



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES  
(Public Document)**

**Civic Centre, Tanunda Street, Tom Price**

**16 October 2013**

# MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

## SHIRE OF ASHBURTON ORDINARY COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on 16 October 2013 at Civic Centre, Tanunda Street, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.00 pm.

### 2. **ANNOUNCEMENT OF VISITORS**

Ian Yuall, Peter Robert Taylor, Darren Lundberg,(Chevron PTY LTD ); Chris Clarke, Jaime Hanrahan (Dept State Development);Georgia Lewis(Thalanyji Trust Executive Officer); Steve Moule (St Johns Ambulance – Tom Price) and Yasmine Hajlovac (Dampier Port Authority).

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr L Shields	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward

Mr N Hartley	Chief Executive Officer
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr F Ludovico	Executive Manager, Corporate Service
Mr T Davis	Executive Manager, Technical Services
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Officer CEO
Mrs C Newby	CEO & Councillor Support Officer

#### **Mentors**

Ms J Law	Manager, Advice & Support, Department of Local Government
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#### 3.2 **APOLOGIES**

Ms D Wilkes	Executive Manager, Community Development
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#### **Mentors**

Cr K Chappel	Shire President, Morawa Shire Council
Mr D Burnett	Chief Executive Officer, City of Kalgoorlie-Boulder

#### 3.3 **APPROVED LEAVE OF ABSENCE**

Cr D Wright	Pannawonica Ward – Refer to Agenda Item 5
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### 4. QUESTION TIME

#### 4.1 PUBLIC QUESTION TIME

Georgia Lewis, Thalanyji Trust Executive Officer tabled the following question.

*“Thalanyji people are the traditional owners of country in the Shire of Ashburton. This was confirmed by the Federal court in 2008 and applies to at least 11,120 sq km comprising mainly pastoral lands in the Shire of Ashburton as well as Onslow town sites.*

*Thalanyji have Indigenous Land Use Agreements and contracts with mining companies and commercial groups located in Onslow, the Shire of Ashburton, the Pilbara and Perth. Thalanyji are looking to invest significantly in to Onslow, which will positively impact the Shire of Ashburton and the greater Pilbara region.*

*It is Thalanyji’s view that after all the mining operations have ceased and investors move to a more lucrative area, Thalanyji will still be here. It makes sense therefore, for the Ashburton Shire and Thalanyji to partner well, capitalizing on current resources and opportunities.*

*The main problem that Thalanyji see, is a lack workers accommodation for Aboriginal people which is at crisis point.*

*What is the Ashburton Shire doing to support Aboriginal business and employee accommodation in Onslow?”*

The Shire President responded indicating the Shire was aware of these issues and was working hard to resolve them.

A written response will be provided.

#### 4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 September 2013, there were no Public Questions taken on notice.

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

#### Council Decision

**MOVED: Cr D Dias**

**SECONDED: Cr C Fernandez**

**That Council accept the application for leave of absence from Cr Dennis Wright for the Ordinary Meeting of Council being held on 16 October 2013.**

**CARRIED 8/0**

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### 6. PETITIONS / DEPUTATIONS / PRESENTATIONS

#### 6.1 PETITIONS

There were no petitions presented to Council.

#### 6.2 DEPUTATIONS

There were no deputations presented to Council.

#### 6.3 PRESENTATIONS

**Yasmine Hajlovac** (Project Manager - Land Tenure. Dampier Port Authority) - Vessel Traffic Service System in Onslow.

Ms Hajlovac made a presentation concerning Item 14.4 on the Council agenda.

### 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 7.1 ORDINARY MEETING OF COUNCIL HELD ON 18 SEPTEMBER 2013

##### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr C Fernandez

**That the Minutes of the Ordinary Meeting of Council held on 18 September 2013, as previously circulated on 2 October 2013, be confirmed as a true and accurate record.**

**CARRIED 8/0**

#### 7.2 SPECIAL MEETING OF COUNCIL HELD ON 3 SEPTEMBER 2013

##### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr C Fernandez

**That the Minutes of the Special Meeting of Council held on 3 September 2013, as previously circulated on 25 September 2013, be confirmed as a true and accurate record.**

**CARRIED 8/0**

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

The Shire President welcomed the new Chief Executive Officer, Neil Hartley.

Council Elections were occurring on Saturday 19 October 2013 and the Shire President wished Cr Douglas (Ivan) Dias all the best for the election.

The Shire President thanked Cr Shields for the time that she served as Councillor for the Shire.

**9. DECLARATION BY MEMBERS / MOVE AGENDA ITEMS "EN BLOC"**

Crs White, Rumble, Shields, Foster, Fernandez, Eyre, Dias and Thomas have given due consideration to all matters contained in the Agenda presently before the meeting.

**9.1 DECLARATION OF INTEREST**

That Councillors White, Rumble, Shields, Foster, Fernandez, Eyre, Dias, and Thomas have given due consideration to all matters contained in the Agenda presently before the meeting.

**Councillors to Note**

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

(a) In a written notice given to the Chief Executive Officer before the Meeting  
or;

(b) At the Meeting, immediately before the matter is discussed.

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

(c) Preside at the part of the Meeting, relating to the matter or;

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

**NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

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

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

2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not



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leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

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

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### 9.2 MOVE AGENDA ITEMS 'EN BLOC'

**MINUTE:** 11664

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Shire of Ashburton Standing Orders Local Law 2012:

*“Part 5 – Business of a meeting  
Clause 5.6 Adoption by exception resolution:*

- (1) *In this clause ‘adoption by exception resolution’ means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) *Subject to subclause (3), the Local Government may pass an adoption by exception resolution.*
- (3) *An adoption by exception resolution may not be used for a matter;*
  - (a) *that requires a 75% majority or a special majority;*
  - (b) *in which an interest has been disclosed;*
  - (c) *that has been the subject of a petition or deputation;*
  - (d) *that is matter on which a Member wishes to make a statement; or*
  - (e) *that is a matter on which a Member wishes to move a motion that is different to the recommendation.”*

#### **Council Decision**

**MOVED:** Cr L Shields

**SECONDED:** Cr C Fernandez

**That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 16 October 2013.**

<b>Item No.</b>	<b>Agenda Item</b>
<b>10.1</b>	<b>PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS</b>
<b>10.2</b>	<b>ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF SEPTEMBER</b>
<b>10.3</b>	<b>REQUEST FOR SPECIAL MEETING OF COUNCIL POST ELECTION FOR SWEARING IN OF NEW COUNCILLORS AND ELECTION OF POSITIONS</b>
<b>12.2</b>	<b>SHIRE OF ASHBURTON FENCING LOCAL LAW 2013</b>
<b>13.5</b>	<b>OCEAN VIEW CARAVAN PARK QUARTERLY FINANCIAL SUMMARY</b>
<b>13.6</b>	<b>CHANGES TO THE LICENCE AGREEMENT FOR THE TOM PRICE COMMUNITY RECREATION CENTRE</b>
<b>14.2</b>	<b>PROPOSED EASEMENT OVER PORTION OF RESERVE 30686 BEING LOT 644 ON DEPOSITED PLAN 214895 AND RESERVE 25709 BEING LOT 642 ON DEPOSITED PLAN 214895, ONSLOW, SHIRE OF ASHBURTON</b>
<b>14.4</b>	<b>PROPOSED EXCISION OF PORTION OF RESERVE 19291 FOR THE PURPOSE OF VESSEL TRAFFIC INFORMATION SYSTEM TOWER, SEAVIEW DRIVE, ONSLOW, SHIRE OF ASHBURTON</b>
<b>14.5</b>	<b>PLANNING APPLICATION - CONSTRUCTION OF A WATER SUPPLY PIPELINE ON RESERVE NO's. 47957, 38264, 19291, 38336 ONSLOW ALONG WITH GROUND AND ELEVATED WATER TANKS, PUMP STATION AND ADMINISTRATION BUILDINGS ON RESERVE NO. 47957 ONSLOW</b>
<b>14.7</b>	<b>MODIFICATION TO 'LOCAL PLANNING POLICY - BEADON BAY VILLAGE CONCEPT PLAN FOR LOTS 557 &amp; 563 BEADON CREEK</b>

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	<b>ROAD AND LOTS 555 &amp; 556 PARSLEY STREET, ONSLOW TO FACILITATE 12 'KEY WORKER' ACCOMMODATION UNITS -FINAL APPROVAL</b>
<b>14.11</b>	<b>IN-PRINCIPLE SUPPORT FOR MAIN ROADS WA TO CONTROL THE PROPOSED ONSLOW RING ROAD</b>

**CARRIED EN BLOC 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

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### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

MINUTE: 11664

FILE REFERENCE: OR.MT.1

AUTHOR'S NAME AND POSITION: Casey Newby  
CEO & Councilor Support Officer

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 October 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 1.1 (Minute 11477) - Ordinary Meeting of Council 10 April 2013

#### Summary

The 2012 Department of Local Government Probity Audit (Recommendation 34) recommended that a review be undertaken of the processes for implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner.

The purpose of the agenda item is to report back to Council the progress of implementation of Council decisions.

#### Background

Previously "*Decision Status Reports*" were presented to Council in the Information Bulletin and these were not officially endorsed by Council. The 2012 Department of Local Government Probity Audit recommended that a review be undertaken of the processes for implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner.

#### Comment

Wherever possible Council decisions are implemented as soon as possible after a Council meeting. However there are projects or circumstances that mean some decisions take longer to action than others.

The Information Bulletin is a document used for operational use to increase transparency, a report on the status of implementing Council decisions has been prepared for Council.

This report presents a summary of the "*Decision Status Reports*" for Office of the CEO, Corporate Services, Technical Services, Strategic & Economic Development, Community Development and Operations departments.

**ATTACHMENT 10.1**

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### **Consultation**

A/Chief Executive Officer  
Executive Management Team

### **Statutory Environment**

Not Applicable

### **Financial Implications**

Not Applicable

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 05 – Inspiring Governance  
Objective 04 – Exemplary Team and Work Environment

### **Policy Implications**

Not Applicable

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

**That Council receives the “Decision Status Reports” as per ATTACHMENT 10.1.**

**CARRIED EN BLOC 8/0**

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### 10.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF SEPTEMBER

**MINUTE:** 11664

**FILE REFERENCE:** OR.DA.00.00  
AS.AS.00000.000  
PS.TP.07.00

**AUTHOR'S NAME AND POSITION:** Janyce Smith  
Executive Officer CEO

Susan Babao  
Administration Assistant, Planning & Health Services

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

**DATE REPORT WRITTEN:** 3 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The authors have no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The purpose of this agenda item is to report back to Council actions performed under delegated authority for the month of September 2013.

This report includes all actions performed under delegated authority for:

- The Use of the Common Seal.
- Development Approvals Issued.
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).

#### **Background**

##### *The Use of the Common Seal*

At the 11 April 2006 Council Meeting, Council noted the contents of a report which outlined a proposal to regularly inform Council (by way of an Agenda Item), of details relating to the use of the Common Seal.

Since September 2011 details regarding the use of the Common Seal were presented to Council in the Information Bulletin.

Details of the use of the Common Seal for the month of September 2013 are set out below.

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### Planning Delegations

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

Details of delegations undertaken for the month of August 2013 are set out below.

### Approval to Purchase Goods and Services by the Chief Executive Officer

The 2012 Department of Local Government Probity Audit (Recommendation 26) report recommended that a review be undertaken on the Shire's Purchasing and Tender Policy FIN12 in relation to purchase authority limits for staff and set an appropriate limit for the CEO's purchasing authority that aligns with the delegation DA001 limit placed on the CEO for the acceptance of tenders.

At the 13 February 2013 Council Meeting, minute number 11425, Council determined the evaluation criteria for different classes of procurement and delegated to the CEO the power to determine tenders up to a certain value for those classes.

Additional reviews of policies will further improve our tender and procurement processes.

Details of approvals to Purchase Goods and Services by the Chief Executive Officer under delegated authority are set out below.

### **Comment**

The Information Bulletin is a document used for operational purposes to increase transparency, a report on actions performed under delegated authority has been prepared for Council.

This report is prepared for each Council meeting.

### The Use of the Common Seal

The Common Seal has been affixed to the following documents for the month of September 2013:

- Seal 527 Endorsement Page – Ashburton North Strategic Industrial Area
- Seal 528 Local Planning Scheme No. 7, Scheme Amendment Report Amendment No. 20
- Seal 529 RFT 11/13 – SoA and Boral Asphalt – Contact Agreement
- Seal 530 Westpac – Overdraft Agreement

### Planning Delegations

Planning Delegations undertaken for the month of September 2013.

A	Advertising and Determining Applications for Planning Approval				
	ADV OR DET. APP.	DATE	APPLICANT	DESCRIPTION	DEVELOPMENT LOCATION
	Advertised 13-1	18/09/2013	Water Corporation C/O - RPS GROUP	Pipe Infrastructure Associated With Water Tank/Pump Station	Various reserves Onslow
	Advertised DAP 13-5	18/09/2013	Design Right	DAP 9 x 1 bedroom multiple dwellings residential	Lot 502 First Avenue, Onslow
	Advertised 13-10	26/09/2013	Hodge Collard Preston	Three Grouped Dwellings	Lot 305 First Avenue, Onslow
	Delegated Approval 20130045 (P)	30/07/2013	DA Burke Builders (Jon Nannen)	Revised Approval for Office/Mechanical Workshop/Wash Down Bay/Caretakers	Lot 596 Beadon Creek Road, Onslow
	Delegated Approval 13-7	13/09/2013	GUMULA ENTERPRISES PTY LTD	Motor Vehicle Repair Business - change of use	Lot15A Mine Rd Tom Price 6751

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	Delegated Approval 20130105 (P)	13/09/2013	Rhind Industries Pty Ltd	Temporary Fly Camp to assist in construction of approved 22 Unit Development	Lot 327 Warara Street Tom Price
B	Advertising draft Development Plans - Advertised (Planning Application 13-9) on 18/9/2013 & 25/9/2013 Applicant - Dykstra Planning (Draft Proposed Development Plan at Lot 381 Second Avenue, Onslow)				
C	Advertising Extension for Town Planning Scheme Amendments and Development Plans - none				
D	Subdivision and Development Design - none				
E	Consideration of WAPC Referrals of Applications for Subdivision Approval - none				
F	Clearance of Local Government Conditions associated with Subdivision Approval - Clearance of Conditions - WAPC 146296 - Lot 920 Payne Way, Onslow				
G	Issue of Certificates (Strata Titles) - none				
H	Directions regarding unauthorized development - none				
I	Responsible Authority Reports to the Development Assessment Panel				
	DATE	APPLICANT	DESCRIPTION	DEVELOPMENT LOCATION	
	16/09/2013	TPG Town Planning	3 Storey Residential Development (20130204)	Lot 341 & 342 Second Ave, Onslow	

### Approval to Purchase Goods and Services by the Chief Executive Officer

This following table presents a summary of the Approvals to Purchase Goods and Services by the CEO Under Delegated Authority for the month of September 2013.

Approval Date	File Ref	Title	Decision
		There are no items to report.	

### **Consultation**

#### The Use of the Common Seal

Acting Chief Executive Officer

#### Planning Delegations Issued

Acting Chief Executive Officer

Executive Manager, Technical Services

### Approval to Purchase Goods and Services by the Chief Executive Officer

Not applicable

### **Statutory Environment**

#### The Use of the Common Seal

Local Government Act 1995, S9.49A Execution of documents.

#### Planning Delegations Issued

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7

Local Government Act 1995, S5.45 – Other matters relevant to delegations under this Division,

S5.70 – Employees to disclose interest relating to advice or reports, S5.71 – Employees to disclose interests relating to delegated functions.

### Approval to Purchase Goods and Services by the Chief Executive Officer

Local Government Act 1995, S3.57 Tenders for providing goods or services.



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### **Financial Implications**

#### *The Use of the Common Seal*

There are no financial implications related to this matter.

#### *Planning Delegations Issued*

There are no financial implications related to this matter.

#### *Approval to Purchase Goods and Services by the Chief Executive Officer*

There are no financial implications related to this matter.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### **Policy Implications**

#### *The Use of the Common Seal*

ELM 13 – Affixing the Shire of Ashburton Common Seal.

#### *Planning Delegations Issued*

There are no policy implications related to this matter.

#### *Approval to Purchase Goods and Services by the Chief Executive Officer*

FIN12 – Purchasing and Tendering Policy.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

**That Council note the report “10.2 Actions Performed Under Delegated Authority for the Month of “September 2013”.**

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 10.3 REQUEST FOR SPECIAL MEETING OF COUNCIL POST ELECTION FOR SWEARING IN OF NEW COUNCILLORS AND ELECTION OF POSITIONS

**MINUTE:** 11664

**FILE REFERENCE:** OR.MT.1

**AUTHOR'S NAME AND POSITION:** Janyce Smith  
Executive Officer CEO

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

**DATE REPORT WRITTEN:** 4 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.4 (Minute No. 11632), Ordinary Meeting of Council 18 September 2013

#### **Summary**

The October 2013 Council Meeting is scheduled to occur 3 days prior to the October 2013 biennial election of Councillors.

