, Tableland Ward, to represent the Shire of Ashburton on the Land Conservation District Committee for the Roebourne-Port Hedland zone; and

2. Request Cr Lorraine Thomas to report back to Administration by forwarding copies of the minutes of each meeting in order to keep Council informed.
<table>
<thead>
<tr>
<th><strong>Author:</strong></th>
<th>Brooke Shields</th>
<th><strong>Signature:</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Manager:</strong></td>
<td>Keith Pearson</td>
<td><strong>Signature:</strong></td>
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</tbody>
</table>
12.11.65 EXTRAORDINARY ELECTION TOM PRICE WARD

FILE REFERENCE: OR.EL.3

AUTHOR’S NAME AND POSITION: Donna Reid Administration Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 November 2008

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

PREVIOUS MEETING REFERENCE: Ordinary Council Meeting 16 September 2008 Agenda Item 12.09.51

Summary
Cr Hugh Martin resigned from his Office of Councillor for the Tom Price Ward, effective from 28 August 2008.

Council at its September 2008 Council meeting resolved that the Electoral Commission conduct an Extraordinary Election for the vacant position, however at the close of nominations on the 4th November 2008, no nominations had been received.

Background
Cr Hugh Martin resigned from his office of Councillor for the Tom Price Ward, effective from 28 August 2008.

Council at its September 2008 Council meeting resolved that the Electoral Commission conduct an Extraordinary Election and the vacancy was subsequently advertised. At the close of nominations on the 4th November, 2008 no nominations had been received.

Since the Close of Nominations the Shire has received correspondence from two eligible people who are willing to accept the vacant position.

Comments
As there were no nominations received at the Close of Nominations, pursuant to section 4.57(1) of the Local Government Act 1995 which states:

“If at close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.”
If at the end of this process no nominations are received again, Council is able to appoint an eligible interested person to the position pursuant to section 4.57(3), which states:

“If, at close of nominations, for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.
*Absolute majority required.”

The written submissions from interested people were received from Ms Annette Eyre and Ms Melanie Perry. Copies are attached for Council’s information.

Consultation
Chief Executive Officer

Statutory Environment
Local Government Act 1995 section 4.57(1)
Local Government Act 1995 section 4.20 (4)
Local Government Act 1995 section 4.61 (2)

Policy Implications
There are no known policy implications

Financial Implications
There will be further costs related to the election, an estimate would be in the vicinity of $7,000.

Strategic Implications
There are no known strategic implications.

Voting Requirement
Absolute majority required.

Officers Recommendation

That Council recall an extraordinary election be re-held for one vacancy for the Tom Price Ward on Thursday 19th February 2009 and that Council;

(a) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election.
(b) decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election
(c) allocate the sum of $7,000 towards the cost of the extraordinary election.
<table>
<thead>
<tr>
<th>Author:</th>
<th>Donna Reid</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager:</td>
<td>Keith Pearson</td>
<td>Signature:</td>
</tr>
</tbody>
</table>
12.11.66 ORDINARY MEETING OF COUNCIL – SCHEDULE OF MEETING DATES, TIMES AND LOCATIONS

FILE REFERENCE: OR.MT

AUTHOR’S NAME AND POSITION: Pam Hanson Executive Assistant CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 November 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary
It is a requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

Background
In the past, Council has adopted the meeting schedule for the months from June to May of each year at the May ordinary meeting of Council. This was to co-ordinate with the Local Government Elections which were also held in May.

Due to Local Government Elections now being held in October it is proposed to adopt the meeting schedule set out below in November of each year, Council will adopt the meeting schedule for the following 12 month period.

Comment
In determining the dates, times and locations for the Ordinary Meeting of Council for the upcoming year consideration has been given to a number of factors including last year’s schedule.

Suggested dates are outlined in the table below. If this proposal is adopted there will be three meetings in Onslow, four meetings in Tom Price, three meetings in Paraburdoo and one meeting in Pannawonica during the year. Traditionally meetings are held on Tuesday.

Generally the commencement time of 9.00am has worked well, allowing adequate public question time and full consideration of the Agenda.
The meeting in Pannawonica in June 2008 was a success with Councillors and staff travelling on the Monday afternoon and commencing the meeting at 8:00am. This ensured the meeting had closed by 3:00pm in order for staff and Councillors to return home that afternoon. It is proposed that this meeting be the exception within the schedule and that it commence at 8:00am.

**Statutory Environment**
Local Government Act 1995, Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.

**Policy Implications**
Council Policy ELM01 – Council and other meetings

**Financial Implications**
Council sets aside sufficient funds in its budget to meet the cost of Council meetings.

**Strategic Implications**
There are no strategic implications relevant to this issue.

**Voting Requirement**
Simple Majority required.
Officers Recommendation

That Council

1. Adopt the Schedule of Meeting dates, times and locations for the period February 2009 to December 2009 as outlined below; and

2. Pursuant to Section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period February 2009 to December 2009.

<table>
<thead>
<tr>
<th>DATE</th>
<th>LOCATION</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, 17 February</td>
<td>Meeting Room. Community Recreation Centre, Tom Price</td>
<td>9.00am</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuesday, 17 March</td>
<td>Ashburton Hall Ashburton Avenue, Paraburdoo</td>
<td>9.00am</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuesday, 21 April</td>
<td>RM Forrest Memorial Hall Second Avenue, Onslow</td>
<td>9.00am</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td></td>
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<tr>
<td>Tuesday, 19 May</td>
<td>Meeting Room, Community Recreation Centre, Tom Price</td>
<td>9.00am</td>
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<tr>
<td>2009</td>
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<tr>
<td>Tuesday, 15 June</td>
<td>Barry Lang Centre, Pannawonica</td>
<td>8.00am</td>
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<tr>
<td>2009</td>
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<td></td>
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<tr>
<td>Tuesday, 21 July</td>
<td>Ashburton Hall Ashburton Avenue, Paraburdoo</td>
<td>9.00am</td>
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<tr>
<td>2009</td>
<td></td>
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<tr>
<td>Tuesday, 18 August</td>
<td>Meeting Room, community Recreation Centre, Tom Price</td>
<td>9.00am</td>
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<tr>
<td>2009</td>
<td></td>
<td></td>
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<tr>
<td>Tuesday, 15 September</td>
<td>RM Forrest Memorial Hall Second Avenue, Onslow</td>
<td>9.00am</td>
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<tr>
<td>2009</td>
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<td></td>
</tr>
<tr>
<td>Tuesday, 20 October</td>
<td>Ashburton Hall Ashburton Avenue, Paraburdoo</td>
<td>9.00am</td>
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<tr>
<td>2009</td>
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</tr>
<tr>
<td>Tuesday, 17 November</td>
<td>Meeting Room, Community Recreation Centre, Tom Price</td>
<td>9.00am</td>
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<td>2009</td>
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<tr>
<td>Tuesday, 15 December</td>
<td>RM Forrest Memorial Hall Second Avenue, Onslow</td>
<td>9.00am</td>
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<td>2009</td>
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</tbody>
</table>

Author : Pam Hanson    Signature :
Manager : Keith Pearson Signature :
12.11.67 RATE DEBTORS FOR WRITE OFF

FILE REFERENCE: Fl.DR.1

AUTHOR’S NAME AND POSITION: Amanda O’Halloran
Executive Manager Western Operations & Finance

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 November 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary
The Local Government Act 1995 allows Council to write off any sum of money. Council has delegated authority to the Chief Executive Officer to write off amounts up to $1000.00. Any amount over $1000.00 must be written off by Council.

Background
Section 6.12 of the Local Government Act 1995 states:

(1) Subject to subsection (2) and any other written law, a local government may –
   a. When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
   b. Waive or grant concessions in relation to any amount of money; or
   c. Write off any amount of money,
   d. Which is owed to the local government

*Absolute majority required

(2) Subsection (1)(a) and (b) do not apply to an amount of money in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Comment
The finance team has been working hard to ensure Council’s financial matters are up to date and accurate. The Finance Officer Rates – has presented the following report of rate debtors for write off. There are amounts listed that under delegation could have been written off by the CEO, it
was thought prudent though in this instance to present the full picture to Council for their consideration.

The rates area has undergone 6 months of reconciliation and the following assessments are requested for write off due to –

- Bindi Bindi rubbish rates dating back to 1998, and every effort has been taken to recoup the outstanding funds.
- Tenement properties that have been forfeited or death has occurred and the tenement has been handed back.

The total amount of rates to be written off is $105,303.06. Please see attached report.