This agenda item is to propose that a Special Meeting of Council be held after the election in order to swear in newly elected Councillors, elect the Shire President and Deputy President and the appoint committee members.

#### **Background**

The 2013 Council elections are scheduled for Saturday, 19 October 2013. Council's Ordinary Council Meeting is scheduled for 16 October 2013 in Tom Price.

The first activity after Council elections is to swear in new Councillors, elect Shire President and Deputy President and to make appointments to Council committees. In 2011 the Council election occurred the Saturday before the Ordinary Council Meeting and these processes were undertaken at that meeting. It is proposed that a Special Meeting of Council be held after the election in order for these activities to be undertaken.

#### **Comment**

Delaying the swearing in of Councillors and the election of the Shire President, Deputy President and committee members until November 2013 is not a viable option. With the activities in the Shire it is necessary these positions are determined as soon as possible after the election.

Holding a Special Meeting in late October will allow the swearing in of Councillors and the election of positions to be conducted as soon as possible after the election.

Consultation with all current and newly elected Councillors has occurred and there has been a suggestion that Tuesday 29 October is the most appropriate date for a Special Meeting of Council to be held.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### **Consultation**

Councillors

### **Statutory Environment**

Sections 5.3, 5.4 and 5.5 of the Local Government Act 1995

Any changes to the advertised Council Meeting date needs to be advertised.

### **Financial Implications**

There will be a cost of advertising the change of meeting dates.

Deferring the October meeting will save the expense of a Special Meeting.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective03 – Council Leadership

### **Policy Implications**

There no policy implications.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

**That Council conducts a Special Meeting of Council on 29 October 2013, to commence at 7.00 pm, to be held at Tom Price Council Chambers, in order to swear in newly elected Councillors and election of positions.**

**CARRIED EN BLOC 8/0**

**11. COMMUNITY DEVELOPMENT REPORTS**

**11.2 LEASE PREMISES BY TENDER - VIC HAYTON MEMORIAL SWIMMING POOL KIOSK, TOM PRICE**

MINUTE: 11665

FILE REFERENCE: AS.TE.23.10

AUTHOR'S NAME AND POSITION: Mabel Gough  
Facilities Manager

NAME OF APPLICANT/  
RESPONDENT: Elisa Etienne

DATE REPORT WRITTEN: 27 September 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Not applicable

**Summary**

The Shire of Ashburton has received an expression of interest from Elisa Etienne to the lease the Vic Hayton Memorial Swimming Pool Kiosk, located within the swimming pool office structure, located on Willow Road, Tom Price. In order for the premises to be leased, approval is sought to issue a tender to secure an appropriate tenant for the premises.

**Background**

The Shire of Ashburton has previously leased the Vic Hayton Memorial Swimming Pool Kiosk on several occasions to various tenants that have prepared and sold a vast array of meals to pool patrons and residents. There have also been periods where the pool kiosk has been run and operated by the Shire of Ashburton. During the times the Shire of Ashburton runs the kiosk, it operates at minimum capacity and is staffed by the Pool Manager and Pool Assistants selling ice creams, drinks, chips and confectionary.

On 19 September, 2013 a letter of interest was received from Elisa Etienne who wishes to prepare and sell both cold and hot food and meals from the kiosk for patrons of the pool and the general public. For the premise to be leased a tender must first be issued to invite other parties to submit a tender and to allow council to secure an appropriate tenant for the premises, or a preferred lease option must be advertised for public comment.

**ATTACHMENT 11.2**

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### Comment

Leasing the Vic Hayton Memorial Swimming Pool Kiosk will be of great advantage to the Shire of Ashburton. A successful tenderer will provide greater menu choice for the pool patrons as they will be looking to run the kiosk as a business unit, selling cold and hot meal choices. Leasing the kiosk will eliminate the onus on the Shire of Ashburton pool staff to provide food and meals allowing the pool staff to focus on supervising the swimming pool.

Leasing the Vic Hayton Memorial Swimming Pool Kiosk is a disposal of a Shire asset and must be approved by Council. Advertising a tender is seen as the most equitable means of ascertaining demand and it complies with S3.58 of the Local Government Act 1995.

The Tender should encourage businesses and community groups to provide hot and cold meals to support other services provided at the pool, as well as to the general public. There are limited commercial kitchen space opportunities in Tom Price and therefore the proposed assessment criteria for the Tender would be:

- Proposed rental payment (monthly in advance) 30%
- Proposed opening hours 40%
- Statement of Community and Pool Patron Benefit 30%

The Statement of Community Benefit should identify how the proposed use of the premises will benefit the community of Tom Price, patrons of the swimming pool and the local economy.

It is recommended the proposed lease would be for a period of 24 months with 3 x 12-month extensions at the lessor's discretion. The lessee would be required to pay all outgoings related to the premises (including an allowance for water and electricity which forms part of the Swimming Pool costs and are paid by the Shire of Ashburton).

It is envisaged the premises would be ready for occupation in December 2013.

### Consultation

Elisa Etienne – person expressing interest in Kiosk  
Executive Manager - Community Development  
Vic Hayton Memorial Swimming Pool Manager  
Shire of Ashburton Building Services

### Statutory Environment

Local Government Act 1995, Section 3.58 Disposal of Property Provisions  
Local Government (Administration and General) Regulations 1996 Section 11 to 24 Tenders for Providing Goods and Services.

### Financial Implications

Leasing the pool kiosk will result in a lump sum annual lease fee payable to the Shire of Ashburton. The general fees and charges for the Vic Hayton Memorial Swimming Pool would need to be removed from the 2013/14 Schedule of Fees and Charges.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 2 - Enduring Partnerships  
Objective 1 - Strong Local Economies  
"Understand the local economic trends and needs of local businesses"

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Policy Implications

FIN 04 Buy Local – Regional Price Purchasing Policy  
FIN12 Purchasing and Tender Policy

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr D Dias

**SECONDED:** Cr L Rumble

**That Council:**

1. Approve the proposal to tender the lease for the Vic Hayton Memorial Swimming Pool Kiosk located on Willow Road, Tom Price with the criteria to be assessed using the following scale:
  - a) Proposed rental payment (monthly in advance) 30%
  - b) Proposed opening hours 40%
  - c) Statement of Community and Pool Patron Benefit 30%
2. Remove the general fees and charges for the kiosk from the 2013/14 Schedule of Fees & Charges should a successful tenant be appointed to lease the Vic Hayton Memorial Swimming Pool Kiosk.

**CARRIED 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 12. CORPORATE SERVICES REPORTS

#### 12.1 CAT ACT 2011 IMPLEMENTATION AND AUTHORISATIONS AND CAT AND DOGS FEES AND CHARGES UPDATE

**MINUTE:** 11666

**FILE REFERENCE:** LE.LL.03.00  
LE.LL.05.00

**AUTHOR'S NAME AND POSITION:** Leanne Lind  
Governance and Policy Officer

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

**DATE REPORT WRITTEN:** 4 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The authors have no financial interest in this matter.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Cat Regulations 2012, which give effect to provisions in the Cat Act 2011, were published in Government Gazette No. 210, on 16 November 2012. The registration fees for cats and dogs along with fees for cat breeders (an annual fee in addition to the cat registration fee) were published in the Government Gazette on 23 August 2013. Gazettal of the Fines, Penalties and Infringement Notices Enforcement Amendment Act 2012 was published on 20 August 2013.

The purpose of this agenda item is to appoint authorised persons, make a delegation to CEO and determine registration fees.

#### **Background**

The Department of Local Government previously advised in circular No°18-2013 that the Department carried out a review of the fees prescribed under the Dog Act 1976 to inform revised fees under that Act as well as the fees prescribed under the Cat Act 2011.

It was noted in the previous circular that a lifetime registration fee for dogs was being introduced, however, this fee cannot be Gazetted until such time as the Dog Amendment Bill 2013 is passed by Parliament. Lifetime registrations for dogs cannot be taken until this time.

Local governments can now begin to take registrations for cats and dogs in preparation for the new registration period, beginning 1 November 2013.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Comment

To enable the Shire to administer and enforce the Cat Act legislation, the following matters need to be dealt with prior to the Act taking full effect:

### Appointment of Authorised Persons/ Delegation to CEO

The Cat Act makes provision for a number of actions and decisions that may be taken by the local government or an authorised officer of the local government. These include, but are not limited to:-

- cat registration - granting, renewing, refusing or cancelling;
- cat breeders - granting, renewing, refusing or cancelling approval to breed cats;
- give notice in relation to the above decisions;
- operation of a cat management facility;
- delegations and authorisations;
- issue of infringements.

Sections 44 and 16 of the Cat Act provides for the Council to delegate to the CEO or another person, by absolute majority, the exercise of any of its powers or the discharge of any of its duties under another provision of the Act. The only matter that cannot be delegated is the requirement that decisions about objections are to be made by the Council.

Section 45 of the Act allows the CEO to delegate any of his powers or duties, except the form and content of an infringement, the power to grant an extension to pay an infringement beyond 28 days and the power to withdraw an infringement.

Section 48 allows for the authorisation of persons to undertake specific functions. This would allow employees of a contractor to undertake specific functions, such as cat trapping and impounding.

### Registration Fees

The registration fees for cats and amended fees for dog registrations, were gazetted on 23 August 2013, thus allowing local governments to begin taking registrations for cats in preparation for the new registration period beginning 1 November 2013.

If the owner of a cat is a pensioner, the fee payable for an application for the grant or renewal of the registration of the cat is 50% of the fee that would otherwise be payable.

The registration fees for cats are as follows:-

- Fee for 1 year registration - \$20; or half year registration after 31 May - \$10;
- Fee for 3 year registration - \$42.50;
- Fee for life time registration - \$100;
- Annual fee for permit to breed cats - \$100 per cat.

### Consultation

Administration Manager – Corporate Services  
Senior Ranger/Supervisor Emergency Services  
Governance and Policy Officer  
Town of Cambridge Governance Manager



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Statutory Environment

*Cat Act 2011*

The Cat Act applies in this regard, in particular, Part 3 - Management of Cats and Part 4 - Administration and enforcement. In respect to delegation, Section 44.- Delegation by local government, states as follows:-

- " (1) *The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *A decision to delegate under this section is to be made by an absolute majority. "*

*Dog Act 1976*

### Financial Implications

Income of several thousand dollars is likely from cat registrations; however, as estimates of the cat population are varied, total income is difficult to predict.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

Objective 3 – Exemplary Team and Work Environment

### Policy Implications

Nil

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That Council:**

- 1. Adopt the fees outlined in the Cat Amendment Regulations (No 2) 2013 and the Dog Amendment Regulations 2013, as gazetted on 23 August 2013.**
- 2. Delegates all its powers and duties to the Chief Executive Officer as described under Section 44 of the Cat Act 2011.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**  
**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 12.2 SHIRE OF ASHBURTON FENCING LOCAL LAW 2013

**MINUTE:** 11664

**FILE REFERENCE:** LE.LL.15.00

**AUTHOR'S NAME AND POSITION:** Leanne Lind  
Governance and Policy Officer

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

**DATE REPORT WRITTEN:** 4 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Shire of Ashburton Fencing Local Law 2013 is being presented for Council consideration under the powers conferred by the Dividing Fences Act 1961 and the Local Government Act 1995. Compliance requirements of the Building Act 2011 in the erection and maintenance of fencing is also addressed with the introduction of this local law.

#### **Background**

The cyclone zoning necessitates the need to enable the Shire of Ashburton to regulate the minimum standards for fencing within the various planning zones whilst encouraging responsible construction, maintain compulsory standards and control of fencing. Reduced risk of public and environmental damage caused by unsatisfactory standards of fencing is also a measureable outcome.

#### **Comment**

The proposed local law will be empowered by legislation under the Building Act 2011 and Building Regulations 2012 (Schedule 4, Clause 2).

1. The purpose of this local law is to provide for the regulation, control and management of fences within the district.
2. The effect of this local law is to—
  - (a) regulate, manage and control fences; and
  - (b) establish the standard of a sufficient fence according to land use.

**ATTACHMENT 12.2**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Consultation

Manager – Building Services  
Governance Manager – WALGA  
Governance and Policy Officer

### Statutory Environment

*Local Government Act 1995*, Section 3.5  
Dividing Fences Act 1961  
Building Act 2011  
Building Regulations 2012

### Financial Implications

Nil

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 4 – Distinctive and Well Services Places  
Objective 3 – Well Planned Towns

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr C Fernandez

**That Council:**

1. Endorse the Shire of Ashburton Fencing Local Law 2013 ATTACHMENT12.2.

2. Endorse the purpose and effect of the local law being:

The purpose of this local law is to provide for the regulation, control and management of fences within the district.

The effect of this local law is to:

(a) regulate, manage and control fences; and

(b) establish the standard of a sufficient fence according to land use.

3. Authorise the advertising in a state-wide newspaper, inviting public comment on the Fencing Local Law, for a period of not less than 6 weeks (42 days) as per section 3.12 of the Local Government Act 1995.

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 12.3 2013/14 BUDGET AMENDMENT- CEO MOTOR VEHICLE

**MINUTE:** 11667

**FILE REFERENCE:** PL.PL.02.00

**AUTHOR'S NAME AND POSITION:** Frank Ludovico  
Executive Manager, Corporate Services

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

**DATE REPORT WRITTEN:** 3 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

During the 2013/14 budget deliberations of staff reviewed the Plant Replacement Program. This program has been developed to ensure that a modern fleet of plant and motor vehicles is maintained by the Shire.

During the 2013/14 budget generations the changeover of the CEO's motor vehicle was omitted from the Plant Replacement Program.

The purpose of this item is to include the changeover of the CEO's motor vehicle into the 2013/14 budget.

#### **Background**

During the 2013/14 budget deliberations of staff reviewed the Plant Replacement Program. This program has been developed to ensure that a modern fleet of plant and motor vehicles is maintained by the Shire.

Keeping the fleet modern ensures that costs are saved by not having to maintain old and worn out fleet.

In certain circumstances items fleet are turned over more regularly ensuring the cost of servicing tyres etc are also saved. This is the case for some of the higher end vehicles that Council owns e.g. the CEO's motor vehicle.

During the 2013/14 budget generations the changeover of the CEO's motor vehicle was omitted from the Plant Replacement Program.

The purpose of this item is to include the changeover of the CEO's motor vehicle into the 2013/14 budget.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Comment

It has been found that renewing the vehicle reason every 12 months or 20,000 km has been most economical with changeovers only costing in the vicinity of \$6,000-\$7,000. This arrangement has been in place since 2009 with each changeover being assessed in order to determine the best value to the Shire of Ashburton.

### Consultation

Fleet Manager

### Statutory Environment

Section is 3.57 " Tenders for providing goods or services " of the Local Government Act 1995 applies

### Financial Implications

The purchase price for a new Landcruiser is \$77,053 (ex GST) and trade in on the previous vehicle is \$70,048 (ex GST) - total changeover cost of \$7,154. It is anticipated that savings and higher trade-ins will be achieved throughout the year to cover this cost. This will be considered as part of the Annual Budget Review.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 – Exemplary Team and Work Environment  
Objective 04 – Provide a functional workplace and infrastructure.

### Policy Implications

Council policy fin 12 applies. The purchase of Shire of vehicles are made through the WA State Government tender for vehicles and so ensures the best pricing for vehicles.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr A Eyre**

**That Council approve the variation detailed below to the 2013/14 Adopted Budget:**

Ledger Account	Description	Budget	Increase/ Decrease	Revised Budget
124964	Purchase of Motor Vehicles	\$655,479	\$77,053	\$732,532
125040	Proceeds from the Disposal of Assets	(\$366,000)	(\$70,048)	(\$436,048)
Reason:adjustment to allow for the purchase of the CEO's motor vehicle				

**CARRIED BY ABSOLUTE MAJORITY 8/0**  
**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 12.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF AUGUST & SEPTEMBER 2013

**MINUTE:** 11668

**FILE REFERENCE:** FI.RE.00.00

**AUTHOR'S NAME AND POSITION:** Leah M John  
Finance Manager

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

**DATE REPORT WRITTEN:** 7 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

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

#### **Background**

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

#### **Comment**

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

##### **August 2013**

- Statements of Financial Activity and associated statements for the Month of August 2013.

**ATTACHMENT 12.4A**

##### **September 2013**

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of September 2013.

**ATTACHMENT 12.4B**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Consultation

Executive Manager Corporate Service  
Other Executive managers  
Finance Manager  
Finance Coordinator  
Finance Officers  
Consultant Accountant

### Statutory Environment

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

### Financial Implications

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

### Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan  
Goal 5 Inspiring Governance  
Objective 4 Exemplary Team and Work Environment.