**Consultation**
Chief Executive Officer
Rates Officer

**Statutory Environment**
Local Government Act 1995 Section 6.12

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

**Financial Implications**
The total amount of debt under consideration is $105,303.06

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

**Voting Requirement**
Absolute Majority Required

**Officers Recommendation**

That Council write off the listed debt as per the attachment 12.11.67

<table>
<thead>
<tr>
<th>Author : Amanda O'Halloran</th>
<th>Signature :</th>
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</thead>
<tbody>
<tr>
<td>Manager : Keith Pearson</td>
<td>Signature :</td>
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</tbody>
</table>
## 12.11.68 CORPORATE SERVICES STATUS REPORT

<table>
<thead>
<tr>
<th>#</th>
<th>Council Meeting</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>10/10</td>
<td>12.10.55</td>
<td>Request for councillor Training</td>
<td>That Council endorse Cr Dias’s request to participate in the WALGA Elected Member Getting Started Module as set out in attachment 12.10.55 and budgeted for in the 2008/2009 budget</td>
<td>Finalised. Travel and course bookings made.</td>
</tr>
<tr>
<td>2.</td>
<td>10/10</td>
<td>12.10.56</td>
<td>Amendment to 2008/2009 Fees &amp; Charges</td>
<td>That Council approves an increase of the Line Marking Paint Fee to $5 per can</td>
<td>Finalised Advertising of amendment undertaken</td>
</tr>
</tbody>
</table>
| 3. | 09/08           | 12.09.49    | Proposed Christmas / New Year Arrangements 2008-2009 | That Council:  
1. Note the closure of the offices in Tom Price, Paraburdo, Pannawonica and Onslow for the period Tuesday 23rd December 2008 to 5 January 2009.  
2. Note the closure of the office’s at 2pm on Tuesday 23rd December 2008.  
3. Note the changes to the rubbish collection.  
| 4. | 09/08           | 12.09.51    | Extraordinary Election Tom Price Ward | That an extraordinary election be held for one vacancy for the Tom Price Ward on Thursday 11th December, 2008 and that Council:  
(a) Declare, in accordance with section 4.20 (4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election.  
(b) Decides, in accordance with section 4.61(2) of the Local Government Act 1996 that the method of conducting the extraordinary election will be as a postal election Allocate the sum of $7,000 towards the cost of the extraordinary election. | Ongoing see Agenda Item 12.11.65 November 2008 Agenda |
| 5. | 06/08           | 16.06.12    | Confidential Report – Wittenoom Asbestos Litigation | That Council;  
1. Endorse the actions of the Chief Executive Officer, in relation to his use of his delegated authority to instruct | Ongoing. Council records being researched prior to preparing |
<table>
<thead>
<tr>
<th>#</th>
<th>Council Meeting</th>
<th>Agenda Ref.</th>
<th>Report Title</th>
<th>Council Decision</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td>Shire Solicitors, in relation to those Wittenoom based Asbestos claims against the Shire of Ashburton which have been progressed between February 2008 and the date of this report.</td>
<td></td>
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</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td>2. Instruct the Chief Executive Officer to prepare a detailed written submission concerning “Wittenoom Asbestos Litigation” issues for submission to the State Government’s Wittenoom Steering Committee and that the Committee be requested to permit the Shire to speak to it in relation to the contents of the report.</td>
<td></td>
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<tr>
<td>3.</td>
<td></td>
<td></td>
<td>3. Instruct the Chief Executive Officer to initiate dialogue with the Premier in relation to Wittenoom Asbestos Litigation issues as a matter of urgency.</td>
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<tr>
<td>6.</td>
<td>08/07</td>
<td>12.08.54</td>
<td>Local Laws</td>
<td>That Council</td>
<td>Ongoing Executive meeting planned to progress possible Property Local Law.</td>
</tr>
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<td></td>
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<td>1. Having considered any submissions received, approves the minor amendments to the Shire’s Cats Local Law, Dogs Local Law, Extractive Industries Local Law, Health Local Law and Parking Local Law, as set out in Attachments 12.08.54, pursuant to the provisions of Section 3.16 of the Local Government Act 1995.Instructs the CEO to research the possibility of the adoption of a Property Local Law which would encompass the following local laws – Aerodromes, Cemeteries with the possibility of Seashore Management, Caravan/Camping and Park Management, Reserve Management and Signage also being included.</td>
<td></td>
<td></td>
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<tr>
<td>7.</td>
<td>07/07</td>
<td>12.07.45</td>
<td>Offer from Department of Local Government – Outstanding Rates – Wittenoom</td>
<td>That Council advise the Department of Local Government and Regional Development that it accepts the Department’s proposal, as set out in its advice received 20 June 2007 (Attachment 12.07.45), in return for the Shire exercising the provisions of Section 6.74 of the Local Government Act, in relation to vacant land within the former town site of Wittenoom, where the rates outstanding are for three or more years.</td>
<td>Ongoing Council decision being implemented. DLGRD has paid $29,000 for outstanding rates on 12 properties recently purchased by the State.</td>
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<td>#</td>
<td>Council Meeting</td>
<td>Agenda Ref.</td>
<td>Report Title</td>
<td>Council Decision</td>
<td>Current Status</td>
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<td></td>
<td>Government. Documentation finalised for transfer of another 7 properties.</td>
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</tbody>
</table>
13.11.0 DEVELOPMENT SERVICES REPORTS

13.11.43 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

FILE REFERENCE: RS.BC.1

AUTHOR’S NAME AND POSITION: Morgwn Jones
Supervisor of Emergency Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 November 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary
With the fire season approaching it is imperative that Council appoint Fire Control Officers for the 2008-2009 fire season.

Background
A review of all Fire Control Officers appointments was made by Council on 18 September 2007. Since this time there have been a number of appointments revoked by Council due to appointed persons leaving the Shire of Ashburton.

There was a Bush Fire Advisory Committee meeting programmed for the 30 October 2008, unfortunately, however there were not sufficient members present to form a quorum. Despite this, the issue of appointments were discussed by the CBFCO Morgwn Jones, DCBFCO West Ian Whyborn, SOA CEO Keith Pearson and FESA Acting Regional Manager Pilbara Wayne Cooke. It was recommended that a list of appointments be drawn up for Council to approve and the outcome be relayed back to the BFAC. There is no breach of Legislation as the BFAC is an Advisory Committee, to council only.

Comment
Under the Bush Fires Act 1954 a Local Government from time to time may appoint such persons as it thinks necessary to be its Bush Fire Control Officers. With the onset of summer it is necessary to appoint FCO’s for the upcoming season.

Statutory Environment
Section 38 (1) of the Bush Fires Act 1954 – In respect of Appointing Bush Fire Control Officers, and a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers from amongst persons so appointed.
The Shire of Ashburton shall publish all appointments in a least one (1) newspaper circulating in the district.

**Policy Implications**
Council Policy ENG08; Bush Fire Policy

**Financial Implications**
Advertising of appointments

**Strategic Implications**
There are no strategic implications relative to this matter

**Voting Requirement**
Simple Majority Required

**Officers Recommendation**

**That Council**

1. Revokes all previous appointments of Chief Bush Fire Control Officer (CBFCO), (Deputy Chief Bush Fire Control Officer CBFCO) and all Fire Control Officer’s (FCO)

2. Appoints the following

   - Morgwn Jones as CBCO for the Shire of Ashburton
   - Chris O’Connell as DCBFCO for the Shire of Ashburton
   - Ian Whyborn as DCBFCO for the Shire of Ashburton
   - Geoff Harrison as FCO for the Shire of Ashburton
   - Peter Nazarovs as FCO for the Shire of Ashburton
   - Greg Lincoln as FCO Shire EAST
   - Riki Tamati as FCO Shire EAST
   - Jason Reimers as FCO WEST

3. Issue a certificate of appointment to all CBFCO, DCBFCO and FCO’s

4. Publish all appointments as revoked and all new appointments in at least one (1) newspaper circulating within the district

<table>
<thead>
<tr>
<th>Author:</th>
<th>Morgwn Jones</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager:</td>
<td>Bernard Smith</td>
<td>Signature:</td>
</tr>
</tbody>
</table>
13.11.44 DRAFT PERCENT FOR PUBLIC ART POLICY FOR ADOPTION

FILE REFERENCE: OR.CM.1

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 5 October 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary
At its Ordinary meeting of October 2008 Council adopted a draft Percent for Public Art Policy and resolved that it be advertised in accordance with the provisions of the Shire’s Town Planning Scheme No. 7.

The advertised period has now been completed, and at the time of writing this Report, no submissions were received.

It is recommended that Council formally adopt the policy, without modification.

Background
At its Ordinary meeting of October 2008, Council adopted a draft Percent for Art Local Planning Policy with the objective of protection and enhancement of amenity and identity of the public domain in Tom Price, Onslow, Paraburdoo, major commercial buildings, entry points, squares, foreshores and parks within the Shire of Ashburton through:

• promotion of civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;

• enhancing a sense of place by encouraging public art forms which reinforce and highlight European and Indigenous history, cultural heritage and contemporary traditions;

• promotion of community reflection, inspiration, celebration and well being;

• improving visual amenity by use of public art to screen unattractive views and improve the appearance of places; and
• improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

A copy of the draft policy has been included as an attachment

**ATTACHMENT 13.11.44**

**Comment**
It is generally accepted that public art contributes to the attractiveness of a place to residents, businesses and tourism, encouraging and underpinning sustainable economic, social and environment values.

The adoption of Percent for Public Art policies across the state ensures that the cost of the program is shared across state and local government bodies and large commercial developments. For example, this would apply to the development of the Tom Price Airport, as it is a significant building, is an entry point to the Shire and is a development of a value greater than $1,000,000

The draft policy offers a clear and concise approach to the process, whilst also incorporating community considerations such as opportunities for local artists.

The draft policy was advertised in the Local Government Notices section of the West Australian newspaper on 29 October and 5 November 2008, as is required by the Shire’s Town Planning Scheme No 7. It was also displayed on Council notice boards in Tom Price, Paraburdoo, Onslow and Pannawonica.

At the time of preparing this Report, no submissions were received during the period that the draft policy was open to public comment. Should submissions be received prior to the Council Meeting, they will be referred under separate cover.

**Consultation**
Chief Executive Officer
Executive Manager Development Services

The public consultation provisions of Town Planning Scheme No.7 have been observed.

**Statutory Environment**
Shire of Ashburton Town Planning Scheme No. 7

**Policy Implications**
This is a new policy initiative which will strengthen the policy framework, provide a basis for the imposition of justifiable development conditions and clear guidance for the Shire to ensure a consistent approach for public art contributions.

**Financial Implications**
The rate of one percent applied on developments with construction values over $1,000,000 will result in a minimum contribution of $10,000. The rate and threshold is an industry standard.
The Shire’s Capital Works will also be subject to the policy; this will require a portion of the allocated budget to be considered and may result in monies being set aside for all eligible proposals.

**Strategic Implications**
There are no strategic implications that relate to this matter.

**Voting Requirement**
Simple Majority Required

**Officers Recommendation**

That Council

1. Adopt the draft Local Planning Policy – Percent for Public Art Policy as a Local Planning Policy under the provisions of the Town Planning Scheme No.7; (see attachment 13.11.44)

2. Give public notice of Council’s decision as is required by the Shire of Ashburton Town Planning Scheme No. 7.

<table>
<thead>
<tr>
<th>Author:</th>
<th>Rob Paull</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Manager:</td>
<td>Bernard Smith</td>
<td>Signature:</td>
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</table>
13.11.45 DEVELOPMENT APPLICATION - 140 PERSON TRANSIENT WORKERS ACCOMMODATION FACILITY ON LOT 54, STHN CNR OF PANNAWONICA ROAD AND DEEPDALE ROAD, PANNAWONICA

FILE REFERENCE: PN.DP.54

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

NAME OF APPLICANT/RESPONDENT: Robe River Mining (who are the Primary Leaseholders)

DATE REPORT WRITTEN: 5 November 2008

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary
The Shire is in receipt of an Application for Planning Consent for a 140 Person Transient Workers Accommodation Facility on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica. This proposal essentially adds an additional 80 rooms on to the 60 bed consent issued by Council at its meeting of 18 March, 2008. The Applicant advises that the expanded facility is required to meet works arrangements for Pannawonica. The camp will be to a maximum of 140 persons in 2009 and will then scale down to a total of 80 rooms until the end of the project in 2010. All rooms will be removed by May 2012.

A site plan, elevations and road access plans along with the Applicant’s statements are attached.

ATTACHMENT 13.11.45

Background
Council issued planning approval for a 60 person Transient Workers Accommodation Facility on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica at the March Council meeting.

A ‘drive in site’ adjoins the site of the proposed ‘transient workforce accommodation’ facility (note aerial photograph as attached

ATTACHMENT 13.11.45a

Comment
The land is zoned “Rural” under the Shire of Ashburton Town Planning Scheme No. 7 (‘Scheme’). Under the Scheme, the siting of a ‘transient workers accommodation’ on the subject Lot is a
permissible use. It is at the discretion of the Shire as to whether a community advertising process is necessary. In this instance (and in accordance with the Shire’s Local Planning Policy – Transient Workforce Accommodation, advertising was considered necessary and undertaken via a sign on site. Advertising closes immediately prior to Council considering this Application. However, at the time of writing this Report, no submissions had been received. Should any submissions be received prior to the Council meeting, Shire Staff will table them.

It is understood that the proposed ‘transient workforce accommodation’ ‘transient workforce accommodation’ is to provide accommodation for those workers who are to be employed to upgrade facilities and services in Pannawonica as well as building future camps. Accordingly, it is understood that the proposed facility is intended to operate more as a ‘construction’ camp.

The Applicant has advised as follows:

“The Expanded Construction Camp is required due to the current sequencing of the works on the Project to meet community, Shire and business commitments. This camp will be required from March 2009 until March 2010, at which time 60 rooms will be removed from the site.

The remaining 20 rooms comprising the Expanded Construction Camp will be retained until the completion of the project in May 2012, at which time these 20 rooms will be removed along with the original 60 rooms for which planning approval was granted in April 2008”.

It is unknown what the Shire commitments referred to are.

It is noted that the opportunity to establish ‘Transient Workforce Accommodation’ within the ‘Rural’ zone is consistent with the provisions of Council’s recently adopted Local Planning Policy – Transient Workforce Accommodation (discussed further under the heading of ‘Policy Implications’).

The proposal has been assessed against the provisions of the above Policy. In many respects, the proposed facility doesn’t quite fit the Policy as it is zoned ‘Rural’ but within Pannawonica. However, due to the type of operation of the facility and the sequencing of accommodation units, it is considered the subject application is appropriate to the land and subject to conditions should be supported.

Consultation
Chief Executive Officer
Executive Manager Development Services

Community consultation was undertaken in accordance with the Scheme and at the time of writing, no objections were received.

Statutory Environment
Shire of Ashburton Town Planning Scheme No. 7
Western Australian Planning Commission Policy (WAPC) 4.2 – Planning for Hazards and Safety
Policy Implications
The opportunity to establish ‘Transient Workforce Accommodation’ within the “Rural” zone is consistent with the provisions of Council’s recently adopted Local Planning Policy – Transient Workforce Accommodation.

Specifically, the Policy States:

4.5 Location of Camps

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

- in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction;
- adjacent to recognised tourist routes, unless suitably screened or designed for permanent use;
- within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones:
  - Rural Residential;
  - Industrial and mixed Business/Development;
  - Industry; or
  - Mixed Business.

Financial Implications
The Shire is able to recoup costs associated with this process from the proponent.

Strategic Implications
There are no strategic implications, which relate to this matter.

Voting Requirement
Simple Majority Required

Officers Recommendation

That Council:

1. Approve the development application made by Robe River P/L to construct and use up to 140 person transient workers accommodation facility with ancillary structures (including the 60 person facility approved by Council at its meeting on 18 March 2008), on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica, in accordance with the endorsed plans, subject to the following conditions:
(a) The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire’s Local Planning Policy –Transient Workforce Accommodation, the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.

(b) All storm water produced on the site shall be disposed of either in the Council’s drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Council. Plans must be submitted prior to issue of a building licence showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.

(c) Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton pursuant to Clause 6.9.4 of the Scheme. The agreement shall nominate the removal of rooms and require the structures to cease as follows:

- March 2010 - removal of 60 nominated rooms; and
- May 2012 - removal of all rooms;

or other period as agreed by the Chief Executive officer and the structures be removed within 28 days of the agreement.

(d) Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, drained, sealed, kerbed, maintained and marked to the specifications and satisfaction of the Shire of Ashburton.

(e) Parking spaces, shall have dimensions of at least 5.5 metres by 2.5 metres with a 6 metre wide access way.

(f) A landscaping plan shall be submitted and approved prior to the issue of a Building Licence or any works commencing. For the purpose of these conditions a detailed landscaping plan shall show the following:

(i) Any lawns to be established;
(ii) Any natural landscape areas to be retained; and
(iii) Those areas to be reticulated.

(g) Landscaping areas shall be installed within 13 weeks of the use commencing or occupation of the development, and shall be maintained thereafter by the owner/occupier to the satisfaction of the Manager of Development Services.

(h) The design and layout of the buildings shall be consistent with the provisions of the Residential Planning Codes.