### Policy Implications

There are no policy implications in this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr L Shields**

**SECONDED: Cr L Thomas**

#### That Council

- 1. accepts the Financial Reports for August 2013 as per ATTACHMENT 12.4A and**
- 2. notes the Schedule of Accounts and Credit Cards paid in September 2013 as approved by the Chief Executive Officer in accordance with delegation DA004 Paymet from Municipal and Trust Funds as per ATTACHMENT 12.4B.**

**CARRIED 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 12.5 SHIRE OF ASHBURTON ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2013

**MINUTE:** 11669

**FILE REFERENCE:** LE.LL.12.00

**AUTHOR'S NAME AND POSITION:** Leanne Lind  
Governance and Policy Officer

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

**DATE REPORT WRITTEN:** 14 September 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.02.08 - Ordinary Meeting of Council 17 February 2010  
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012  
Agenda Item 11.3 (Minute No. 11297) - Ordinary Meeting of Council 19 September 2012  
Agenda Item 11.3 (Minute No. 11431) - Ordinary Meeting of Council 13 February 2013  
Agenda Item 12.8 (Minute No. 11577) - Ordinary Meeting of Council 17 July 2013

#### **Summary**

The purpose of this report is to:

1. Consider the submissions received on the proposed Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013;
2. Give notice to the purpose and effect of the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013;
3. Make the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013;
6. Authorise the affixing of the Common Seal to this local law.



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### **Background**

On 17 July 2013 Council adopted the requested undertakings from the Joint Standing Committee on Delegated Legislation (JSCDL) on the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013 and the amendment Local Law.

### **Comment**

The purpose and effect of the Public Places and Trading Local Law is as follows –

**Purpose:** To consolidate various local laws relating to activities in thoroughfares and public places and trading.

**Effect:** To restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places; and ensure that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place comply with the provisions of the local law.

As required by the Local Government Act 1995, the community was invited to comment on the review of the Council's Local Law. Public consultation was undertaken by advertising as required section 3.12(3), for a minimum period of 42 days. The review was advertised on 31 July 2013 with a closing date of 13 September, 2013. No submissions were received.

All changes as required of the principal local law by the JSCDL have been made and the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 is attached for adoption.

**ATTACHMENT 12.5**

### **Consultation**

A/Executive Manager – Corporate Services  
Advisory Officer (Legal) - JSCDL  
Governance Manager - WALGA

### **Statutory Environment**

Local Government Act 1995, Section 3.12

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 5 - Inspiring Governance  
Objective 3 - Council Leadership

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr L Thomas

#### That Council:

1. **Adopt the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 as per ATTACHMENT 12.5 in accordance with the provisions of the Local Government Act.**
2. **Endorse the purpose and effect of the local law being:**  
  
**Purpose: To consolidate various local laws relating to activities in thoroughfares and public places and trading.**  
  
**Effect: To restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places; and ensure that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place comply with the provisions of the local law.**
3. **Authorise the local law's gazettal in the *Government Gazette*.**
4. **Authorise the public notice advertisement, (after gazettal), of the date of the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 comes into effect.**
5. **Authorise the Shire President and the Chief Executive Officer to affix the Shire's Common Seal to the Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 12.6 SHIRE OF ASHBURTON CEMETERIES AMENDMENT LOCAL LAW 2013

**MINUTE:** 11670

**FILE REFERENCE:** LE.LL.04.00

**AUTHOR'S NAME AND POSITION:** Leanne Lind  
Governance and Policy Officer

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

**DATE REPORT WRITTEN:** 14 September 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.02.08 Ordinary Meeting of Council 17 February 2010  
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012  
Agenda Item 11.1 (Minute No. 11225) - Ordinary Meeting of Council 15 August 2012  
Agenda Item 11.1 (Minute No. 11429) - Ordinary Meeting of Council 13 February 2013  
Agenda Item 12.7 (Minute No. 11569) – Ordinary Meeting of Council 17 July 2013

#### **Summary**

The purpose of this report is to:

1. Consider the submissions received on the proposed Shire of Ashburton Cemeteries Local Law 2013;
2. Give notice to the purpose and effect of the Shire of Ashburton Cemeteries Amendment Local Law 2013;
3. Make the Shire of Ashburton Cemeteries Amendment Local Law 2013;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Cemeteries Amendment Local Law 2013;
6. Authorise the affixing of the Common Seal to this local law.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### **Background**

On 17 July 2013 Council adopted the requested undertakings from the Joint Standing Committee on Delegated Legislation (JSCDL) on the Shire of Ashburton Cemeteries Local Law 2013 and the amendment Local Law.

### **Comment**

The purpose and effect of the Public Places and Trading Local Law is as follows –

**Purpose:** To provide for the orderly management of the Cemeteries in Onslow (Reserve No. 20632) and Tom Price (Reserve No. 43087) which includes new facilities such a niche wall and to create offences for inappropriate behaviour within the cemetery grounds.

**Effect:** To ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemetery, or otherwise providing services to or making use of the cemetery.

As required by the Local Government Act 1995, the community was invited to comment on the review of the Council's Local Law. Public consultation was undertaken by advertising as required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 31 July 2013 with a closing date of 13 September, 2013. No submissions were received.

All changes as required of the principal local law by the JSCDL have been made and the Shire of Ashburton Cemeteries Amendment Local Law 2013 is attached for adoption.

### **ATTACHMENT 12.6**

### **Consultation**

A/Executive Manager – Corporate Services  
Advisory Officer (Legal) - JSCDL  
Governance Manager - WALGA

### **Statutory Environment**

*Cemeteries Act 1986*  
*Local Government Act 1995, Section 3.5*

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan 2012-2022  
Goal 5 - Inspiring Governance  
Objective 3 - Council Leadership.

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr D Dias

#### That Council:

1. **Adopt the Shire of Ashburton Cemeteries Property Amendment Local Law 2013 as per ATTACHMENT 12.6 in accordance with the provision of the Local Government Act.**
2. **Endorse the purpose and effect of the local law being:**  
  
**Purpose:** To provide for the orderly management of the Cemeteries in Onslow (Reserve No. 20632) and Tom Price (Reserve No. 43087) which includes new facilities such a niche wall and to create offences for inappropriate behaviour within the cemetery grounds.  
  
**Effect:** To ensure compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemetery, or otherwise providing services to or making use of the cemetery.
3. **Authorise the local law's gazettal in the *Government Gazette*.**
4. **Authorise the public notice advertisement, (after gazettal), of the date of the Shire of Ashburton Cemeteries Amendment Local Law 2013 comes into effect.**
5. **Authorise the Shire President and the Chief Executive Officer to affix the Shire's Common Seal to the Shire of Ashburton Cemeteries Amendment Local Law 2013.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

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**12.7 SHIRE OF ASHBURTON LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2013**

**MINUTE:** 11671

**FILE REFERENCE:** LE.LL.01.00  
LE.LL.08.00  
LE.LL.11.00

**AUTHOR'S NAME AND POSITION:** Leanne Lind  
Governance and Policy Officer

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

**DATE REPORT WRITTEN:** 14 September 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.02.08 - Ordinary Meeting of Council 17 February 2010  
Agenda Item 11.1 (Minute No. 11229) - Ordinary Meeting of Council 18 July 2012  
Agenda Item 11.1 (Minute No. 11310) - Ordinary Meeting of Council 17 October 2012  
Agenda Item 11.3 (Minute No. 11451) - Ordinary Meeting of Council 13 March 2013  
Agenda Item 12.6 (Minute No. 11569) – Ordinary Meeting of Council 17 July 2013

**Summary**

The purpose of this report is to:

1. Consider the submissions received on the proposed Shire of Ashburton Local Government Property Amendment Local Law 2013;
2. Give notice to the purpose and effect of the Shire of Ashburton Local Government Property Amendment Local Law 2013;
3. Make the Shire of Ashburton Local Government Property Amendment Local Law 2013;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Local Government Property Amendment Local Law 2013;
6. Authorise the affixing of the Common Seal to this local law.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### **Background**

On 17 July 2013 Council adopted the requested undertakings from the Joint Standing Committee on Delegated Legislation (JSCDL) on the Shire of Ashburton Local Government Property Local Law 2013 and the amendment Local Law.

### **Comment**

The purpose and effect of the Public Places and Trading Local Law is as follows –

Purpose: to regulate the care, control and management of all property of the local government except thoroughfares.

Effect: to control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

As required by the Local Government Act 1995, the community was invited to comment on the review of the Council's Local Law. Public consultation was undertaken by advertising as required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 31 July 2013 with a closing date of 13 September, 2013. No submissions were received.

All changes as required of the principal local law by the JSCDL have been made and the Shire of Ashburton Local Government Property Amendment Local Law 2013 is attached for adoption.

### **ATTACHMENT 12.7**

### **Consultation**

A/Executive Manager – Corporate Services  
Advisory Officer (Legal) - JSCDL  
Governance Manager - WALGA

### **Statutory Environment**

*Local Government Act 1995, Section 3.12*

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 5 - Inspiring Governance  
Objective 3 - Council Leadership.

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr L Thomas

#### That Council:

1. **Adopt the Shire of Ashburton Local Government Property Amendment Local Law 2013 as per ATTACHMENT 12.7 in accordance with the provisions of the Local Government Act.**
2. **Endorse the purpose and effect of the local law being:**  
  
**Purpose:** To regulate the care, control and management of all property of the local government except thoroughfares.  
  
**Effect:** To control the use of local government property. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.
3. **Authorise the local law's gazettal in the *Government Gazette*.**
4. **Authorise the public notice advertisement, (after gazettal), of the date of the Shire of Ashburton Local Government Property Amendment Local Law 2013 comes into effect.**
5. **Authorise the Shire President and the Chief Executive Officer to affix the Shire's Common Seal to the Shire of Ashburton Local Government Property Amendment Local Law 2013.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**



### 13. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

#### **Declaration of Interest**

Prior to consideration of this Agenda Item Crs Foster, Dias and Rumble declared a Financial Interest in Agenda Item 13.2 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster has a partner employed by Rio Tinto, Cr Rumble is a Shareholder having a total value exceeding \$10,000 and Cr Dias is employed by Rio Tinto and is a Shareholder having a total value exceeding \$10,000.

Crs Dias, Foster and Rumble left the meeting at 1.33 pm.

#### 13.2 EXECUTION OF FUNDING AGREEMENT - COMMUNITY DEVELOPMENT AND SUPPORT TEAM

MINUTE: 11672

<b>FILE REFERENCE:</b>	CORP4
<b>AUTHOR'S NAME AND POSITION:</b>	Anika Serer Strategic Revitalisation and Relationship Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 October 2013
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.2 – Ordinary Meeting of Council 18 September 2013 Agenda Item 13.2 (Minute No. 11611) – Ordinary Meeting of Council 21 August 2013; Agenda Item 13.3 (Minute No. 11612) – Ordinary Meeting of Council 21 August 2013; Agenda Item 10.2 (Minute No. 11167) – Ordinary Meeting of Council 18 April 2012

#### **Summary**

As part of the Community Infrastructure and Services Partnership (CISP) between Pilbara Iron Company (Services) Pty Ltd (RTIO) and Shire of Ashburton (SoA), RTIO has agreed in principle to contribute \$2,603,972 (excl GST) to assist with the employment of the Community Development Support Team to service Pannawonica, Paraburdoo and Tom Price.

The funding agreement between RTIO and SoA is presented for execution. It is recommended that Council authorise the Shire President and Chief Executive Officer to execute this agreement by signing and affixing the Common Seal.

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Please note this matter was presented to the 18 September 2013 Council meeting but was not considered because of the lack of a quorum. It is presented again in order to determine that matter.

### Background

A Memorandum of Understanding between RTIO and SoA was signed in July 2012, creating a long term partnership to work together to revitalize existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The MOU provides an engagement framework and Community, Infrastructure and Services Plan (CISP) which details the projects that will be the focus of the partnership.

The engagement framework provides for a Partnership Governing Committee (PGC) to review and direct the activities of the Partnership in accordance with the MOU. The Shire is represented on the PGC by the Shire President, Deputy Shire President, Chief Executive Officer, Executive Managers and appropriate senior staff, with RTIO representation by General Managers and appropriate senior staff. The funding agreements and conditions for the various projects and events outlined in the CISP are prepared in close consultation and approval by the PGC.

Under the Partnership, RTIO is assisting SoA by providing support for the delivery of various services and infrastructure projects identified in the Community Infrastructure and Services Plan 2012 – 2017 annexed to the MOU.

### ATTACHMENT 13.2

### Comment

The Community Development and Support Team Funding Agreement sets out the support required for SoA to employ a Community Development and Support Team identified in the CISP.

Funding has been negotiated for a four year period (in accordance with the MOU) with the following values:

Year One (2013/2014)	\$ 626,005
Year Two (2014/2015)	\$ 636,223
Year Three (2015/2016)	\$ 658,913
Year Four (2016/2017)	<u>\$ 682,831</u>
<b>Total</b>	<b><u>\$2,603,972</u></b>

The funding includes accommodation, vehicle, I.T. and allowances where applicable, and will enable the Community Development Department to employ the following staff:

Club Development Manager: 1 x Full-time, residential based in Tom Price servicing all towns – Paraburadoo, Pannawonica and Tom Price;

Club Development Officers: 1 x Full-time, residential based in Tom Price, 1 x Part-time, residential based in Pannawonica; 1 x Part-time, residential based in Paraburadoo;

Community Capacity Building Coordinators: 1 x Full-time, residential based in Paraburadoo servicing Paraburadoo and Tom Price; 1 x Full-time, residential based in Pannawonica.

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The expected outcomes of the funding agreement are to:

Club Development Manager and Officers will:

1. Contribute to the ongoing development and sustainability of community groups and sporting clubs through the provision of professional advice and support;
2. Contribute to the longer term sustainability and governance of community clubs and organisations through the provision of professional services to assist with governance and other support functions; and
3. Support existing clubs to develop and/or expand the range of leisure, recreation and sporting activities available to meet community needs.

Community Capacity Building Coordinators will:

1. Utilise sustainable community development practices to be integrated across the Shire and the community;
2. Undertake activities and events to integrate new and existing residents, including FIFO and tourists into the towns;
3. Be responsible for the implementation and delivery of the events and programmes supported under the Events and Festivals Agreement such as Welcome Events;
4. Support the capacity and governance of local community groups in each town; Be responsible for shaping and focusing the community culture in each town to create a forward thinking, solution focused culture of inclusivity and sustainability; and
5. Work closely with the Club Development and Community Services Teams to achieve these outcomes.

The staff will share office facilities with the existing Community Development Team in each of the towns.

The funding agreement between RTIO and SoA is presented for execution. It is recommended that Council authorise the Shire President and Acting Chief Executive Officer to execute this agreement by signing and affixing the Common Seal

### **Consultation**

Shire President  
Deputy Shire President  
A/Chief Executive Officer  
Executive Manager – Strategic & Economic Development  
Executive Manager – Community Development  
Partnership Governing Committee (PGC)  
Partnership Management Group (PMG)

### **Statutory Environment**

Local Government Act 1995 – S 9.49 (A) Execution of Documents  
Local Government Act 1995 – S 5.43 (ha) Delegation of Power to the CEO

### **Financial Implications**

Funding has been calculated to support the employment of the Team in full for 4 years, including accommodation, vehicle, I.T. and allowances where applicable.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 01 – Vibrant and Active Communities  
Objective 01 – Connected, Caring and Engaged Communities  
Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships  
Objective 02 – Enduring Partnerships with Industry and Government

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### Policy Implications

ELM13 – Affixing of the Shire of Ashburton Common Seal

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr L Shields**

**SECONDED: Cr L Thomas**

#### That Council:

1. **Endorses the Funding Agreement 'Community Development and Support Team' with Rio Tinto for the value of \$2,603,972 (excl GST).**
2. **Authorises the Shire President and Chief Executive Officer to execute the Agreement by signing and affixing the Shire's Common Seal.**

**CARRIED 4/1**

**Crs White, Thomas, Shields and Eyre voted for the motion  
Cr Fernandez voted against the motion**

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### Declaration of Interest

Prior to consideration of this Agenda Item Crs Foster, Dias and Rumble declared a Financial Interest in Agenda Item 13.3 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster has a partner employed by Rio Tinto, Cr Rumble is a Shareholder having a total value exceeding \$10,000 and Cr Dias is employed by Rio Tinto and is a Shareholder having a total value exceeding \$10,000.

### **13.3 EXECUTION OF FUNDING AGREEMENT - PARABURDOO SPORTING AND COMMUNITY HUB STAGE 1**

**MINUTE:** 11673

**FILE REFERENCE:** PA.DG.0615

**AUTHOR'S NAME AND POSITION:** Anika Serer  
Strategic Revitalisation and Relationship Manager

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

**DATE REPORT WRITTEN:** 1 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.3 – Ordinary Meeting of Council 18 September 2013  
Agenda Item 13.2 (Minute 11611) – Ordinary Meeting of Council 21 August 2013  
Agenda Item 12.3 (Minute No. 11550) - Ordinary Meeting of Council 5 June 2013  
Agenda Item 12.6 (Minute No. 11351) - Ordinary Meeting of Council 21 November 2012  
Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012  
Agenda Item 10.2 (Minute No. 11167) – Ordinary Meeting 18 April 2012  
Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

### **Summary**

As part of the Partnership between Rio Tinto Iron Ore (RTIO) and Shire of Ashburton (SoA), RTIO has agreed in principle to contribute \$3 million to the construction of Stage 1 of the Paraburdoo Sporting and Community Hub. This will enable general headworks and site preparation, the construction of the childcare centre, and progress scope and final design of the other Stages of the Hub.

The funding agreement between RTIO and SoA is presented for execution, along with a proposed letter of variation clarifying SoA's financial contribution to Stage 1 of the Hub and agreed deliverables. It is recommended that Council authorise the Shire President and Chief

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Executive Officer to execute this agreement signing and affixing the Common Seal, and approve the letter of variation to accompany the agreement.

Please note this matter was presented to the 18 September 2013 Council meeting but was not considered because of the lack of a quorum. It is presented again in order to determine that matter.

### **Background**

A Memorandum of Understanding between RTIO and SoA was signed in July 2012, creating a long term partnership to work together to revitalize existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The MOU provides an engagement framework and Community, Infrastructure and Services Plan (CISP) which details the projects that will be the focus of the partnership.

The engagement framework provides for a Partnership Governing Committee (PGC) to review and direct the activities of the Partnership in accordance with the MOU. The Shire is represented on the PGC by the Shire President, Deputy Shire President, Chief Executive Officer, Executive Managers and appropriate senior staff, with RTIO representation by General Managers and appropriate senior staff. The funding agreements and conditions for the various projects and events outlined in the CISP are prepared in close consultation and approval by the PGC.

Under the Partnership, RTIO is assisting SoA by providing support for the delivery of various services and infrastructure projects identified in the Community Infrastructure and Services Plan 2012-2017 annexed to the MOU.

At the Ordinary Meeting held on 21 August 2013, Council approved the construction of initial headworks and the Childcare Centre to commence as Stage 1 of the Paraburdoo Community Hub upon finalization of the required funding. The CEO was further requested to review the Paraburdoo Hub concept plan to consolidate identified duplication of facilities and create better efficiencies.

### **Comment**

The construction cost of the Childcare Centre and initial headworks required for the overall Hub (transformer, service relocation, etc) has been estimated at \$4.66 million (excl GST) for which. The Childcare Centre component has been estimated to cost \$3.875 million (excl GST) and headworks required for the overall hub such as a new transformer, service upgrades, etc and external works at \$785,000 (excl GST).

Royalties for Regions previously allocated \$1.5 million to RTIO to construct a purpose-built child care facility in Paraburdoo, which is now being reassigned to SoA. A contribution of \$300,000 from the Shire will be required toward the headworks which will service the overall development, which was approved at the August 2013 meeting.

The contribution of \$3 million by RTIO will not only enable the construction of the Childcare facility to proceed, but also provide funds for project management and the design review of the other Stages of the Paraburdoo Community Hub as directed. As the agreement had been drafted and signed by RTIO prior to the endorsed Staging of the Hub by Council at the August 2013 meeting, a proposed letter of exchange has been prepared to clarify the use of funds in this way.

The funding agreement between RTIO and SoA is presented for execution, along with the proposed letter of variation. It is recommended that Council authorise the Shire President and Chief Executive Officer to execute this agreement through signing and affixing the Common Seal, and approve the letter of variation to accompany this.

**ATTACHMENT 13.3**

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### Consultation

A/Chief Executive Officer  
Executive Manager – Strategic & Economic Development  
Executive Manager – Community Development  
Rio Tinto and Shire of Ashburton Partnership Governing Committee (PGC)  
Rio Tinto and Shire of Ashburton Partnership Management Group (PMG)  
Partnership Governing Committee (PGC)  
Partnership Management Group (PMG)

### Statutory Environment

Local Government Act 1995 S9.49 (A) Execution of Documents  
Local Government Act 1995 S5.43 (HA) Delegation of Powers to the CEO

### Financial Implications

The proposed budget for Stage 1 of the Paraburdoo Community Hub is reflected in the table below:

Item	Income (excl GST)	Expense (excl GST)
RTIO	\$3,000,000	
RDL	\$1,500,000	
SoA	\$ 300,000	
<b>Total</b>	<b>\$4,800,000</b>	
Childcare Facility		\$3,875,000
Headworks		\$ 785,000
Project Management/ Design Review		\$ 140,000
<b>Total</b>		<b>\$4,800,000</b>

Council approved the contribution of \$300,000 at the Ordinary Meeting held on 21 August 2013.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

### Policy Implications

ELM 3 – Affixing of the Shire of Ashburton Common Seal.

### Voting Requirement

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED:** Cr A Eyre

**SECONDED:** Cr C Fernandez

### That Council:

1. Authorises the Shire President and Chief Executive Officer to execute the Funding Agreement Paraburdoo Sporting and Community Hub July 2013 – June 2016 between Pilbara Iron Company (Services) Pty Ltd (RTIO) and the Shire of Ashburton for \$3,000,000 by signing the Agreement and affixing the Shire's Common Seal;
2. Approves the proposed letter of variation clarifying SoA's contribution to Stage 1 of the Hub being \$300,000 and funds being used to continue to develop agreed scope and final concept design for the other components of the Hub, to accompany the Funding Agreement; and
3. Amends the 2013/2014 budget to include the proposed income and expenditure of \$4,800,000 for No BN455 – Paraburdoo Child Care as outlined in the Financial Implications Table.

**CARRIED 5/0**

**Crs White, Fernandez, Shields, Eyre and Thomas voted for the motion**

Crs Dias, Foster and Rumble entered the meeting at 1.42 pm.



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 13.4 REQUEST TO HOLD A SPECIAL MEETING OF COUNCIL FOR AWARD OF TENDER AND REQUEST TO CHANGE SELECTION CRITERIA OF A PROPOSED TENDER

**MINUTE:** 11674

**FILE REFERENCE:** OR.MT.1

**AUTHOR'S NAME AND POSITION:** Megan Walsh  
Acting Aerodrome Manager

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

**DATE REPORT WRITTEN:** 1 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Shire is currently progressing two key tenders relating to the Onslow Aerodrome Redevelopment:

1. RFT 09/13 Supply and Installation of Passenger Screening Equipment & Baggage Conveyor System; and
2. Request for Tender for Professional Services for the Design and Validation of an Area Navigation (RNAV) Global Navigation Satellite System (GNSS) approach.

The award of both Tenders is critical to the operation of the Onslow Aerodrome and therefore it is proposed that a Special Meeting of Council be held by instantaneous communication (teleconference) to enable the tenders to be reviewed and processed so as not to hold up the delivery of the overall project.

#### **Background**

##### Passenger screening equipment and baggage conveyor system

The supply & installation of passenger screening equipment and baggage conveyor system is an essential part of the Onslow terminal and a pivotal component/requirement in the implementation of an open charter or regular passenger transport service for the Onslow Airport.

Due to the complexity of the RFT 09/13 tender submissions, it has not been achievable to complete a thorough evaluation in a timeframe which meets the agenda closing date for the October Ordinary Council Meeting.

RFT 09/13 will require award and commencement at the earliest possible date to provide for installation works to occur within the timeframes for completion of the Aerodrome Terminal building.

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### Global Navigational Satellite System (GNSS)

An instrument approach is a series of published makeovers for the safe transfer of an aircraft to land, flying under instrument meteorological conditions (IMC – an aviation flight category that describes weather conditions which require pilots to fly primarily by reference to instruments). An instrument approach enables aircraft to safely land in the presence of cloud or fog and at night.

Chevron has requested the provision of the GNSS approach and has indicated their intention to fund the system through a Financial Assistance Agreement (FAA). To this date a formalized FAA has not been received, and no work other than seeking budget prices and general discussion has occurred towards the process.

It is envisaged that a formalised FAA will be issued by Chevron by the 25 October 2013. Unfortunately the true value of the FAA cannot be determined until tenders are received and there maybe a need for further negotiations after Tenders are examined. It is recommended that tenders be advertised and reviewed before the FAA is actioned. This will enable the FAA to be re-negotiated if the tenders fall outside the parameters of the FAA.

The recommendation seeks to authorise the Shire President and the CEO to sign the agreement after the tenders are known to illuminate the financial risk to the Shire.

The reason for highlighting this is so that the process can be streamlined yet recommendation 2 provides suitable protection for the Council.

The Tender Assessment Criteria policy (FIN14), Evaluation Criteria, does not allow for the appropriate evaluation of this proposed tender given the nature of the service. The purpose of this Agenda item at the Special Meeting of Council will be to determine appropriate qualitative selection criteria.

### **Comment**

It is suggested that this special meeting also occur on the 29 October 2013 (see agenda item 10.3) in conjunction with the Swearing in of Councillors and election of the Shire President and Deputy President.

It is requested that Council approve the Onslow Multi-Purpose Centre as a suitable venue for attendance at the meeting by means of instantaneous communications as required by Regulation 14A of the Local Government Administration Regulations 1996..

### **Consultation**

A/Chief Executive Officer  
Strategic Engineer

### **Statutory Environment**

Section 5.25 of the Local Government Act and Regulation 14A of the Administration Regulation 1996 apply.

### **Financial Implications**

Nil – As it is proposed that the meeting be held by teleconference

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 'Distinctive and Well Serviced Places'  
Objective 01 – Quality Public Infrastructure:  
Objective 02- Accessible and Safe Towns  
Objective 03 - Well Planned towns

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### Policy Implications

Nil

### Voting Requirement

Absolute Majority Required

#### Council Decision

**MOVED: Cr A Eyre**

**SECONDED: Cr L Shields**

1. That Council convenes a Special Meeting of Council on 29 October 2013, to commence at 7:00pm, to be held at Tom Price Council Chambers Central Ave Tom Price, for the purpose of determining.
  - a) The award of RFT 09/13 Supply and Installation of Passenger Screening Equipment and Baggage Conveyor Systems; and
  - b) Evaluation criteria for Request for Tender for Professional Services for the Design and Validation of an Area Navigation (RNAV) Global Navigation Satellite System (GNSS) Approach.
2. That subject to the tender falling within the limits of the Financial Assistance Agreement, Council authorise the Shire President and Chief Executive Officer to execute the amended Financial Assistance Agreement Onslow Aerodrome – For Professional Services for the Design and Validation of an Area Navigation (RNAV) Global Navigation Satellite (GNSS) Approach between Chevron Australia Pty Ltd and the Shire of Ashburton by signing the Agreement and affixing the Shire's Common Seal.

**CARRIED BY ABSOLUTE MAJORITY 8/0**  
**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

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### 13.5 OCEAN VIEW CARAVAN PARK QUARTERLY FINANCIAL SUMMARY

**MINUTE:** 11664

**FILE REFERENCE:** RE.SE.R.24405

**AUTHOR'S NAME AND POSITION:** Zoe McGowan  
Project Officer

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

**DATE REPORT WRITTEN:** 1 October 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Ocean View Caravan Park is owned and operated by the Shire of Ashburton.

The Shire Administration has prepared a Quarterly Financial Summary for the consideration of Council.

#### **Background**

Ocean View Caravan Park, Lot 3001, is located on the foreshore of Onslow and consists of 117 powered sites, 6 unpowered and 8 cabins. Currently the park is home to a mixture of local residents, short term visitors and tourists.

In September 2012 the current leasee of Ocean View Caravan Park terminated his lease arrangement with the Shire of Ashburton, and it was the decision of Council to take on the daily operations and management of the Park.

To effectively manage the Park and in the interest of improving the communication of information to Council, a Quarterly Financial Summary for Ocean View Caravan Park has been prepared for Council's information.

#### **Comment**

This report presents a summary of the financial activity for the quarter July 2013 - September 2013.

Ocean View Caravan Park's peak season is typically May to September, with the park operating at 80% capacity or higher. This is reflected in the high income figure (\$430,365.00) shown under "Sep 13 YTD Actual."

It is anticipated that the income for the next quarter will drop significantly as many of the returning tourists vacate the park, traveling south as the temperatures increase.

**ATTACHMENT 13.5**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### **Consultation**

Acting Executive Manager, Strategic & Economic Development  
Finance Manager, Corporate Services

### **Statutory Environment**

None identified

### **Financial Implications**

Currently Ocean View Caravan Park is showing a YTD net surplus of \$268,334.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 5 – Inspiring Governance  
Objective 4 - Exemplary Team and Work Environment

### **Policy Implications**

None identified

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

**That Council receives the Quarterly Financial Summary July 2013 – September 2013 as attached to this report regarding the Ocean View Caravan Park.**

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 13.6 CHANGES TO THE LICENCE AGREEMENT FOR THE TOM PRICE COMMUNITY RECREATION CENTRE

**MINUTE:** 11664

**FILE REFERENCE:** TP.CX.0883.000

**AUTHOR'S NAME AND POSITION:** Anika Serer  
Strategic Revitalisation & Relationship Manager

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

**DATE REPORT WRITTEN:** 25 September 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Currently a Licence Agreement exists between the Department of Education (Licensor) and the Shire of Ashburton (Licensee) for the Tom Price Community Recreation Centre.

An application to the Department of Education, via Tom Price Senior High School has been made by Narelle Johnson to operate a family day care scheme from the crèche facility located in the Tom Price community recreation centre.

The crèche facility is included in the current Licence Agreement between the Shire of Ashburton and the Department of Education.

Council endorsement is now sought to exclude the crèche facility from the licence agreement by means of a Deed of Variation, to allow the Department of Education to enter into a Licence Agreement with Narelle Johnson for the use of the crèche facility for a twelve month (12) period.

#### **Background**

In May 2005, the Shire of Ashburton (Licensee) and the Department of Education (Licensor), representing Tom Price Senior High School, entered into a Licence Agreement for the use and management of the Tom Price Community Recreation Centre, located on Reserve 469366 for a period of twenty one (21) years.

The current licence agreement states in the schedule, item 3 (clause 2.1):

*“...3.1 The Shire shall have priority use of the Facilities:*

- (a) before 7.30am and after 2.30pm from Monday to Friday inclusive on School days;*
- (b) at any time on weekends and on any days that are not School days; and*
- (c) any such other time as is first agreed to by the Principal in writing.*

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

*3.2 The School shall have priority use of the Facilities (except the Crèche and Council Meeting Rooms) between 7.30am and 2.30pm on School days and such use shall be booked 12 months in advance.*

*3.3 The School may use the Facilities outside the times set out in Item 3.2 of the Schedule provided it has made a booking and the booking has been approved by the Centre Manager.*

*3.4 The Shire may use the Facilities during the times set out in Item 3.2 of the Schedule with the prior written approval of the Principal.”*

The Licence Agreement covers the use and management of the Tom Price Community Recreation Centre in its entirety, including the crèche facility.

Narelle Johnson has applied to the Department of Education, via Tom Price High School, to operate a Family Day Care Scheme from the crèche facility located within the Tom Price Community Recreation Centre.

This application has been approved by the Department of Education and endorsed and supported by Tom Price Senior High School.

### **Comment**

The crèche facility is not currently utilised by either the Shire of Ashburton nor Tom Price Senior High School. Therefore, it is recommended that Council support the use of the crèche facility for the purpose of a Family Day Care Scheme, operated by Narelle Johnson.

In order to limit the Shire's liability, it is recommended that Council approve a Deed of Variation to exclude the crèche facility from the current Licence Agreement between the Department of Education and the Shire of Ashburton for the Tom Price Community Recreation Centre for an initial period of twelve months.

### **Consultation**

Executive Manager – Strategic & Economic Development  
Executive Manager – Community Development  
Strategic Revitalisation and Partnership Manager  
Project Support Officer  
Facilities Manager  
Trevor Henderson – Principal, Tom Price Senior High School

### **Statutory Environment**

Local Government Act 1995 S3.58 'Disposing of Property'

### **Financial Implications**

The Deed of Variation will ensure that the Shire has no liability for the operation and maintenance of the crèche facilities.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 02 – Enduring Partnerships  
Objective 01 – Strong Local Economies

### **Policy Implications**

Nil

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

#### That Council:

1. **Endorse a Deed of Variation to the Licence Agreement between the Shire of Ashburton and the Department of Education for the Tom Price Community Recreation Centre; and**
2. **Delegate authority to the Shire President and the Chief Executive Officer to prepare, sign and affix the Common Seal to a Deed of Variation to the excluded creche area from the Licence Agreement between the Shire of Ashburton and the Department of Education for the Tom Price Community Recreation Centre.**

**CARRIED EN BLOC 8/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 13.7 ONSLOW AIRPORT APRON ACCESS ROAD

**MINUTE:** 11675

**FILE REFERENCE:** OR.CM.10.19

**AUTHOR'S NAME AND POSITION:** Frank Ludovico  
Executive Manager Corporate Services

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

**DATE REPORT WRITTEN:** 3 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 16.07.15 - Ordinary Meeting of Council 20 July 2011  
Confidential Agenda Item 17.4 (Minute No:11136) - Ordinary Meeting of Council 15 February 2012  
Agenda Item 12.3 (Minute No:11187) - Ordinary Meeting of Council 16 May 2012  
Agenda Item 14.1 (Minute No:11328) - Ordinary Meeting of Council 17 October 2012  
Agenda Item 12.1 (Minute No:11392) - Ordinary Meeting of Council 12 December 2012  
Agenda Item 12.2,12.3, 13.6 & 16.1 (Minute No: 11402, 11403, 11411, 111421) - Ordinary Meeting 23 January 2013  
Agenda Item 6.1,6.2 & 6.3 (Minute No:4,5&6) - Special Meeting of Council 7 February 2013  
Agenda Item 14.1 (Minute No:11442) - Ordinary Meeting 13 February 2013  
Agenda Item 14.1 (Minute No:11466) - Ordinary Meeting of Council 13 March 2013  
Agenda Item 6.1(Minute No:7) - Special Meeting of Council 21 March 2013  
Agenda Item 14.2 & 16.2 (Minute No:11507, 11509) - Ordinary Meeting of Council 10 April 2013  
Agenda Item 6.1&6.2 (Minute No:8&9) - Special Meeting of Council 1 May 2013  
Agenda Item (Minute No: 11561) - Ordinary meeting of Council 5 June 2013  
Agenda Item 6.1 (Minute No:12) - Special Meeting of Council 5 July 2013  
Agenda Item 13.1 (Minute No: 11610) - Ordinary Meeting of Council 21 August 2013

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Summary

On the 12 September 2013 Chevron approached the acting CEO to seal the apron access Road at the Onslow airport. This arrangement was to be separate to the existing project funded through the Onslow social infrastructure working group and controlled by a Financial Assistance Agreement (FAA). The value of the work is \$118,500.