(i) Prior to occupation and use of the camp the developer shall upgrade Pannawonica-Millstream Road with a bitumen seal to the requirements of the
Chief Executive Officer from the intersection of Deepdale Drive to the limits of Stage 1 Construction Camp Polygon as shown on drawing number A.001 Pannawonica Town Layout Stage 1 Locality Reference Plan.

2. Advise the applicant of its right of appeal pursuant to Part 14 of the Planning and Development Act 2005.

3. Advise the applicant that the total number of rooms approved is 140 and that this includes the 60 person Transient Workers Accommodation approved by Council at its meeting of 18 March 2008.

4. Advise the applicant that the issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the complex unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.

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<td>Rob Paull</td>
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<td>Bernard Smith</td>
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13.11.46  TOM PRICE AND PARABURDOO MINE SITE CAMPS PROPOSED TIME EXTENSION AND INCREASE IN SIZE

FILE REFERENCE: MI.TPMS

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

NAME OF APPLICANT/RESPONDENT: Rio Tinto Ltd

DATE REPORT WRITTEN: 12 November 2008

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.11.41 Ordinary Meeting of Council 20 November 2007
Agenda Item 13.10.36 Ordinary Meeting of Council 16 October 2007
Agenda Item 13.02.03 Ordinary Meeting of Council 13 February 2007
Agenda Item 12.10.070 Ordinary Meeting of Council 24 October 2006

Summary
Rio Tinto Ltd has approval pursuant to the relevant State Agreement to use the existing 400 bed camp at the Tom Price Mine and the 120 bed camp at the Paraburdoo Mine until 31 December 2008.

The company now wishes to increase the size of the Tom Price Mine Camp (Jundamunah) to 700 beds. It is also proposed to extend the life of the Tom Price Camp by three years and that of the Paraburdoo Camp (Kirra Kulli) by two years.

Council’s opinion is being sought in relation to these proposals.

Background
Council at its October 2006 ordinary meeting of Council considered a request from the then Minister for State Development for Shire comment in relation to a proposed variation to the Iron Ore (Hamersley Ranges) State agreement whereby the life of the existing 400 person construction worker accommodation facility, at the entrance to the Tom Price Mine, would be extended from July 2007 until the end of 2011 and the camp be used by mine operation staff.

Following its deliberations, Council resolved

That Council
1. Advise the Minister for Industry and Resources that while Council does not support Fly-in Fly-out resource projects it recognizes the specific circumstances of this case and it has no objection to the life of 400 beds of workers accommodation at the Tom Price Mine Site being extended until December 2011 and 120 beds of workers accommodation at the Paraburdoo Special Lease Site adjacent to the mine being extended until December 2008, pursuant to the Iron Ore (Hamersley Range) agreement subject to the Shire President, the Chief Executive Officer, Cr Martin and Cr Rumble finalising the terms of a ('value proposition') agreement with the company.’

Later, at its meeting held in February 2007 Council considered a report in relation to development application for a workers accommodation facility on Lot 14 – 16 Turee Way, Paraburdoo. The use was, in fact, not permitted by the Shire’s planning scheme. Council, did, however, appreciate the problem of a lack of a range of the types of accommodation in both Tom Price and Paraburdoo. As a result Council resolved, in part

“Council initiate urgent & immediate discussions with Pilbara Iron and endeavour to identify solutions to an existing critical housing shortage within the towns of Tom Price and Paraburdoo.”

The then Minister for State Development, the Hon Eric Ripper, noted Council’s resolution and as a result, only extended the life of the Tom Price Mine workers accommodation facility until 31 December 2007, with the undertaking it would be extended until the end of 2011, in the event of the Shire confirming, in writing, that it (the Shire) was of the opinion that satisfactory progress was being made in the release of company controlled land in Tom Price, for residential use by others

Progress in relation to the release of company controlled land was, in fact, very slow up until October 2007 when Rio Tinto requested a letter from Council confirming that the company has made satisfactory progress in relinquishing the unused residential land leased by the company. Council conditionally agreed to provide a letter of support tied to the company’s relinquishment of land.

Following the October 2007 Council meeting there were extensive discussions between the Shire’s Administration and Rio Tinto representatives. During those discussions it quickly became apparent that the company was of the opinion that there were significant capacity constraints in the utility systems servicing the town (ie water, electricity and waste water). More specifically, the November 2007 report to Council noted

“The company voiced a strong concern that there were localized capacity constraints within the vicinity of the Karjini site (to the rear of Windawarri Lodge) and there were significant costs associated with addressing these deficiencies.

The Administration requested technical details of these capacity constraints, however, initially, no response was received. Rather, the attached correspondence, which reaffirms the company’s commitment to assigning infrastructure costs to the Shire, was received from the Rio Tinto’s Engineering Infrastructure Section.
The company was advised that the response received did not address the questions asked by the Shire.

Three weeks after the Shire’s initial request, the company advised the Shire that an ‘order of magnitude’ cost for servicing the Karijini Special Use site may be up to $5,000,000, although this estimate was not based on any detailed engineering assessment.

More disturbingly, the company advised that it was of the opinion that, in addition to localized capacity restraints, there appear to be capacity restraints applying to the town’s overall infrastructure system thus meaning there is little, if any scope for further development in the town until these matters are resolved. This, in turn, placed in serious doubt the ability to develop the Golf Course site.

The implications of this recently received information are far reaching. It impacts, for example, on the ability for the Shire, or others, to develop and release new residential, industrial and commercial land within Tom Price. Of particular concern is the impact on the proposed tourist accommodation site in Central Avenue.

The State Government has commenced a process to attract a developer to this site. Expressions of Interest closed in August 2007 and negotiations are being held with a preferred developer. The company was aware of this process, however it was revealed during the Shire’s discussions with the company on 13 November 2007 that the provision of services would cost in the order of $5 million which, if correct, effectively stops the development.”

Council was clearly concerned by this new advice which highlighted potentially critical deficiencies in the utility systems serving Tom Price. As a result Council resolved

1. On the basis of discussions to date, the Shire is unable to provide a letter confirming satisfactory progress has been made by the company in the release of company controlled land, but

2. the Shire is of the opinion that a time extension until 31 December 2008 is warranted subject to the company
   a. initiating and financing an independent review of existing power, water and sewer infrastructure in Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to;
      • Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7
      • Ensure the infrastructure complies with current Australian Standards
      • Estimate the useful remaining life of the existing infrastructure and the renewal gap cost
The review will prioritise any works required and provide timelines for implementation of the recommendations. The review to be completed and accepted by the Shire of Ashburton by 30th April 2008.

b. implementing the recommendations contained in the Consultant’s report at the cost to the company.

c. funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however there is no commitment on behalf of the company in terms of developing the future capacity.

d. agreeing to relinquish one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:
   - Lot 2B “Golf Course subdivision” and;
   - Lot C “Karijini Special Use Zone”

e. committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2008. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.

f. shall, in consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.

g. participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.

h. undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point ).

i. with the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.

j. with the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations.

Following the December 2007 Council meeting the Minister for State Development approved the extension of the life of camps until 31 December 2008. The Minister also noted when considering
any further extension he would have regard to whether the company had released one Lot for future residential development and “other matters raised by the Shire are being addressed”.

**Comment**

With the present removal date of the Tom Price and Paraburdoo Mine Camps looming, (31 December 2008), Rio Tinto has now formally approached the new Minister for State Development for approval to extend the life of the Tom Price Camp by three years and the Paraburdoo Mine camp by two years.

The company has also requested Ministerial approval to increase the size of the Tom Price Camp from 400 beds to 700 beds.

**Council Resolution of November 2007**

In the twelve months since Council last formally considered this matter and the Minister extended the life of two camps until 31 December 2008, the Shire Administration has made strenuous efforts to progress the ten conditions Council attached to its agreement to extend the life of the two camps. Unfortunately, however, progress has been extremely limited, partly due to a change in Rio Tinto representatives but more specifically due to the company’s approach to the negotiations.

Shire staff have concentrated their endeavours on attempting to achieve a full understanding of the state of Tom Price utility services, in general. They have also attempted to develop an understanding of the relative merits of developing the two company leasehold blocks which are the subject of relinquishment requests (ie the Golf Course site and the Karijini Special Lease Site).

In practice, a cornerstone to understanding the impediments to urban development within the town of Tom Price is Council’s November 2007 Condition A, which required the company to undertake “an independent review of existing power, water and sewer infrastructure in Tom Price...”. Much of the balance of the information and work requested by Council requires this work to be completed first.

To date, the company appears to have failed this Council condition. The author states “appears to have failed” advisedly.