Progressing the works now means the Aerodrome operations could continue with greater efficiency. The Shire President was consulted and supported the project being undertaken.

The works associated with this agreement have been completed and is now in the process of being recouped..

The purpose of this agenda item is to authorise the Shire President and the CEO sign the Financial Assistance Agreement for the work.

### Background

On the 12 September 2013 Chevron approached the acting CEO to seal the apron access Road at the Onslow airport. This arrangement was to be separate to the existing project funded through the Onslow Social Infrastructure Working Group and controlled by an amended Financial Assistance Agreement (FAA). The value of the work is \$118,500.

The original Financial Assistance Agreement (CAPL contract number C1068270) was for the cane river pipeline diversion for the Onslow Aerodrome and was approved at Council's August 2013 meeting. Chevron found it expedient to amend this FAA to include the Apron Access Road works.

The Shire President was consulted and supported the project being undertaken.

### ATTACHMENT 13.7

### Comment

Before support for the work was given the following questions were asked of the project manager at the Onslow airport.

### Why is this work important?

- The work is important as we do not have access from the current apron to the new apron for passenger, ground handling vehicles or the fuel truck. This will be the situation until the terminal is completed approx. January 2014.
- Currently the surface between the aprons is simply compacted sand that is watered and rolled regularly. Once this surface stops been watered and rolled (when crew de-mobilise in a few weeks) the hard surface will turn to loose, boggy
- The option to bus passengers from one apron to another was explored however during the planning process the idea was dropped as it was a costly, logistic nightmare for all organisations involved including the Shire
- The airport is getting busier each week and trying to accommodate aircraft with parking and slot times is getting extremely hard. Having the extra apron will free up much needed apron space resulting in been able to accept additional charters

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Why do we need it done now?

- The new apron is due for commissioning approx. the end of September 2013 if we do not have access by then we do not believe we will be able to operate from there .
- Virgin has been working and planning for operations on the new apron at the end of September 2013. Not been able to use the new apron will be a great impost on them as well.

### What is the risk of exceeding the \$118,500 and being out of pocket?

Assuming we do start tomorrow we believe:-

- The estimate of 6 men for 4 days to build the Shire's component and they are onsite All equipment is onsite except the roller. The rates in the estimate are actual rates.
- We have fuel on site.
- We have the crushed rock base course on site already
- The rate for asphalt is Boral's tender rate and they are onsite.
- There is no design, therefore no setting out. We would use Wheelan's who is already on site to provide a centreline square off the apron.
- Whether we do the road or not the Shire will incur this cost whilst we wait for Boral.
- Provided we can start tomorrow and have control of our costs, we will not exceed the estimate of \$112,000 (note: added to this estimate is an allowance of \$6,500 has been allowed for Administration Time)

### How are we going to comply with tender regulations?

- If the Shire conduct the works we will not need to go to tender. Materials/ equipment used would be from the same suppliers of the airport upgrade project who have already gone through the tender process

### Has the wording of the agreement been checked in order to determine what if any negative impacts it may have on the Shire.

- The agreement was reviewed by the Strategic Engineer and the Acting Aerodrome Manager. Initially upfront payment was requested but this could not be achieved.

### Consultation

Shire President

Executive Manager – Strategic & Economic Development

Strategic Engineer

Project Manager/Onslow Aerodrome Logistics

### Statutory Environment

Local Government Act 1995, S3.57 Tenders for providing goods or services

### Financial Implications

Undertaking the works are fully funded by a separate financial assistance agreement with Chevron separate to be Onslow Social Infrastructure Working Group project will reduce the operational costs of operating the Onslow airport.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Policy Implications

FIN12 – Purchasing & Tender Policy

ELM13 - Affixing of the Shire of Ashburton Common Seal

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr L Shields**

**SECONDED: Cr L Rumble**

**That Council authorise the Shire President and Chief Executive Officer to execute the amended Financial Assistance Agreement Onslow Aerodrome – Apron Access Road Works between Chevron Australia Pty Ltd and the Shire of Ashburton for \$118,500 by signing the Agreement and affixing the Shire's Common Seal.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Sheilds voted for the motion**

## 14. TECHNICAL SERVICES REPORTS

### Declaration of Interest

Prior to consideration of this Agenda Item Crs Foster, Dias and Rumble declared a Financial Interest in Agenda Item 14.1 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster has a partner employed by Rio Tinto, Cr Rumble is a Shareholder having a total value exceeding \$10,000 and Cr Dias is employed by Rio Tinto and is a Shareholder having a total value exceeding \$10,000.

Crs Dias, Foster, and Rumble left the meeting at 1.45 pm.

### 14.1 PROPOSED EXCISION OF PORTION OF PASTORAL LEASE 3114/1277, LOT 99 FOR INCLUSION INTO ADJOINING LEASE 1195323, LOT 9 - TOM PRICE RAILWAY ROAD, SHIRE OF ASHBURTON

MINUTE: 11676

FILE REFERENCE: RO.HIRA; Rec 1322095

AUTHOR'S NAME AND POSITION: Rob Paull  
Principal Town Planner

NAME OF APPLICANT/  
RESPONDENT: State Land Services

DATE REPORT WRITTEN: 30 September 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

### **Summary**

The Department of Lands (DoL) is seeking the views of the Shire in relation to a request it has received for the excision of portion of Pastoral Lease 3114/1277 (Lot 99 on Deposited Plan 238653) for inclusion into adjoining Crown Lease 1195323 (Lot 9 on Deposited Plan 47815).

DoL advise that the proposal is to address a road safety issue as follows:

*"... there is limited space between the existing access road intersections and the rail crossings, making it difficult for vehicles to traverse all crossings safely in one movement, especially for multi-trailer road trains".*

Whilst not directly referred to by DoL, it would appear that excision is directly associated with the use and operation of Rio Tinto's Rail Access Road that links Tom Price to Karratha.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

The proposal would appear to be in keeping with general operation of the Rail Access Road and subject to any necessary environmental assessment being carried out to the requirements of the Department of Environment Regulation, no objection is offered by the Shire Administration to the excision.

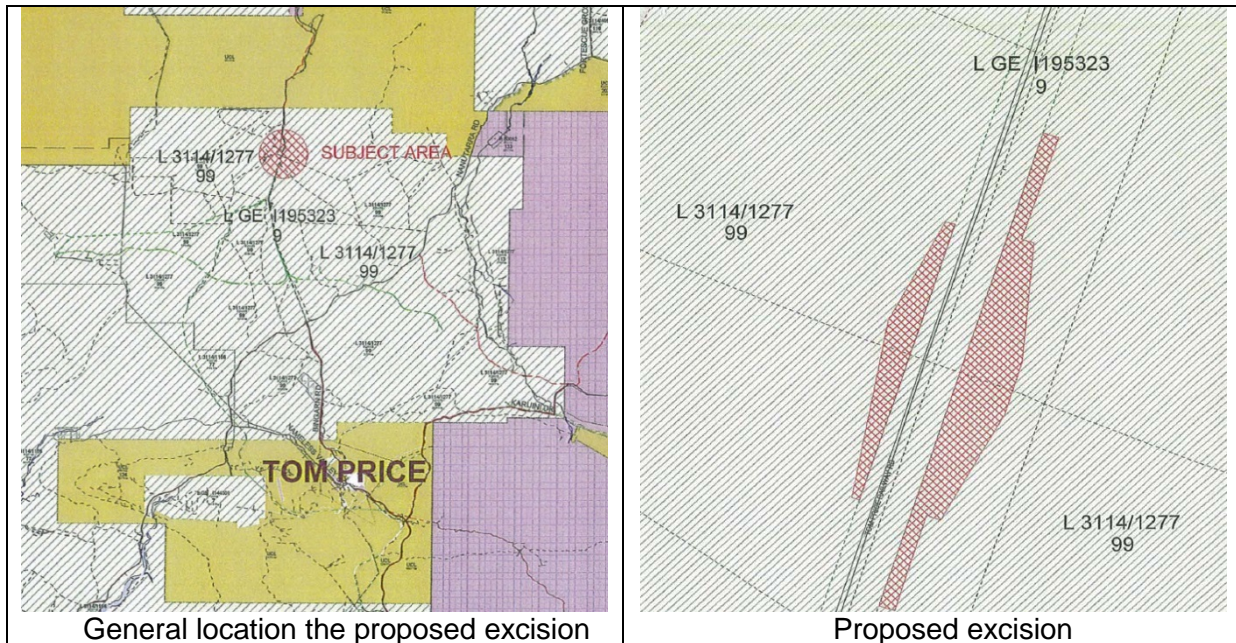
### Background

The Department of Lands (DoL) is seeking the views of the Shire in relation to a request it has received for the excision of portion of Pastoral Lease 3114/1277 (Lot 99 on Deposited Plan 238653) for inclusion into adjoining Crown Lease 1195323 (Lot 9 on Deposited Plan 47815).

DoL advise that the proposal is to address a road safety issue as follows:

*"... there is limited space between the existing access road intersections and the rail crossings, making it difficult for vehicles to traverse all crossings safely in one movement, especially for multi-trailer road trains."*

Whilst not directly referred to by DoL, it would appear that excision is directly associated with the use and operation of Rio Tinto (RTIO)'s Rail Access Road that links Tom Price to Karratha.



### Comment

The site referred by DoL is zoned 'Rural' and a 'road' is defined as 'infrastructure':

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

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

Under the Rural zone, infrastructure is a 'discretionary' use which requires the consent of Council. However, as RTIO's Rail Access Road is established under the *Iron Ore (Hamersley Range) Agreement Act 1963*, RTIO is exempt from requiring planning approval.

The proposal would appear to be in keeping with general operation of the Rail Access Road and subject to any necessary environmental assessment being carried out to the requirements of the Department of Environment Regulation, no objection is offered by the Shire Administration to the excision.

### Consultation

Chief Executive Officer  
Executive Manager - Technical Services

### Statutory Environment

Planning and Development Act  
Land Administration Act  
Shire of Ashburton Local Planning Scheme No. 7

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 – Distinctive and Well Serviced Places  
Objective 03 – Well Planned Towns

### Policy Implications

There are no policy implications relative to this issue

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr L Thomas

#### That Council:

1. In relation to the excision of portion of Pastoral Lease 3114/1277 (Lot 99 on Deposited Plan 238653) for inclusion into adjoining Crown Lease 1195323 (Lot 9 on Deposited Plan 47815), that subject to any necessary environmental assessment being carried out to the requirements of the Department of Environment Regulation, no objection is offered to the request.

**CARRIED 5/0**

**Crs White, Shields, Fernandez, Eyre & Thomas voted for the motion**

Crs Dias, Foster and Rumble entered the meeting at 1.46 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.2 PROPOSED EASEMENT OVER PORTION OF RESERVE 30686 BEING LOT 644 ON DEPOSITED PLAN 214895 AND RESERVE 25709 BEING LOT 642 ON DEPOSITED PLAN 214895, ONSLOW, SHIRE OF ASHBURTON

**MINUTE:** 11664

**FILE REFERENCE:** RE.MC.R.25709; R30686; Rec 1322095

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

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

**DATE REPORT WRITTEN:** 30 September 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

The Department of Lands (DoL) is seeking the views of the Shire in relation to a request it has received from the Water Corporation for an 8 metre wide access easement to protect the sewer main on Reserve 25709, with portion of the easement over adjoining Reserve 30686.

The proposed easement is required to be in place prior to the proposed disposal of Reserve 25709 to the Buurabalayji Thalanyji Aboriginal Corporation.

Reserve 30686 has an area of 5ha and is a 'C' Class reserve. The land is vested with the Department of Planning for the purpose of 'recreation' and the Shire's interests are protected by a Management Order. The portion of Reserve 30686 affected by the easement is unoccupied save for an access track however the Onslow Tennis courts and Bowling rinks are in close proximity.

The proposed easement would appear to be limited to the boundary of the Reserve and not implicate the current or future use of the reserve. Accordingly, provided Water Corporation confirm that no Shire infrastructure is implicated or access is restricted by the proposed easement, no objection is offered by the Shire Administration to the establishment of an easement for sewer main on portion Reserve 25709.

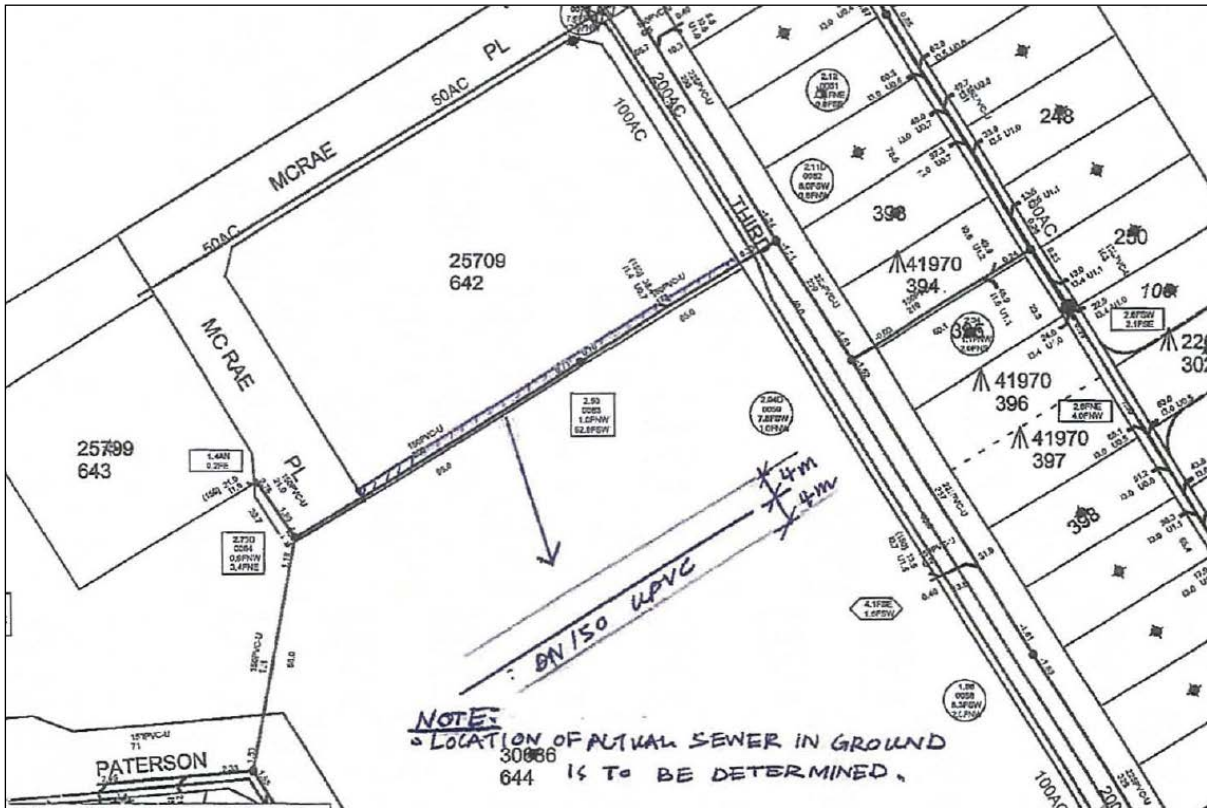
#### **Background**

The Department of Lands (DoL) is seeking the views of the Shire in relation to a request it has received from the Water Corporation for an 8 metre wide access easement to protect the sewer main on Reserve 25709, with portion of the easement over adjoining Reserve 30686.

The proposed easement is required to be in place prior to the proposed disposal of Reserve 25709 to the Buurabalayji Thalanyji Aboriginal Corporation. Reserve 30686 has an area of 5ha and is a 'C' Class reserve. The land is vested with the Department of Planning for the purpose of 'recreation' and the Shire's interests are protected by a Management Order.



MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013



Map accompanying DoL request for comment concerning the proposed 8 metre wide access easement on Reserve 25709 and portion of the easement over adjoining Reserve 30686.

The portion of Reserve 30686 affected by the easement is unoccupied save for an access track however the Onslow Tennis courts and Bowling rinks are in close proximity.



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Comment

The proposed easement would appear to be limited to the boundary of the Reserve and not implicate the current or future use of the reserve.

Accordingly, provided Water Corporation confirm that no Shire infrastructure is implicated or access is restricted by the proposed easement, no objection is offered by the Shire Administration to the establishment of an easement for sewer main on Reserve 25709, with portion of the easement over adjoining Reserve 30686.

### Consultation

Chief Executive Officer  
Executive Manager - Technical Services

### Statutory Environment

Land Administration Act

### Financial Implications

There are no financial implications

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 - Distinctive and Well Serviced Places  
Objective 03 - Well Planned Towns

### Policy Implications

There are no policy implications

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr C Fernandez

#### That Council:

1. In relation to the establishment of an easement for sewer main over portion of Reserve 30686 being Lot 644 on Deposited Plan 214895 and Reserve 25709 being Lot 642 on Deposited Plan 214895, Onslow, Shire of Ashburton, that subject to Water Corporation confirming that no Shire infrastructure is implicated or access is restricted by the proposed easement, no objection is offered to the request.

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.3 REALIGNMENT OF LOCAL PLANNING POLICIES BY INCLUDING A REFERENCE NUMBER TO MATCH THE SHIRE OF ASHBURTON INTEGRATED FRAMEWORK GOVERNANCE POLICIES

**MINUTE:** 11677

**FILE REFERENCE:** OR.CM.01.00

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

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

**DATE REPORT WRITTEN:** 29 September 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.07.33 - Ordinary Meeting of Council  
21 July 2009

#### **Summary**

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), allows Council to convert "town planning related" Council policies into Local Planning Policies ('LPP') A LPP has a significantly greater status before independent bodies such as the State Administrative Tribunal.

At the September 2013 Ordinary meeting, Council undertook an overall review of its Local Planning Policies whereby it was clarified under the Shire of Ashburton Integrated Framework that the LPP's were Governance Policies. However, due to an administrative oversight, several LPP's were not included in the report to Council, including:

- LPP - Assessment of Applications Under Clause 6.10.4 and 6.10.5 Local Planning Scheme No.7
- LPP - Assessment of Applications Under Clause 6.6.3 Local Planning Scheme No. 7
- LPP - Assessment of Applications Under Clause 6.6.2 Local Planning Scheme No. 7
- LPP - Consideration of Group Housing and Bedrooms
- LPP - Onslow Coastal Hazard Area - Scheme Control Area
- LPP - Onslow Interim Town Centre Design Guidelines
- LPP - Interim Car Parking Provisions (Onslow)
- LPP - Beadon Bay Village Concept Plan (Version 2)

It is appropriate for Council to include the above LPP's as Governance Policies.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Background

Council may prepare Local Planning Policies ('LPP') which are in effect, similar to Council Policies but are policies which have a significant status before bodies such as the State Administrative Tribunal, albeit not to the extent of a Local Law or the planning scheme itself.

The increased status of LPP beyond that of a conventional Council Planning Policy (PLA) is only achieved after Council has followed a formal process which includes the preparation and advertising of a draft policy, a period for public submissions, and a Council review of the policy and, finally the public notification of the adopted policy.

At the September 2013 Ordinary meeting, Council undertook an overall review of its Local Planning Policies whereby it was clarified under the Shire of Ashburton Integrated Framework that the LPP's were Corporate Governance Policies. However, due to an administrative oversight, the following LPP's were not included in the report to Council:

#### *Local Planning Policies*

<i>LPP - Assessment of Applications Under Clause 6.10.4 and 6.10.5 Local Planning Scheme No. 7</i>
<i>LPP - Assessment of Applications Under Clause 6.6.3 Local Planning Scheme No. 7</i>
<i>LPP - Assessment of Applications Under Clause 6.6.2 Local Planning Scheme No. 7</i>
<i>LPP - Consideration of Group Housing and Bedrooms</i>
<i>LPP - Onslow Coastal Hazard Area - Scheme Control Area</i>
<i>LPP - Onslow Interim Town Centre Design Guidelines</i>
<i>LPP - Interim Car Parking Provisions (Onslow)</i>
<i>LPP - Beadon Bay Village Concept Plan (Version 2)</i>

### Comment

It is appropriate for Council to include the above LLP's as Governance Policies.

### Consultation

Chief Executive Officer  
Governance and Policy Officer

### Statutory Environment

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

### Financial Implications

There are no financial implications relative to this matter.

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 - Distinctive and Well Serviced Places  
Objective 03 - Well Planned Towns

### Policy Implications

Governance – Council approval required.  
These policies are based around Laws, Regulations and Requirements

All reviewed policies will be updated within the Shire's document management systems.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr L Thomas

**SECONDED:** Cr D Dias

**That Council:**

1. **Realign the following Local Planning Policies by altering the reference number to match the Shire of Ashburton Integrated framework as Corporate Governance Policies:**

LPP21	Local Planning Policy - Assessment of Applications Under Clause 6.10.4 and 6.10.5 Local Planning Scheme No.7
LPP22	Local Planning Policy - Assessment of Applications Under Clause 6.6.3 Local Planning Scheme No. 7
LPP23	Local Planning Policy - Assessment of Applications Under Clause 6.6.2 Local Planning Scheme No. 7
LPP24	Local Planning Policy - Consideration of Group Housing and Bedrooms
LPP25	Local Planning Policy - Onslow Coastal Hazard Area - Scheme Control Area
LPP26	Local Planning Policy - Onslow Interim Town Centre Design Guidelines
LPP27	Local Planning Policy - Interim Car Parking Provisions (Onslow)
LPP28	Local Planning Policy - Beadon Bay Village Concept Plan (Version 2)

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Fernandez, Thomas and Shields voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.4 PROPOSED EXCISION OF PORTION OF RESERVE 19291 FOR THE PURPOSE OF VESSEL TRAFFIC INFORMATION SYSTEM TOWER, SEAVIEW DRIVE, ONSLOW, SHIRE OF ASHBURTON

**MINUTE:** 11664

**FILE REFERENCE:** RE.OA.R.19291; Rec 1322195

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

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

**DATE REPORT WRITTEN:** 30 September 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

The Department of Lands (DoL) has received a request from the Dampier Port Authority (DPA) to construct a 'Vessel Traffic Information System' (VTIS) Tower on portion of Reserve 19291. Reserve 19291 (lot 303 on Deposited Plan 49430) is set aside for the purpose of "Common", with management to the Shire of Ashburton. It is proposed to excise a 5625m<sup>2</sup> from Reserve 19291. The site and proposed tower is situated a minimum of 850m from existing houses in Onslow.

Although the DoL didn't advise the height of the proposed tower in its correspondence, the DPA has advised that it is anticipated height will be 40m. The proposal has been referred to the Shire's Onslow Airport Manager who advises that that no structure can interfere with aircraft movements. On this basis, the tower cannot be higher than 49m from natural ground level. From the information provided, the proposed tower appears to be in excess of the 49m restriction which may impact upon the airports 'inner horizontal surface' associated with the flight path of the Onslow airport. However ultimate responsibility for this consideration rests with CASA and the DPA will need to address this with CASA.

The use of the land for a tower will be visible from many areas of Onslow but with the existing structures located with and surrounding the town boundaries, will not necessarily be out of place. The proposed excision abuts the Onslow salt lease and associated infrastructure and will be an important infrastructure asset for the DPA.

It should be noted that the Shire is unaware of any community notification by either the DoL or DPA in relation to the proposed excision or tower.

Whilst the Shire has no statutory obligation to advertise the proposal, it is considered appropriate that Council undertake to notify the Onslow community of the requested excision and proposed tower comprising a notice in the Pilbara Times on one (1) occasion and sign on site.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

There is no statutory time period for such advertising, however in line with the Shire's Local Planning Policy 'LPP17 Consultation for Planning Proposals' it is considered that a 21 day advertising period be undertaken.

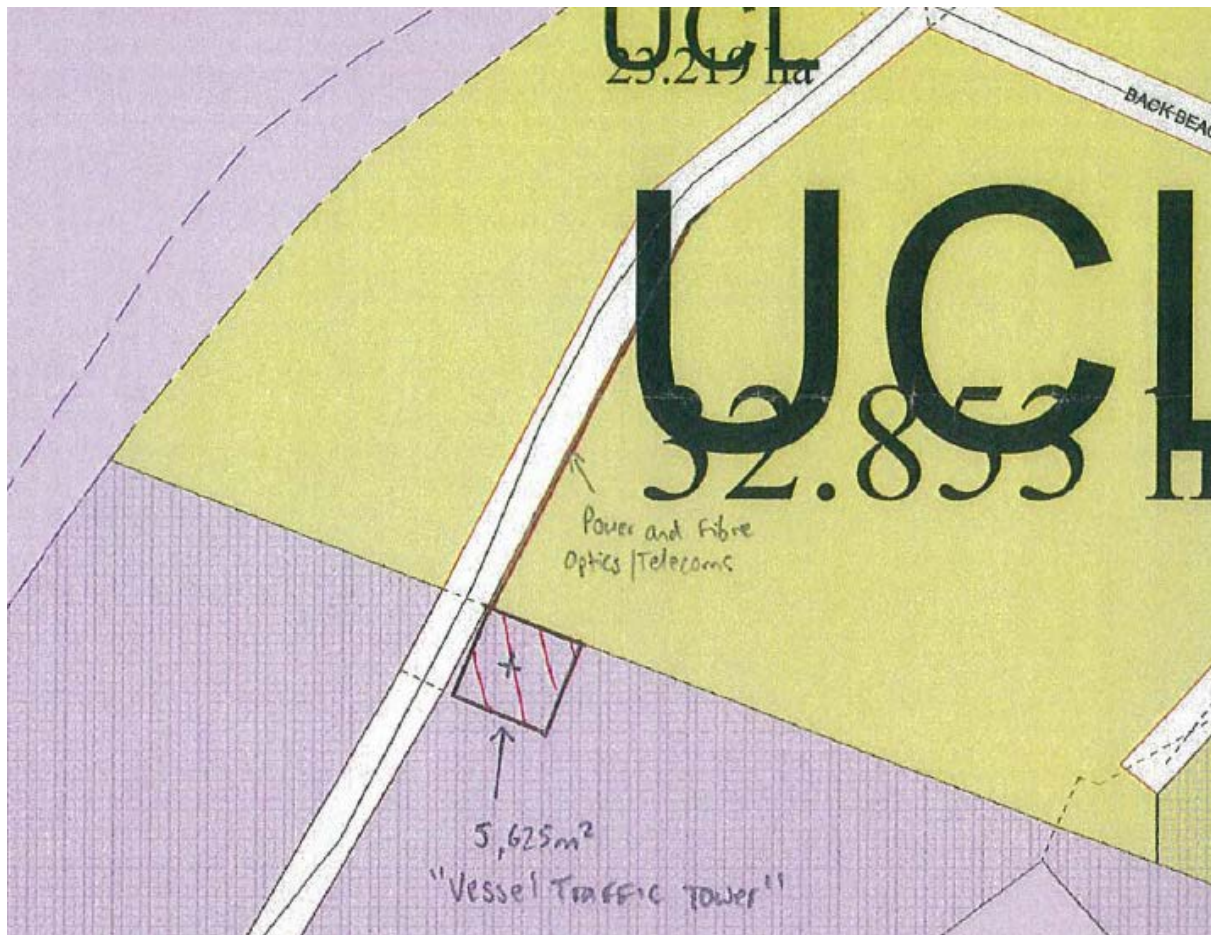
Should no submissions opposing both the excision and proposed tower be received, the Chief Executive Officer be authorised to advise the DoL that subject to the DoL referring the proposal to CASA for any necessary assessment, no objection is offered by the Shire Administration to the proposed excision.

Should any objections be received, the matter be referred back to Council for consideration.

### Background

The Department of Lands (DoL) has received a request from the Dampier Port Authority (DPA) to construct a Vessel Traffic Information System' (VTIS) Tower on portion of Reserve 19291.

Reserve 19291 (lot 303 on Deposited Plan 49430) is set aside for the purpose of "Common", with management to the Shire of Ashburton.



*Extract of the map accompanying DoL request for comment concerning the proposal to excise a 5625m<sup>2</sup> portion from Reserve 19291*

It is proposed to excise a 5625m<sup>2</sup> from Reserve 19291. The portion of Reserve 19291 is vacant and not defined in any Shire strategy for a specific purpose or need.

**ATTACHMENT 14.4**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Comment

The site proposed is zoned 'Strategic Industry' which intended to be deleted as part of the overall review of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as the site for strategic industrial uses has been located with Ashburton North.

The VTIS Tower is defined under the Scheme as 'infrastructure':

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

Under the Strategic Industry' zone, infrastructure is a 'permitted' use.



The site and proposed tower is situated a minimum of 850m from existing houses in Onslow.

Although the DoL didn't advise the height of the proposed tower in its correspondence, the DPA has advised that it is anticipated height will be 40m. The proposal has been referred to the Shire's Onslow Airport Manager who advises that the proposed tower is unlikely to interfere with aircraft movements. However, it is appropriate that the DoL refers the proposal to Civil Aviation Services Authority (CASA) to ensure that the official air safety view of CASA is determined.

In addition to the above, the Shire Administration wrote the DPA seeking clarification on the proposed tower and seeking further information as follows:

1. What is the height of the tower?
2. What is the AHD (Australian Height Datum) of the site?
3. Is the tower and operations likely to interfere with any other transmissions?
4. Has DPA investigated any potential impacts on flight paths from the Onslow Airport?
5. Is the DAP aware of any negative implications of the tower to the residents of Onslow?



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The DPA responded as follows:

- “1. Q. *What is the height of the tower?*  
A. *40m. Also, the tower will be painted with 6 metre banding of red and white to make it obvious to any light aircraft and helicopters that may operate in the area.*
2. Q. *What is the AHD (Australian Height Datum) of the site?*  
A. *Approximately 13mAHD.*
3. Q. *Is the tower likely to interfere with any other transmissions?*  
A. *No. Also, please see response to question 4.*
4. Q. *Has DPA investigated any potential impacts on flight paths from the Onslow Airport?*  
A. *It appears that the tower is not located in any flight paths. The tower is to be located in an area parallel to the runway, but at some distance away. The VTS is at the same height of Onslow Salt's loading gantries and equal height to the tower located on Simpson Street (near Second Avenue).*
5. Q. *Is DPA aware of any negative implications of the tower to the residents of Onslow?*  
A. *The radars will be directional focused out to sea. The location will be far enough away to ensure that there will be no radiation impact on the Onslow township, or people accessing the adjacent road. The safe radiation distance from the antenna is 1.2 metres.”*

The proposal has been referred to the Shire's Onslow Airport Manager who advises that that no structure can interfere with aircraft movements. On this basis, the tower cannot be higher than 49m from natural ground level.

From the information provided, the proposed tower appears to be in excess of the 49m restriction which may impact upon the airports 'inner horizontal surface' associated with the flight path of the Onslow airport. However ultimate responsibility for this consideration rests with CASA and the DPA will need to address this with CASA.

Clearly, the tower will be visible from many areas of Onslow. However, the town has many existing structure and towers located within the town boundaries and accordingly, the proposed tower may not be significantly out of place. The proposed excision abuts the Onslow salt lease and associated infrastructure and will be an important infrastructure asset for the DPA.

It should be noted that the Shire is unaware of any community notification by either the DoL or DPA in relation to the proposed excision or tower. Whilst the Shire has no statutory obligation to advertise the proposal, it is considered appropriate that Council undertake to notify the Onslow community of the requested excision and proposed tower comprising a notice in the Pilbara Times on one (1) occasion and sign on site. There is no statutory time period for such advertising, however in line with the Shire's Local Planning Policy 'LPP17 Consultation for Planning Proposals' it is considered that a 21 day advertising period be undertaken.

Should no submissions opposing both the excision and proposed tower be received, the Chief Executive Officer be authorised to advise the DoL that subject to the DoL referring the proposal to CASA for any necessary assessment, no objection is offered by the Shire Administration to the proposed excision.