Although Condition A set a deadline of 30 April 2008 for the preparation of the utility reviews, the reports produced were deemed inadequate by both the company and Shire representatives. (These reports were also completed significantly after the due dates). These reports did, however, highlight deficiencies in the systems (albeit they were likely to have been understated).

On 05 November 2008 company representatives indicated that new studies were being finalised and these showed “no issues”.

There had been no invitation to the Shire to participate in this later review process and there was an apparent reluctance on the part of the company representatives to make the review reports available to the Shire, despite requests for the documents.
The author subsequently requested senior company management to make copies of the report available. This was agreed to by the company, on Friday 7 November 2008, however, at the time of preparing this report (Wednesday 12 November 2008) the documents have not been received.

In summary, the Shire has no clearer understanding of the status of Tom Price utilities now, than it did in November 2007.

It is with concern that the author also notes that little progress has been made in gaining an understanding of the cost of servicing and developing the two leasehold blocks of land being investigated. This is partly due to the failure to satisfy Condition A of Council’s resolution but it is also due to the fact that, unlike a normal service provider, the company does not have processes in place whereby a developer of land can gain a clear understanding (including cost) of linking into the company’s utilities (see Council Condition F).

Once area of progress has been the company's offer to relinquish the Golf Course Land. It is noted, however, this is not in writing, and the practicality of providing utilities to the site remains unresolved.

The Shire has a further meeting scheduled with the company for early December and it is anticipated that the issues outlined above will again be a topic of discussion.

Proposal to Increase Size of Tom Price Camp from 400 to 700 Beds
It is noted that the company’s request for Ministerial approval to expand the Tom Price Mine Camp from 400 to 700 is not subject to any formal planning approval due to the development being on a mining lease and it being the subject of the provisions of the state agreement, which limits Council's ability to apply normal planning processes.

This is particularly unfortunate as a 700 bed workers accommodation facility in proximity to the town of Tom Price has the potential to have a range of adverse impacts. For example, Camp residents have the potential to place additional demands on various community facilities which are already overstretched (eg police, hospital, health, library, shire sport facilities etc).

There is no evidence that these potential impacts have been assessed nor is there any commitment on the part of the company to meet the financial cost of these demands placed on the community’s infrastructure (the expanded camp is not rateable).

Consultation
Rio Tinto Ltd
Department of Industry & Resources
Shire President – Cr L Corker
Executive Manager Engineering Services – Jeff Breen
Executive Manager Community & Economic Services – Larry Softley

Statutory Environment
Iron Ore (Hamersley Ranges) Act

Policy Implications
There are no policy implications relative to this issue.
Financial Implications
There are no immediate financial implications for the Shire in relation to this matter. In the event of the Shire considering the possible development of the land, itself, the project would be the subject of a detailed costing prior to any commitment to proceed, with the subdivision.

Strategic Implications
There are no strategic implications relative to this issue.

Voting Requirement
Simple Majority Required

Officers Recommendation

That Council advise the Minister for State Development and Rio Tinto Iron Ore P/L that the Shire of Ashburton does not support the company’s proposal to extend the life of the Tom Price and Paraburdoo Minesite accommodation camps by three years and two years respectively, nor does it support the expansion of the Tom Price camp from 400 to 700 beds, for the following reasons;

(a) the conditions attached to Council’s conditional agreement to extending the life of the camps (Council resolution 20 November 2007) have not been satisfactorily addressed by the company; and

(b) no assessment of the potential adverse social and other impacts of the expanded Tom Price camp on the town of Tom Price has been undertaken.

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<th>Author : Keith Pearson</th>
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<td>Manager : Keith Pearson</td>
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**13.11.47 DEVELOPMENT SERVICES DECISION STATUS REPORT**

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<th>Council Decision</th>
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| 1. | 10/08 | 13.10.41 | Public Art Policy for Community Consultation | That Council:  
1. Adopts the draft Local Planning Policy – Percent for the Public Art Policy as a Draft Local Planning Policy under the provisions of C1 2.3 of Town Planning Scheme No.7 and be advertised in accordance with clause 2.31 of the scheme. *Subject to the amendment of 4.3.3 delete location approved by Council and add ‘…or any other appropriate location as approved by council’*.  
2. Upon completion of the advertising period the matter to be referred back to Council for further consideration. | Finalised- See agenda item – current Council meeting |
| 2. | 10/08 | 13.10.40 | Parking and Setback Policy – First Ave Onslow | That Council:  
1. Adopts the draft Local Planning Policy – Parking & Setback Policy – First Avenue, Onslow as a Draft Local Planning Policy under the provisions of C1 1.3 of Town Planning Scheme No. 7 and it be advertised in accordance with clause 2.31 of the scheme.  
2. Upon completion of the advertising period the matter to be referred back to Council for further consideration. | Ongoing Advertised on the 29th October for a period of 21 days in the West Australian. |
| 3. | 09/08 | 13.09.36 | Draft Town Planning Scheme Amendment No. 4 – Rezoning Of Land Reserved For ‘Parks Recreation And Drainage Reserve’ - Lot 854 Court Street, Tom Price To ‘Community Zone’ And Lots 1049 & 1050 Gunggari Circuit | 1. That Council, in pursuance of Part V of the Planning and Development Act 2005 (“Act”), adopt for community consultation purposes draft Amendment No. 4 (“Amendment”) to Shire of Ashburton Town Planning Scheme No. 1 (“Scheme”) for the purposes of rezoning:  
   a) Lot 854 Court Street, Tom Price from ‘Parks, Recreation and Drainage reserve to ‘Community’ zone; and | Ongoing Amendment documents finalized – referral to the EPA. |
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<td>And Lot 1053 Ceron Street, Tom Price To ‘Residential R20’</td>
<td>b) Lots 1049 &amp; 1050 Gungarri Circuit and Lot 1053 Ceron Street, Tom Price from ‘Parks, Recreation and Drainage’ reserve to ‘Residential’ zone with a Residential Planning Codes density zoning of R20.</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>4.</td>
<td>08/08</td>
<td>13.08.33</td>
<td>Tender Paraburdoo Caravan Park Lot 1 Camp Road Paraburdoo</td>
<td>That Council resolves to;</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>2. Instruct the CEO to negotiate all aspects of the Tender with Gumala Aboriginal Corporation, and</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>3. Providing negotiations with Gumala Aboriginal Corporation are satisfactory, approve the CEO to award the contract.</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>4.</td>
<td>05/08</td>
<td>13.05.23</td>
<td>Council Policy Review –</td>
<td>Directs the Chief Executive Officer to draft a new</td>
<td>Ongoing. Discussions taking place with preferred tenderer.</td>
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<td>Health</td>
<td>Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council</td>
<td>In line with a new AEHW being appointed, the PEHO will update the existing SOA Aboriginal Health Strategy. New Aboriginal Health Officer has been appointed and commences with the Shire on 16 December 2008</td>
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<td>5.</td>
<td>04/08</td>
<td>13.04.17</td>
<td>Town Planning Policies Review</td>
<td>That Council 1. Retains Local Planning Policies PLA01; PLA08; PLA09; PLA15; PLA16; PLA17; PLA18; PLA19 and PLA20 without amendment. 2. Direct the Chief Executive Officer to prepare draft Local Planning Policies generally similar to Council Policies PLA02; PLA10; PLA11; PLA12 PLAPA13 and PLA14 for submission to Council. 3. Retain Council Policies PLA03, PLA04 and PLA06 without amendment. 4. Retain Council Policy PLA05, subject to all references in the policy to “cat pound” be changed to “cattery”. 5. Delete Council Policy PLA07 and refer the matter to the Old Onslow Town site Working Group with the objective of developing a new policy.</td>
<td>Ongoing. CEO to prepare draft Local Planning Policies. Shire’s Town Planning Consultant has been instructed to prepare draft Policies.</td>
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<td>6.</td>
<td>03/08</td>
<td>13.03.10</td>
<td>Town Planning Scheme Amendment No. 1 – Lot 300 Boonderoo Road, Tom Price</td>
<td>That Council, in pursuance of Part V of the Planning and Development Act 2005 (“Act”) adopt for final approval Amendment No.1 as advertised, subject to the following modifications:</td>
<td>Ongoing Amendment submitted to Western Australian Planning Commission</td>
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<td>1. That new parts be included in the Amendment as follows:</td>
<td>for final approval.</td>
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<td>(a) an asterisk be placed next to ‘I’ of the zoning table coordinated between ‘Transient Workforce Accommodation and ‘Mixed Business’.</td>
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<td>(b) include the following note immediately after the Zoning Table:</td>
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<td>“** Note: Clause 6.9.5 prohibits ‘Transient Workers Accommodation use at Lot 300 Boonderoo Road, Tom Price”</td>
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<td>(c) include new Clause 6.9.5 of the Scheme to read as follows:</td>
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<td>“6.9.5 Notwithstanding any other provision of this Scheme, the use and development of ‘Transient Workers Accommodation at Lot 300 Boonderoo Road, Tom Price is prohibited”</td>
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<td>2. That Council, upon receipt of the necessary amending documentation, refers the Amendment so adopted for final approval to the Western Australian Planning Commission with a request for approval of the Minister for Planning and Infrastructure.</td>
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<td>3. Where notification is received from the Department for Planning and Infrastructure that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification be undertaken in accordance with the requirements of</td>
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| 7 | 03/08 | 13.03.11 | Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation | That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 2 ("Amendment") to Shire of Ashburton Town Planning Scheme No. 1 ("Scheme") that proposes: 1. That the zoning table be modified as follows:  
(a) Identifying ‘Transient Workforce Accommodation’ as a 'X' use class in the 'Mixed Business' zone;  
(b) Identifying ‘Transient Workforce Accommodation’ as a 'X' use class in the 'Industrial & Mixed Business Development' zone; and  
(c) Identifying ‘Transient Workforce Accommodation’ as a 'X' use class in the 'Rural Living' zone;  
2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part Ongoing. Further information being gathered for Council. Being considered in association with Tom Price Structure Plan | |
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| 8 | 02/08                  | 13.02.06    | Exercising of Option to Take Possession of Lot 2 Stadium Road, Tom Price | That Council  
1. Advise Pilbara Iron P/L, that it wishes to exercise its option to take possession of the freehold of Lot 2 Stadium Road, Tom Price as agreed to by the company in its correspondence dated 20 May 2005.  
2. Instruct the Chief Executive Officer to undertake the administrative steps necessary to ensure the transfer of Lot 2 Stadium Road, property to the Shire. | Finalised. Property transferred to Shire. |
| 9 | 11/07 10/07           | 13.11.41 13.10.36 | Land Relinquishment Tom Price – Rio Tinto | That Council  
That Council advise Rio Tinto Iron Ore P/L and the Minister for State Development that  
3. on the basis of discussions to date, the Shire is unable to provide a letter confirming satisfactory progress has been made by the company in the release of company controlled land, but  
4. the Shire is of the opinion that a time extension until 31 December 2008 is warranted subject to the company  
k. initiating and financing an independent review of existing power, water and sewer infrastructure in | Ongoing. RTIO and Shire have reached agreement on outstanding matters requesting research and investigation. Draft water and waste water report has been received from company as has Electricity Study report. Company has now advised that utility |
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<td>Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to;</td>
<td>reports do not cover all necessary matters and that it will be next calendar year before full understanding of utility requirements can be clarified.</td>
<td>See agenda item on current (November 2008) agenda</td>
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<td>• Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7</td>
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<td>• Ensure the infrastructure complies with current Australian Standards</td>
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<td>• Estimate the useful remaining life of the existing infrastructure and the renewal gap cost</td>
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<td>The review will prioritise any works required and provide timelines for implementation of the recommendations. The review to be completed and accepted by the Shire of Ashburton by 30&lt;sup&gt;th&lt;/sup&gt; April 2008.</td>
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<td>i. implementing the recommendations contained in the Consultant’s report at the cost to the company.</td>
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<td>m. funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however there is no commitment on behalf of the company in terms of developing the future capacity.</td>
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<td>n. agreeing to relinquish one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:</td>
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<td>• Lot 2B “Golf Course subdivision” and;</td>
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<td>• Lot C “Karijini Special Use Zone”</td>
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| 10.| 08/07                  | 13.08.26    | Proposed Accommodation Structures, Tom Price | That Council:  
1. Agree, in its capacity as lessor of Reserve | Finalised. See confidential agenda item current (November |