Should any objections be received, the matter be referred back to Council for consideration.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Consultation

Chief Executive Officer  
Executive Manager - Technical Services  
Acting Executive Manager Strategic and Economic Development  
Manager, Onslow Airport

Community consultation is addressed in the Report, however in line with the following extract from the Shire's Local Planning Policy 'LPP17 Consultation for Planning Proposals' it is considered that a 21 day advertising period be undertaken:

*"Level D – CONSULTATION WITH OWNERS/OCCUPIERS OF LAND IN THE LOCALITY/STATEWIDE*

*Where a proposed land use or development is determined by the Shire as having the potential to impact upon the use or enjoyment of land within an area or a settlement or the municipality in general or specific interest groups within that area, the community within will be consulted.*

#### *Method of Consultation*

*The Shire shall:*

- i. publish a notice of the development proposal in the Pilbara News and where State wide notification is sought, the West Australian newspaper;*
- ii arrange for a sign or signs (A3 or larger) to be placed in a prominent position(s) on the site;*
- iii Consult with the owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 21 days for the lodgement of any submissions.*
- iv. consult with the owners/occupiers of land beyond the foregoing areas where, in the opinion of the Shire, there will be an impact along key transportation facilities, tourist routes or view-sheds; and/or*
- v. consult as necessary with other affected government agencies or statutory authorities as the case requires, drawing attention to the form of the development proposal and inviting comment within a period not being less than 21 days or, where appropriate, such longer period as may be necessary."*

### Statutory Environment

Planning and Development Act  
Land Administration Act  
Shire of Ashburton Local Planning Scheme No. 7

### Financial Implications

Should Council resolve to advertise the proposal, the Shire would be responsible for any advertising costs as it has no opportunity to impose such costs (approximately \$300) on either the DoL or DPA.

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022  
Goal 04 - Distinctive and Well Serviced Places  
Objective 03 - Well Planned Towns

### Policy Implications

There are no policy implications.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr C Fernandez

#### That Council:

1. In relation to the proposal to excise a 5625m<sup>2</sup> from Reserve 19291 for the purpose of constructing a 'Vessel Traffic Information System' (VTIS) Tower (to a maximum height of 49m from natural ground level), the Chief Executive Officer to be requested to notify the Onslow community of the proposed excision and VTIS tower in the form of a public notice in the Pilbara Times on one (1) occasion and sign on site for a 21 day advertising period.
2. Should no submissions opposing both the excision and proposed VTIS tower (to a maximum height of 49m from natural ground level), be received after the closure of the 21 day advertising period, the Chief Executive Officer is authorised to advise the Department of Land (DoL) that subject to the DoL referring the proposal to Civil Aviation Services Authority for any necessary air safety assessment, no objection is offered to the proposed excision or the VTIS Tower.
3. Should any objections be received during the 21 day advertising period that the Chief Executive Officer to be requested refer the matter back to Council for consideration.

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.5 PLANNING APPLICATION - CONSTRUCTION OF A WATER SUPPLY PIPELINE ON RESERVE NO's. 47957, 38264, 19291, 38336 ONSLOW ALONG WITH GROUND AND ELEVATED WATER TANKS, PUMP STATION AND ADMINISTRATION BUILDINGS ON RESERVE NO. 47957 ONSLOW

**MINUTE:** 11664

**FILE REFERENCE:** UT.WA.2

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Applicant: RPS Australia East Pty Ltd Owner: Water Corporation; State of Western Australia

**DATE REPORT WRITTEN:** 2 October 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Application has been received for the construction of a water supply pipeline on Reserve No's. 47957, 38264, 19291, 38336 Onslow along with ground and elevated water tanks, pump station and administration buildings on Reserve No. 47957, Onslow. The infrastructure is to be delivered as part of the broader Onslow storage and distribution upgrade project to meet the anticipated growth and future needs of the Onslow urban area.

The proposed water supply works will deliver essential infrastructure to the Onslow Townsite to meet the growing needs of the community and generate additional capacity in the system for future growth. The Application was advertised in accordance with the Shire of Ashburton Local Planning Scheme No. 7 and no objections were received. The proposed use and development is considered to be generally consistent with the intent of the Scheme.

It is recommended that the Application be approved subject to conditions.

#### **Background**

Application has been received for the construction of a water supply pipeline on Reserve No's. 47957, 38264, 19291, 38336 Onslow along with ground and elevated water tanks, pump station and administration buildings on Reserve No. 47957, Onslow. The infrastructure is to be delivered as part of the broader Onslow storage and distribution upgrade project to meet the anticipated growth and future needs of the Onslow urban area.

The proposed water supply works will deliver essential infrastructure to the Onslow Townsite to meet the growing needs of the community and generate additional capacity in the system for future growth. The Application was advertised in accordance with the Shire of Ashburton Local Planning Scheme No. 7 and no objections were received. The proposed use and development is considered to be generally consistent with the intent of the Scheme.

It is recommended that the Application be approved subject to conditions.

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## Proposal

The application seeks approval for the construction of a water supply pipeline in association with the delivery of a series of on ground and elevated water tanks, pump station and administration buildings on a portion of Reserve No. 47957, Onslow, to occur at a later stage. The infrastructure is to be delivered as part of the broader Onslow storage and distribution upgrade project to meet the anticipated growth and future needs of the Onslow urban area.

## ATTACHMENT 14.5



Proposed Water Corporation Water Pipe Infrastructure, Onslow (courtesy of RPS)

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

The Applicant advises as follows:

*“To upgrade the water supply network in Onslow, the Water Corporation proposes to construct the following works:*

*Subject to Planning Approval*

- *200mm nominal diameter inlet and outlet pipelines, each about 183m long from Onslow Road to the proposed Onslow Tank site no. 4, including all fittings and connections; and*
- *375mm nominal diameter outlet pipeline about 1600m from the proposed Onslow Tank site NO.4 to a tie-in at Watson Drive, including all fittings and connections.*

*Associated Improvement Works (in conjunction with works above)*

- *100mm nominal diameter cross-connection at First Street and Third Avenue;*
- *150mm nominal diameter cross-connection at Onslow Road and Beadon Creek Road; and*
- *200mm nominal diameter cross-connection at Simpson Street and Clarke Place.*

*These works will provide a boosted reticulation system from the new Onslow Tank site no. 4 and enable the existing Tank sites no. 1, 2 and 3 to be removed from service. It will also improve water pressure in the town.*

*The proposed location of the works is within the existing Water Corporation site (Lot 185), road reserves of Onslow Road, Macedon Road, First Street, Third Avenue, Beadon Creek Road, Simpson Street and Clarke Place, and new easements to be sought through Lots 105 and 303.*

*The proposed pipeline route was selected after consultation with the Shire of Ashburton and Landcorp and takes into account alignment of the proposed new road into Onslow. Should this alignment change, any impact on the proposed pipeline route will be considered and alterations made if required. Subject to obtaining all necessary approvals, the proposed works are scheduled to commence in early 2014 and will continue for duration of approximately 6 months. Construction of the proposed pipelines will generally be by open cut excavation which will be backfilled and restored.”*

The proposed pipeline will be constructed on the southern fringe of the Onslow Townsite and will deliver the necessary infrastructure to support the future Onslow Townsite urban expansion plans, including those areas to be developed by Landcorp and Chevron. The proposed alignment is broadly surrounded by salt production works, an airport, rural and industrial land uses.

The nearby Onslow Townsite is typically characterised by low density housing. However, a number of grouped/multiple dwelling developments (both established and under construction) also exist in conjunction with a number of community, recreational and commercial/ retail uses. The subject land gains access to the broader Onslow street network via Macedon Road to the north.

It should be noted that whilst not part of the application before Council (on the basis that the proposals are exempt from planning approval) the following additional works will be undertaken:

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- A ground level water storage tank of about 5000 cubic metres capacity, 27m in diameter and 11 m high at the proposed Onslow Tank site no. 4;
- A booster pump station at the proposed Onslow Tank site no. 4; and
- An overflow sump with a capacity of about 540 cubic metres.

### **Comment**

Reserve 47957 is reserved under Section 41 of the Land Administration Act (1997) and is presently vested with the Water Corporation for "Wastewater Treatment, Water Treatment, Buffer Zone and Water Storage" purposes. Accordingly, a planning approval exemption exists for the water tank/pump station facility (and associated pipeline) over this land only as it is consistent with the current and intended use of the land.

As the Water Corporation is not an agent of the Crown, no exemption exists under the Public Works Act 1902. Therefore, planning approval is required for those parts of the pipeline outside of Reserve 47957 (vested with the Water Corporation) and not located within the existing road reserve of Macedon Road and Onslow Road.

Infrastructure is also discretionary use in the 'Urban Development' Zone, hence the purpose of this application for planning approval.

The proposed water supply works will deliver essential infrastructure to the Onslow Townsite to meet the growing needs of the community and generate additional capacity in the system for future growth. As a consequence, the proposed use and development is considered to be generally consistent with the intent of the Scheme.

### **Consultation**

Chief Executive Officer  
Landcorp

The Application was advertised by a sign on the Watson Drive/Laphorn Avenue intersection along with notices in the Onslow Times and Pilbara News newspapers, notices at the Shire offices and Shire Website. Advertising was in accordance with the minimum requirements of the Shire of Ashburton Local Planning Scheme No.7 (14 days minimum period) and referred to LandCorp (as the landowner/ developer of adjoining land) for comment.

One submission of no objection was received from LandCorp.

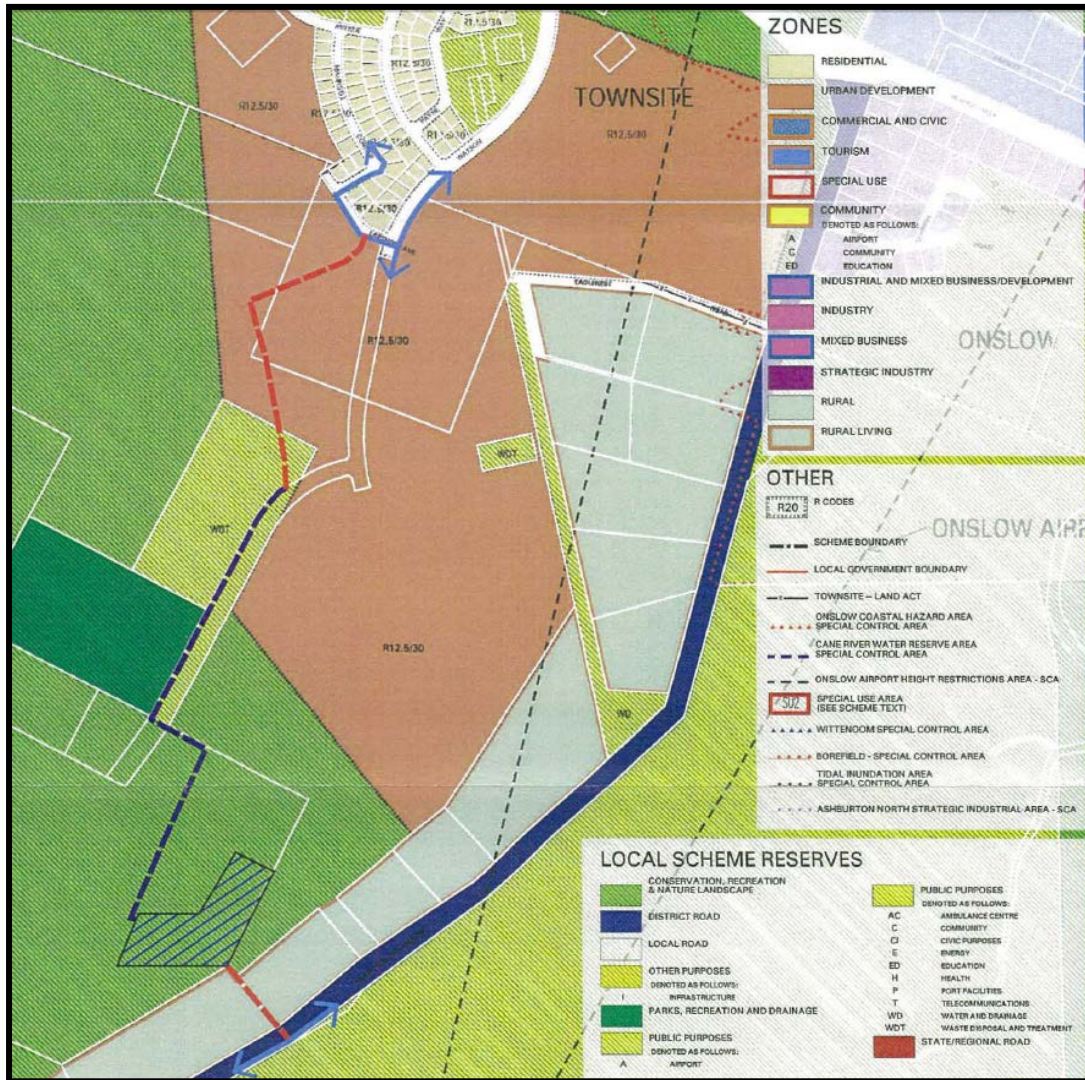
### **Statutory Environment**

Planning and Development Act; and  
Shire of Ashburton Local Planning Scheme No.7 (Scheme)

The land subject of the Application for Planning Approval is mix of Scheme zones and Reserves as follows:

- 'Urban Development' Zone
- 'Rural Living' Zone
- Reserve for 'Public Purpose – Waste Disposal and Treatment'
- Reserve for 'Conservation, Recreation and Nature Landscape'

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## Financial Implications

There are no financial implications relative to this issue.

## Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Served Places

Objective 03 - Well Planned Towns.

## Policy Implications

Local Planning Policy 17 Consultation for Planning Proposals

## Voting Requirement

Simple Majority Required



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr C Fernandez

**That Council:**

**1. APPROVES Planning Application for construction of a water supply pipeline on Reserve No's. 47957, 38264, 19291, 38336 Onslow along with ground and elevated water tanks, pump station and administration buildings on Reserve No. 47957, Onslow generally in accordance with the submitted plans and subject to the following conditions:**

- 1. The development is to be generally carried out in accordance with the plans endorsed to this Planning Approval.**
- 2. Prior to commencement of the development, a Construction Management Plan shall be prepared to the satisfaction of the responsible authority and endorsed to this Planning Approval. This plan is to address:**
  - a) noise;**
  - b) hours of construction;**
  - c) traffic management;**
  - d) parking management to allow operation of the existing commercial development;**
  - e) access management;**
  - f) management of loading and unloading of vehicles;**
  - g) heavy vehicle access;**
  - h) dust;**
  - i) protection of trees; and**
  - j) any other relevant matters.**

**The requirements of this plan are to be observed at all times during the construction process.**

### **Note**

- 1. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).**
- 2. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website: <http://www.dia.wa.gov.au/Heritage/default.aspx>.**
- 3. This Planning Approval does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986.**

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Further information can be obtained from the Department of Environment or at the following website: [www.environment.wa.gov.au](http://www.environment.wa.gov.au)

4. This Planning Approval does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting: <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

**CARRIED EN BLOC 8/0**

**MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

**Declaration of Interest**

Prior to consideration of this Agenda Item Crs White and Dias declared a Financial Interest in Agenda Item 14.6 in accordance with Section 5.60A of the Local Government Act. The interest being that Crs White and Dias are Shareholders having a total value exceeding \$10,000

Crs Dias and White left the meeting at 1.47 pm.

Cr Rumble took the chair at 1.47 pm.

**14.6 PLANNING APPLICATION - CHANGE THE USE OF MACEDON TRANSIENT WORKFORCE ACCOMMODATION CAMP (COMPRISING 380 ROOMS, ASSOCIATED FACILITIES AND SERVICES) TO ENABLE SOLE OCCUPATION BY THE CHEVRON WHEATSTONE CONSTRUCTION AND COMMISSIONING / MAINTENANCE WORKERS AT LOT 500 ONSLOW ROAD, ASHBURTON NORTH**

**MINUTE:** 11678

**FILE REFERENCE:** RD.OG.2.7  
20130270 (P)

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Chevron Australia Pty Ltd  
State of Western Australia

**DATE REPORT WRITTEN:** 3 October 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 14.6 (Minute: 11655) - Ordinary Meeting of Council 18 September 2013  
Agenda Item 13.07.37 - Ordinary Meeting of Council 13 July 2010  
Agenda Item 9.08.01 - Special Meeting of Council 4 August 2010

Note: Whilst not listed here, numerous other reports associated with the ANSIA and Chevron's Wheatstone development have been presented to Council and the Pilbara Joint Development Assessment Panel

**Summary**

Chevron has lodged an Application for Planning Approval to change the use of BHP Billiton Petroleum's (BHPB) Macedon Transient Workforce Accommodation camp (comprising 380 beds, associated facilities and services) to enable sole occupation by the Chevron Australia's Wheatstone construction and commissioning/maintenance workers. It should be noted that Chevron has renamed the Macedon camp, to the "Brolga" camp.

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The Application before Council reflects the changing environment of the construction within the ANSIA. BHPB's original guarantee of removal of the Macedon Camp by 'first gas' of the Macedon Domestic Gas Plan has been superseded by Chevron's demands that that camp be retained for a far longer period than the Shire and perhaps BHPB ever anticipated.