- o. committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2008. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.

- p. shall, in consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.

- q. participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.

- r. undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point).

- s. with the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.

- t. with the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations.
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<td>Tourists, Reserve 38762, Nameless Valley Road, Tom Price</td>
<td>38762, to the subject development application lodged by Kaussie Holdings P/L (Mr. A Drage), being considered by Council pursuant to the Shire of Ashburton Town Planning Scheme No. 7.</td>
<td>2008) meeting</td>
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<td>2. Approve the development application made by Kaussie Holdings P/L (Mr. A Drage), to erect and use twenty (20) accommodation units on Reserve 38762 for the purposes of short term accommodation, in accordance with the attached plans, subject to the following conditions:</td>
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<td>a. The development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Health Act, the Building Code of Australia, and the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws;</td>
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<td>b. The operator of the site shall maintain the site in a neat and tidy condition, to the satisfaction of the Shire at all times.</td>
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<td>3. Advise the applicant of its right of appeal, pursuant to Part 14 of the Planning and Development Act 2005.</td>
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<td>4. In its capacity as lessor of the site, advise the applicant that development in accordance with this development approval may not commence until the existing lease for the property has been modified to incorporate the proposed uses and layout as shown on the subject development approval. This shall include the obtaining of the Minister of Lands approval for the modified</td>
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<td>11</td>
<td>11/07 08/07</td>
<td>13.11.40 16.08.17</td>
<td>Legal Advice in Relation to Buildings and Environmental Health Regulatory Matters.</td>
<td>That Council give Rio Tinto Iron Ore P/L an undertaking that the Shire will not require the removal or demolition of the following facilities and structures. (a) Camp David, Pannawonica All buildings and facilities within the 83 bed camp, until the date set out in the development approval, issued pursuant to the Shire’s Town Planning Scheme No 7, on 20 November 2007, and identified in the Section 401 notices issued pursuant to the Local Government (Miscellaneous Provisions) Act on 31 August 2007. (b) Brockman 2, Mine Site All buildings identified in the Section 401 Notice issued pursuant to the Local Government (Miscellaneous Provisions) Act on 30 August 2007. subject to the company (a) indemnifying the Shire against all possible losses and liabilities, in a form generally in accordance with the attached Deed of Indemnity (Attachment 13.11.40), and (b) reimbursing the Shire for all costs incurred by it as a result of addressing the regulatory breaches identified.</td>
<td>Finalised. Companies have signed indemnities and invoice for Shire costs has been sent.</td>
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2. Advise Rio Tinto that the company should not interpret Councils decision as indicative of any future decision where structures have been constructed without relevant approvals first being obtained.
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| 12 | 04/06                  | 13.03.015  | Amendment to Health Local Law – Prescribed Refuse Collection Areas            | That:-  
1. Council resolved to amend the Health Local Laws by adding the following to Schedule 15:-  
   - Any other defined areas of the district that have been approved and developed in accordance with the provisions of a State Agreement or an approval offered by the Shire of Ashburton under the Town Planning & Development Act 1928 (as amended).  
2. The necessary statutory procedures be instigated and the matter be referred back to Council for further consideration at the appropriate time.  
3. It be noted that the wording of the proposed amendment as adopted by Council under item 7.09.539, Ordinary Meeting of Council 19 September 2000, has been altered.  
                                                                                                                                  | Ongoing. Being incorporated into Local Law review process.                                                                                                                                  |
| 13 | 06/05                  | 12.06.1227 | Staff Housing Upgrade                                                        | That a comprehensive review of the Staff Housing Plan be undertaken for Council's further consideration, to incorporate recommendations for dwelling refurbishments, replacement and acquisition and appropriate funding strategies                                                                                                                                                | Ongoing. Commenced. Some aspects of Housing Plan will be incorporated into AWA & Policy Review.                                                                                      |
Summary
Council, at its December 2007 meeting resolved to advise the Minister for State Development that is supported the development of the proposed Mesa A Iron Ore Mine by Robe River Mining, subject to the company preparing a Pannawonica Community Plan, in consultation with the Shire.

The company has now submitted its proposed community plan to the Shire with a request that Council endorse the plan.

It is recommended that Council not endorse the plan in its present form.

Background
In late 2007 the Shire received correspondence from the Department of Industry and Resources (DOIR) requesting Council’s comments in relation to the proposed Mesa A Iron Ore Mine to be constructed by Robe River Mining Company Pty Ltd (RRMC), approximately 40 kilometres west of Pannawonica.

The mine, which is presently under construction falls within the provisions of the Iron Ore (Robe River) Agreement Act. This legislation limits Shire involvement in the mine approval process to health and building approvals only. Any other referral to the Shire is for comment and opinion only.

Council considered the matter at its December 2007 meeting (Agenda Item 13.12.45) and as a result resolved
“That Council advise the Minister for State Development, through the Department of Planning and Infrastructure, that Council supports the development of the proposed Mesa A Iron Ore Mine, subject to the company being required to prepare a Community Plan for the town of Pannawonica, in consultation with the Shire of Ashburton.

Further, the Community Plan should consider, but not be limited to
(a) Addressing the need to ensure an appropriate residential mix within the town,

(b) Ensuring, adequate community infrastructure and services are provided, in order to support a Mesa A workforce, which is significantly permanently residentially based in Pannawonica”

The Minister for State Development subsequently instructed the company to prepare a Pannawonica Community Plan as a part of his mine construction approval.

RRMC subsequently retained a private consultant, Coakes Consultants, to assist with the preparation of the Community Plan. During the plan’s preparation the Shire’s Executive Manager Western Operations provided input on behalf of the Shire.

Once the draft plan was finalised the company made a presentation of the plan to the September 2008 Meeting of Council.

RRMC has now submitted the document to Council for consideration and for endorsement by the Shire.

Copies of the document were distributed to individual Councillors at the September 2008 Council Meeting and a further copy will be tabled at the meeting.

Comment
As an initial comment it is very disappointing to note that RRMC publically released the financial aspects of the community plan prior to Councillors having an opportunity to review and form an opinion in relation to the document.

This is particularly disturbing when the plan was a Shire initiative and had a stated goal of developing greater collaboration between the Shire, RTIO and the local community. It is noted, in this regard, that the community plan document states,

The PCP (Pannawonica Community Plan) was initiated by the Shire of Ashburton, with the goal of developing greater collaboration between the Shire RTIO, and the Pannawonica community. The Shire and RTIO share a mutual commitment to the town, with the common goal of integrating and supporting the local workforce with valuable social initiatives and programs, and supporting infrastructure. The plan therefore, also outlines how the Shire and RTIO can work together to improve the social fabric and sense of community in Pannawonica.

Elsewhere in the report it is stated,
The Pannawonica Community Plan (PCP) has been developed to ensure that Pannawonica remains a residential town; a base for the Robe Valley mining operations; and as an attractive, supportive, and safe family environment for both current and future residents.

The ultimate objective of the PCP is to clearly articulate commitments by RTIO and the Shire of Ashburton in regards to:

- The provision of social programs to address areas of community need;
- The beautification and improves amenity of Pannawonica; and
- Mechanisms for ongoing community engagement

It is clear that the plan was supposed to be collaboration between the company, Shire and others. The document does, in fact, include implied Shire commitments (unqualified) which had not even been considered by Council. For this reason the company’s early release of the document is of serious concern.

Turning to the plan itself, the Shire administration has undertaken a review of the document and has concluded that, while the public participation component of the plan was well executed, the final document is more a company business plan than a community plan. Specific concerns can be grouped into three categories, these being:

- Although the document has been called a “Community Plan” much of its content does not relate to community infrastructure nor community services. Rather, the components of the plan are more related to the company’s business plan for the Mesa A Project.
- The actual community infrastructure and services components of the plan are extremely limited and are lacking anything more than rudimentary descriptions.
- The plan incorporates an increase in the ‘Fly In – Fly Out’ workforce compared with that proposed by the company at the time when this matter was previously considered by Council.

Each of these issues is commented on in more detail below.

“Non Community Related” Components of Community Plan

The community plan which the Shire is being asked to endorse includes a significant number of major elements which are neither community infrastructure nor community services. Rather, they appear to belong more to a corporate business plan.

An obvious component of the plan which fits into this category is the 250 bed permanent FIFO workers accommodation. It is noted, however that even the airport upgrade may reasonably be considered to fit into the same category as the Shire administration has been advised that the facility will not operate in a manner similar to Paraburdoo Airport. Rather, the upgraded Pannawonica Airport will operate as a private company facility catering for a FIFO workforce.

Another component of the “community plan” which is not directly community related is the housing maintenance program, which, like the Shire’s own staff housing maintenance program, is more a part of a corporate staff retention policy. Having stated that, the housing upgrades are to be welcomed.

Community Related Components of Community Plan
When the items referred to above are removed from the community plan it is apparent that the actual community infrastructure and services component of the plan are very limited. It is noted, for example, that the Town Upgrade Project has a proposed budget of $240M with Stage 1 estimated to cost approximately $20M and Stage 2 approximately $220M.

In the case of Stage 1 of the plan, however, the only truly identifiable community upgrade is the new service station which has been valued at $1.8M on the recently approved planning application lodged with the Shire.

Similarly the plan lists a range of “town beautification” works including

- Park upgrades (“The Rocks” and Yannarie Park)
- Primary School (shade shelters, seating, footpath and other minor works)
- Pre Primary School (shade shelters, seating and play equipment)
- Swimming pool (shade shelters, seating and other minor works)
- Community Hall (painting, floor and toilet refurbishment)
- Shopping Centre (seal part of car park, shade, landscaping and architectural upgrade)
- Sports Club (landscaping, seating and other minor works)
- General Works (tree pruning, stump and weed removal etc.)

It is noted, however, that the allocated budget for these works is $5,000,000 out of the $220M, Stage 2 Budget.

Finally, the future level of community involvement by the company appears to represent little change over to existing community involvement.

The community plan identifies a number of existing company partnerships and contributions which are a part of the company’s $9M Pilbara Community Partnership Program. As the name suggest, the programs funded as a part of the program tend to be regional in scope and no commitment is given in the community plan to continue the Pannawonica programs, all of which appear to have only been funded until next year.

Another component of the company community involvement is “sponsorship and donations”. These are very minor, as is evident from the recently listed contributions which include,

“Previous sponsorships
  - Jim Piper Clinics for the local swimming club
  - Continued support for the Pannawonica Long Day Care
  - Support for the International Women’s Day morning teas, jointly hosted by RTIO and the Shire of Ashburton; and
  - The Sci Tech Roadshow – which brings science to local children in a fun and informative way.

Recent donations
  - The supply of drink bottles for the Pannawonica Primary School sports day
  - Support for the end of year school concert
  - Prizes for the Pannawonica vs the Rest of the World Cricket match; and
  - Sponsorship of the Shire of Ashburton’s Australia Day Breakfast
It is in this context that the plan proposes the following programs/partnerships:

- Community Bus
- AFL Auslink (parental umpiring and coaching accreditation programs)
- Special Medical Services (a continuation of lobbying the State’s WA Country Health Services)
- David Wirrapunda Foundation (continuation of existing regional initiative)
- Be Active Program (continuation of existing regional initiative)
- Early Learning Scholarships (continue promoting of existing program)
- Kids matter (continue promoting of existing program)

The company’s commitment to these programs is unquantified however it is not expected to be significant, within the framework of the $240M ‘community plan’.

**Fly In – Fly Out v Residential Workforce**

When Council considered the Minister for State Development’s referral of the Mesa A / Pannawonica Town project to the Shire, at its December 2007 Council Meeting, the author expressed concerns with regards to the FIFO aspects of the proposal. More specifically the report to Council noted:

> It is of note that company workforce projections for the combined Mesa J and Mesa A workforce requirements show a combined workforce of 450 in 2008, increasing to approximately 550 by 2012-13, before decreasing rapidly to about 380 between 2014 and 2020.

> Statements from the company regarding the extent to which single persons/working accommodation facilities will be relied upon to house these workers, have been conflicting.

> During verbal discussions with company representatives, the company has advised that the existing “residential single” units in the town (106 rooms) and the 83 person, Camp David will be removed and a new 200 bed workers “village” will be constructed, thus resulting in almost a “zero” change, in temporary workers accommodation.

> In contrast, written comments from the company, dated 4 December 2007, (see above attachment) do not identify the removal of any of the existing “residential single” accommodation nor Camp David. The correspondence does, however identify the building of a “construction camp” in Pannawonica (life and size unspecified), in addition to the 200 person permanent village.

The company has subsequently been asked to clarify these matters. It has advised:

- Camp David (83 beds) will be decommissioned on or before 2010, in accordance with the planning approval condition. It will be replaced with the 200 bed facility.
- A new construction camp (verbally advised to be approximately 40 beds) will be required on the town outskirts, in order to house trades people undertaking capital works.
- A number (not defined) of the existing 106 ‘residential singles’ rooms wills be retained (the author has been left with the opinion that most will remain). Those in poor condition will be removed.
In summary, the precise form Pannawonica will take as a result of the construction of Mesa A Mine is unclear. It appears, however, there will be significantly greater emphasis on FIFO than is presently the case.

Since the Council considered this matter in December 2007 there appears to have been an even greater emphasis on a FIFO workforce. More specifically the community plan and other recent company correspondence indicate

- The size of the permanent FIFO workers accommodation facility has increased from 200 beds to 250 beds
- The proposed construction camp has increased from 40 beds to 140 beds
- It is unclear when the 83 bed Camp David will be removed

**Conclusion**
As has been explained above the ‘community plan’ submitted by the company is less of a ‘community plan’ and more a corporate plan.

When the business related elements (which are significant) are removed from the plan it is apparent that there is little commitment to community infrastructure and services in the plan.

**Consultation**
Robe River Mining Company Pty Ltd
Executive Manager Western Operations

**Statutory Environment**
Iron Ore (Robe River) Agreement Act 1964

**Policy Implications**
There are no policy implications relative to this issue.

**Financial Implications**
There are no financial implications relative to this issue.

**Strategic Implications**
The sustainability of the local community, as well as, the Shire, itself, are matters requiring consideration.

**Voting Requirement**
Simple Majority Required.

**Officers Recommendation**
Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that
(a) The Shire views with concern the company’s public release of the Pannawonica Community Plan prior to the Council having an opportunity to formally consider the Shire initiated plan

(b) It does not support the Pannawonica Community plans prepared by the company for the following reasons:

   a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncosted
   b. The community plan largely consists of elements which are not community infrastructure or services
   c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement.

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<tr>
<th>Author:</th>
<th>Keith Pearson</th>
<th>Signature:</th>
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<td>Manager:</td>
<td>Keith Pearson</td>
<td>Signature:</td>
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### 14.11.19 WESTERN OPERATIONS DECISION STATUS REPORT

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| 1. | 11/07           | 14.11.19    | Onslow Airport Runway Decommissioning Decision | That Council;  
1. Agrees to the extension and reopening of Runway 12/30 as a light aircraft landing strip subject to CASA approval and;  
2. Provides an allocation of $25,000 be made outside the 2007/2008 budget to extend Runway 12/30 | Ongoing Works have been programmed for October / November 2008. Survey complete, difficulty sourcing machinery and contractors at present, but job ready to go. |
| 2. | 02/03           | 10.01.673   | Onslow Sea Wall Ownership and Progress Report MES | Advise the contractor, WA Limestone/Roadstone JV, that the surface of the boat ramp at First Avenue, Onslow, is not acceptable due to the unevenness of the patched section and the small voids that exist in other parts of the surface; Approve the additional works associated with the Onslow sea wall project to be:  
(a) Ocean View Caravan Park Reserve retaining soil $20,000;  
(b) Seniors Units & Sun Chalet reserves area fill to level behind sea wall $35,000;  
(c) Beach replenishment $15,000;  
(d) Design disabled access $5,000; and  
(e) Survey and peg reserve boundaries $7,000. Have the property boundaries surveyed and marked on site before further considering formal control of the sea wall being accepted. | Ongoing Survey has been partially completed. MDS investigating the matter further in order to finalise ownership.  
(a) Complete  
(b) Complete  
(c) Complete  
EMDS and CEO meet with Consultant Planner and have discussed process – still waiting on Survey... Boundaries of proposed reserve are to be identified ASAP.  
(Survey complete, to follow up with Consultant Planner) |
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<td>04/08 11/07</td>
<td>14.04.07</td>
<td>Onslow Aged Pensioner Units</td>
<td>That Council Endorse the upgrade of four of the Onslow Pensioner Units to an acceptable standard (to a maximum of $200,000) and that provision be made in the budgetary preparations for the 2008/09 financial year. 1. Support the formation of a working party led by the Executive Manager Western Operations and the General Manager of Buurabalyji Thalanyji to progress the future development of appropriate Aged Housing in Onslow. 2. Resolve that the fifth unit is to remain vacant until the outcome of the working parties deliberations are known.</td>
<td>Ongoing. Tender Preparations October 08 Tender Advertised November 2008 Tender closing 10 November 2008 Formalisation of Steering Committee February 2009.</td>
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<td>4</td>
<td>07/05</td>
<td>11.07.348</td>
<td>United Christian Broadcasters Australia (Ucba) Request to Install Radio Rebroadcast Equipment Lot 694 Payne Way Onslow</td>
<td>That subject to a favourable technical report being provided and the issue of a letter of indemnity to Council, United Christian Broadcasters Australia through their Vision Radio Network is granted permission to install radio rebroadcast equipment in Council facilities situated on Lot 694 Payne Way Onslow, with any associated costs being borne by the applicant.</td>
<td>Ongoing Working on MOU with UCB, once finalised project will go ahead.</td>
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**CORPORATE**

<p>| 5 | 03/05           | 12.03.120   | Robe River Memorandum of Understanding | That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments: 1. The Shire of Ashburton leasing: • The Library, Shire Office and Sentinel Chicken Coops; • The Dog Pound; • The Caravan Park and Ablutions Block. 2. Robe River renovating the above facilities prior to the commencement of the leases. 3. The Shire of Ashburton donating the amount of $1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 4. The Shire of Ashburton committing to funding the Community Liaison Officer position for twenty (20) | Ongoing (Pannawonica) Shire Office Lease Completed Discussed with Janette Tuttle RTIO at September 08 Council Meeting. Both Parties keen to progress. |</p>
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<td>hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours. 5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis.</td>
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<td>DEVELOPMENT</td>
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<td>6.</td>
<td>06/08</td>
<td>14.05.12</td>
<td>Lot 944 First Avenue, Onslow, Reserve 42626, Removal from Shire of Ashburton Municipal Inventory</td>
<td>That Council instruct the Chief Executive Officer to call for public comment in relation to the possible demolition of Lot 944 First Street, Onslow and report back to Council.</td>
<td>Ongoing. Advertised 20 October 08 Submissions close 20 November 08 Will present to December 08 Council Meeting</td>
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<td>7.</td>
<td>12/06</td>
<td>14.12.018</td>
<td>Residential Plan for the Shire of Ashburton – Onslow</td>
<td>That Council instruct CEO to prepare tender documents for the building residences at 318 Second Avenue, 360 Third Avenue, and 578 Hedditch Street.</td>
<td>Ongoing Lot 502 First Avenue and Lot 318 Second Avenue. Survey of these sites has been completed and currently with Planner. Removal and Purchase of buildings tender - Advertised October 2008 Close 4 November 2008</td>
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<td>8.</td>
<td>12/05</td>
<td>13.12.408</td>
<td>Proposed Transfer of Emergency Services Building</td>
<td>That :- 1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. 2. The necessary procedures required to effect the transfer be implemented. 3. The present designation of Lot 971 in the Shire’s</td>
<td>Ongoing Subdivision of property has occurred. DPI has advised FESA of purchase price for Emergency Services Building land. FESA has agreed on land purchase price. FESA and Shire to recommence building handover discussions Dec 2008.</td>
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<tr>
<td>#</td>
<td>Council Meeting</td>
<td>Agenda Ref.</td>
<td>Report Title</td>
<td>Council Decision</td>
<td>Current Status</td>
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<td>Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow.</td>
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<td>4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued.</td>
<td></td>
</tr>
</tbody>
</table>
15.11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

16.11.0 CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.
CONFIDENTIAL ITEM – WITTENOOM ASBESTOS LITIGATION

FILE REFERENCE: AS.WI.2

AUTHOR’S NAME AND POSITION: Brooke Shields
Executive Assistant CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28 October 2008

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

PREVIOUS MEETING REFERENCE:
Confidential Item 16.06.12 Ordinary Meeting of Council 17 June 2008
Confidential Item 16.02.03 Ordinary Meeting of Council 19 February 2008
Confidential Item 16.10.18 Ordinary Meeting of Council 16 October 2007
Confidential Item 16.05.07 Ordinary Meeting of Council 17 July 2007
Confidential Item 16.10.002 Ordinary Meeting of Council 24 October 2006
Confidential Item 16.02.006 Ordinary Meeting of Council 28 February 2006

Please refer to confidential attachment 16.11.15 under separate cover.
16.11.16 CONFIDENTIAL ITEM LEASE – TOM PRICE TOURIST PARK – RESERVE 38762

FILE REFERENCE: TP.R.38762

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

NAME OF APPLICANT/RESPONDENT: Kaussie Holding P/L (Proprietors Mr A & Mrs K Drage)

DATE REPORT WRITTEN: 3 November 2008

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

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.02.02 Ordinary Meeting of Council 19 February 2008
Confidential Agenda Item 16.12.22 Ordinary Meeting of Council 18 December 2007
Confidential Agenda Item 16.09.15 Ordinary Meeting of Council 18 September 2007
Agenda Item 13.08.26 Ordinary Meeting of Council 21 August 2007

Please refer to confidential attachment 16.11.16 under separate cover.

17.11.0 NEXT MEETING
The next Ordinary Meeting of Council will be held on 16 December, 2008 in the RM Forrest Memorial Hall Second Avenue Onslow commencing at 9:00am.

18.11.0 CLOSURE OF MEETING