At the Ordinary Council meeting of 18 September 2013 Council considered the Application as a confidential Item and resolved as follows:

*"That Council:*

- 1. That the CEO be requested to have prepared for Council an independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.*
- 2. That all costs for the preparation of the independent risk assessment be forwarded to Chevron Australia Pty Ltd (Chevron) as part of the Application.*
- 3. Extend the period of stay associated with the temporary approval granted by Acting CEO (Mr Don Burnett) for temporary use of the Camp by Chevron until 16 October 2013 at which time the Council will consider the "change of use" application by Chevron.*
- 4. The CEO be requested to advise Chevron, BHPB and the Department of State Development of Council's decision."*

In consultation with the Shire President, the 'scope' for the independent risk assessment has been prepared and three (3) potential consultants had been contacted for quotations concerning the 'scope'. The preferred consultant will be required to have the assessment with the Shire in order to report to the November Council meeting. The necessary correspondence in relation to Resolutions 2, 3 and 4 had been sent.

On the basis that the independent risk assessment won't be available until the November Council meeting it is appropriate for Council to consider an extension of the period of stay associated with the temporary use of the Macedon Camp by Chevron until 20 November 2013 Council meeting where a further report will be available for that meeting.

### **Background**

Chevron has lodged an Application for Planning Approval to change the use of BHP Billiton Petroleum's (BHPB) Macedon Transient Workforce Accommodation camp (comprising 380 beds, associated facilities and services) to enable sole occupation by the Chevron Australia's Wheatstone construction and commissioning/maintenance workers. It should be noted that Chevron has renamed the Macedon camp, to the "Brolga" camp.

The Application before Council reflects the changing environment of the construction within the ANSIA. BHPB's original guarantee of removal of the Macedon Camp by 'first gas' of the Macedon Domestic Gas Plan has been superseded by Chevron's demands that that camp be retained for a far longer period than the Shire and perhaps BHPB ever anticipated. At the Ordinary Council meeting of 18 September 2013 Council considered the Application as a confidential Item and resolved as follows:

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

*“That Council:*

- 1. That the CEO be requested to have prepared for Council an independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.*
- 2. That all costs for the preparation of the independent risk assessment be forwarded to Chevron Australia Pty Ltd (Chevron) as part of the Application.*
- 3. Extend the period of stay associated with the temporary approval granted by Acting CEO (Mr Don Burnett) for temporary use of the Camp by Chevron until 16 October 2013 at which time the Council will consider the “change of use” application by Chevron.*
- 4. The CEO be requested to advise Chevron, BHPB and the Department of State Development of Council’s decision.”*

In consultation with the Shire President, the ‘scope’ for the independent risk assessment has been prepared and three (3) potential consultants had been contacted for submissions and quotations concerning the ‘scope’.

The preferred consultant will be required to have the assessment with the Shire in order to report to the November Council meeting. The necessary correspondence in relation to Resolutions 2, 3 and 4 had been sent.

### **Proposal**

Chevron has lodged an Application for Planning Approval to change the use of Macedon Transient Workforce Accommodation camp (comprising 380 rooms, associated facilities and Services) to enable sole occupation by the Chevron Wheatstone construction and commissioning/maintenance workers. It should be noted that Chevron has renamed the Macedon camp, to the “Brolga” camp.

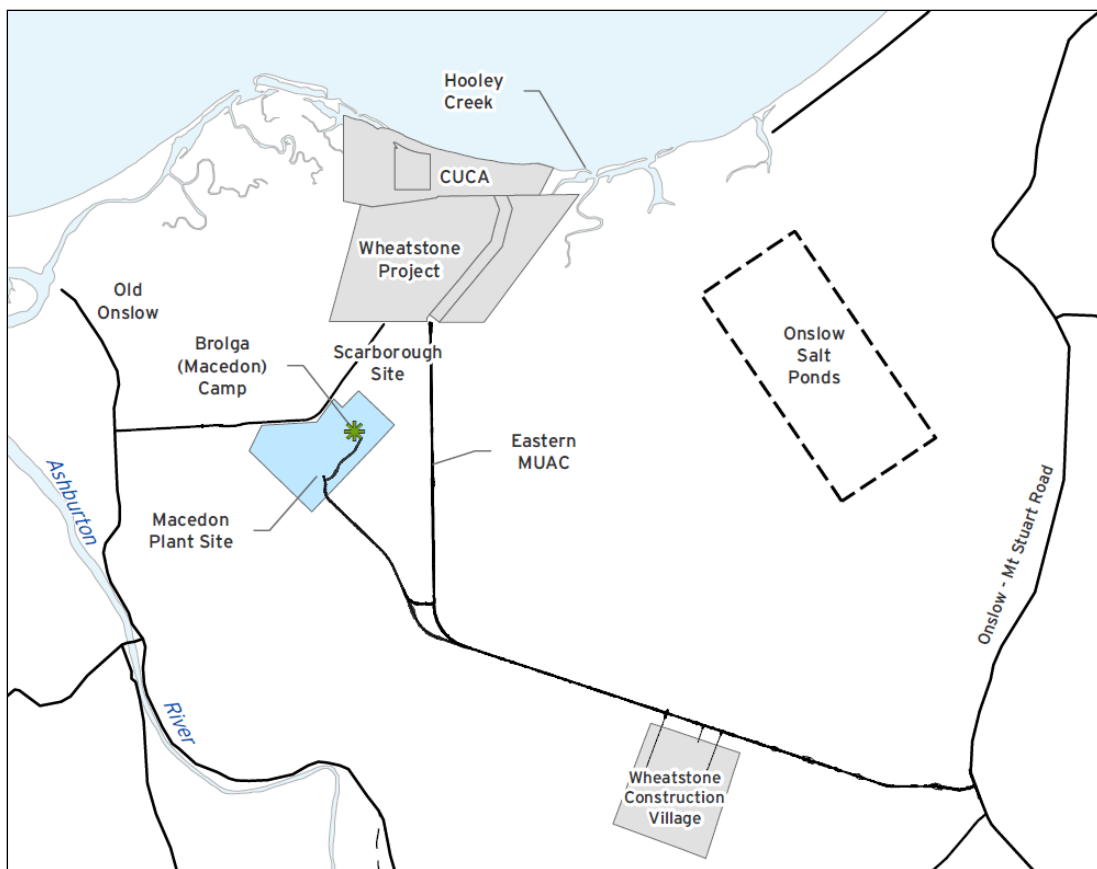
The Macedon/Brolga camp is situated west of the Eastern Multi User Access Infrastructure Corridor (MUAIC) and to the south of the proposed future Scarborough LNG plant site. The TWA and the Macedon Gas Plant are both located on Lot 500 approximately 1000m (1km) apart. Approximately 2km north of the TWA the Wheatstone LNG plant is being constructed with major bulk earthworks, services and roads. Onslow Salt’s crystallizer ponds are located to the east with ‘Old Onslow’ and the Ashburton River located to the west.

The whole of Lot 500 is currently the subject of a lease between LandCorp and BHPB. Chevron will make commercial arrangements with Landcorp for a new lease for the Brolga TWA site that is currently covered by the BHPB lease and the BHPB lease will be terminated. Accompanying the Application, Chevron has included a ‘decommissioning plan’ and whilst not defining an actual date for the ‘decommissioning’ of the camp Chevron has requested planning approval for the Brolga TWA until the Wheatstone Project 2<sup>nd</sup> LNG Train has been commissioned. In relation to the Application, Chevron concludes as follows:

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*“The Macedon TWA has been approved by the Shire Council and the Planning Approval is valid for another 12 months. The TWA site is included in the “Rural” zone of TPS7. The land has generally been developed and occupied for the purpose of constructing the Macedon Gas Plant. This application is for a change of use for the TWA, to also permit Chevron’s Wheatstone Project workforce to utilise the accommodation. The change of use is consistent with the established statutory planning framework.*

*It will have significant positive benefits in maintaining the construction programme for Wheatstone project, while reducing pressure on accommodation within the Onslow community. Chevron requests that the Ashburton Shire Council issue planning approval for the Brolga (previously Macedon) TWA for use mainly by Chevron and BHPB construction and maintenance/commissioning workers until the Wheatstone Project second LNG train has been commissioned.”*



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013



**Aerial Photo dated December 2012 and Courtesy of Chevron**

Accompanying the Application, BHPB advised of its acceptance of Chevron's Application and addressed Quantitative Risk Assessment (QRA) of the development and potential impacts from an explosion from the Macedon Domestic Gas Plant:

*"This letter is to confirm that BHP Billiton Petroleum Pty Ltd (BHPB) in its capacity as the Operator of the Macedon Gas Project presently intends to sell the Macedon Construction Camp to Chevron Australia Pty Ltd (CVX) in its capacity as the Operator of the Wheatstone LNG Project. We are negotiating the documentation for this intended transaction at present. BHPB confirms that it has provided the Quantitative Risk Assessment Report PMA-VG1-SR-REP-007 to CVX.*

*This demonstrates that the camp is located outside the 0.1-in-a-million ( $1 \times 10^{-7}$  pa) risk contour from the Macedon gas plant which is even greater than the Environmental Protection Agency's risk threshold for residential accommodation of 1-in-a-million ( $1 \times 10^{-6}$  pa).*

*This letter is not a formal representation or warranty and is not intended for contractual reliance to be placed upon it by the Shire of Ashburton or any other person or entity. This transaction described herein is subject to management approvals and full documentation. If approved and executed, this documentation will contain all operative representations, warranties and contractual obligations as between BHPB and CVX."*

It should be noted that initially, the QRA was not provided by BHPB or Chevron with the Application. However immediate prior to the 16 October meeting of Council Chevron and BHPB made the QRA available for public viewing.

At the Ordinary Council meeting of 18 September 2013 Council considered the Application as a confidential Item and resolved as follows:

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

*“That Council:*

- 1. That the CEO be requested to have prepared for Council an independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.*
- 2. That all costs for the preparation of the independent risk assessment be forwarded to Chevron Australia Pty Ltd (Chevron) as part of the Application.*
- 3. Extend the period of stay associated with the temporary approval granted by Acting CEO (Mr Don Burnett) for temporary use of the Camp by Chevron until 16 October 2013 at which time the Council will consider the “change of use” application by Chevron.*
- 4. The CEO be requested to advise Chevron, BHPB and the Department of State Development of Council’s decision.”*

### **Comment**

In consultation with the Shire President, the ‘scope’ for the independent risk assessment has been prepared and three (3) potential consultants had been contacted for submissions and quotations concerning the ‘scope’.

### **ATTACHMENT 14.6**

The preferred consultant will be required to have the assessment with the Shire in order to report to the November Council meeting. The necessary correspondence in relation to Resolutions 2, 3 and 4 had been sent.

On the basis that the independent risk assessment won’t be available until the November Council meeting it is appropriate for Council to consider an extension of the period of stay associated with the temporary use of the Macedon Camp by Chevron until 20 November 2013 Council meeting where a further report will be available for that meeting.

### **Consultation**

Chief Executive Officer  
Shire Solicitor  
Chevron representatives

Department of State Development representatives  
Landcorp representatives (prior to Application being lodged)  
BHPB representatives (prior to Application being lodged)

The original Macedon Applications were widely advertised by sign on the Onslow Road (access) frontage, notices in the West Australian newspaper and Pilbara News newspapers and referral to numerous agencies, the current Application was advertised in the Pilbara News and referred to the following agencies for comment:

- Department of Environment Regulation
- Department of Fire and Emergency Services
- Department of Planning
- Department of Regional Development & Lands
- Department of State Development
- Department of Mines & Petroleum

One submission of objection has been received and along with responses received from Agencies. These were addressed in Item 14.6 of the Report to Council on 18 September 2013 (ATTACHMENT 14.6B).



## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Statutory Environment

Planning and Development Act 2005  
Shire of Ashburton Local Planning Scheme No 7

### Financial Implications

There are no financial implications relevant to this matter.

### Strategic Implications

Under the Shire of Ashburton '10 Year Community Plan 2012-2022' the following goal and objectives apply:

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

### Policy Implications

As noted in this Report, a significant policy issue for Council is that the Macedon camp along with the Domestic Gas Plant is to be zoned Strategic Industry under Amendment No. 17 to the Scheme. Transient Workforce Accommodation is a prohibited use under the Strategic Industry zone. Should Council accept that the camp operation be extended beyond the period established for Macedon's use, it will contrast the strategic direction of the land as identified in Amendment No. 17.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr L Thomas**

**That Council:**

- 1. Notes the 'scope' included as ATTACHMENT 14.6 prepared for the independent risk assessment that specifically addresses the reasonable risk of siting a 100% occupied Camp within the existing proximity of an operating Macedon Domestic Gas Plant.**
- 2. Extend the period of stay associated with the temporary approval for use of the Macedon Camp by Chevron Australia Pty Ltd ('Chevron') until 30 November 2013.**
- 3. Request the Chief Executive Officer to prepare a report for the 20 November 2013 Council meeting in relation to the Application for Planning Approval (20130270 (P)) lodged by Chevron for "change of use" of the Macedon transient workforce accommodation camp (comprising 380 rooms, associated facilities and services) to enable sole occupation by the Chevron Wheatstone construction and commissioning/maintenance workers at Lot 500 Onslow Road, Ashburton North.**

**CARRIED 6/0**

**Crs Rumble, Eyre, Foster, Fernandez, Thomas and Shields voted for the motion**

**Crs White and Dias entered the meeting at 1.50 pm.**

**Cr White resumed the chair at 1.50 pm.**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.7 MODIFICATION TO 'LOCAL PLANNING POLICY - BEADON BAY VILLAGE CONCEPT PLAN FOR LOTS 557 & 563 BEADON CREEK ROAD AND LOTS 555 & 556 PARSLEY STREET, ONSLOW TO FACILITATE 12 'KEY WORKER' ACCOMMODATION UNITS -FINAL APPROVAL

**MINUTE:** 11664

**FILE REFERENCE:** RE.BD.R.34101

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/RESPONDENT:** Department of Housing / Master Plan SA Pty Ltd and  
Discovery Parks Pty Ltd

**DATE REPORT WRITTEN:** 4 October 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 14.5 (Minute No. 11630) - Ordinary Meeting of Council 18 September 2013  
Agenda Item 13.7 (Minute No. 11527) - Ordinary Meeting of Council 8 May 2013  
Agenda Item 13.10 (Minute No. 11217) - Ordinary Meeting of Council 20 June 2012  
Agenda Item 13.09 (Minute No. 11216) - Ordinary Meeting of Council 20 June 2012  
Agenda Item 13.08 (Minute No. 11215) - Ordinary Meeting of Council 20 June 2012  
Agenda Item 13.02.08 - Ordinary Meeting of Council 16 February 2011

#### **Summary**

At the Ordinary meeting of 18 May 2013, Council resolved to adopt Local Planning Policy '*Local Planning Policy - Beadon Bay Village Concept Plan*' (LPP) at Lots 557 & 563 Beadon Creek Road and Lots 555 & 556 Parsley Street, Onslow. The LPP facilitates the development of additional transient workforce accommodation and associated facilities to complement the existing development at Beadon Bay Village.

The Department of Housing (DoH) and the Shire has identified that 'key workers' who are employed by local small and medium business enterprises are currently under housing stress as they struggle to pay rental and purchase prices which are three times more expensive than the Perth Metropolitan area.

The original LPP did not identify such accommodation arrangements and should be modified to reflect up to 12 'key worker' units. At the Ordinary meeting of 18 September 2013, Council resolved to adopt the modifications to '*Local Planning Policy - Beadon Bay Village Concept Plan*' and authorised the Shire Administration to advertise the modified LPP providing for the 12 'key worker' units. Council required a further report to Council once advertising is complete.

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At the time of preparing the Report to Council no submissions relating to the modification to the LPP had been received. However, the closure of advertising occurs one week after the 16 October 2013 Council meeting. An application for planning approval for the 12 'key worker' accommodation units on Lot 555 Parsley Street Onslow was recently lodged with the Shire and is currently being advertised and referred to necessary agencies (Planning Application No. 13-11). The application for planning approval seeks to provide for the accommodation units to be used for short and long term occupation until 2033. Importantly, the modified LPP provides for this proposal.

The Shire Administration's supports the State Government's attempts to provide service worker accommodation at the Beadon Creek Caravan Park. It is acknowledged that the advertising period is still to be concluded. On this basis, it is recommended that subject to there being no submissions received opposing the modified draft LPP being received, that Council delegate the Chief Executive Officer to finalise the LPP. Should objections be received, the matter will be referred back to Council (possibly in the form of a 'Special Council meeting').

In addition, subject to the adoption of the LPP as addressed above and where no objections are received, it is recommended that Council authorise the Chief Executive Officer to determine the application for planning approval Planning Application No. 13-11 in accordance Delegation No. 035.

### Background

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m<sup>2</sup> with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the Parsley Street road reserve of approximately 95 metres. Lot 555 and Lot 556 have a combined area of approximately 2.4ha, are vacant and have frontage to Parsley Street road reserve (unconstructed). These lots generally have a ground level of between 2.5m – 4m AHD.



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Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to Parsley Street road reserve of approximately 60 metres. Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

Access to both Lots 563 and 577 is currently provided by Parsley Street road reserve. An internal access road is provided between Lots 563 and 557. Lots 563 and 557 are generally flat with a predominant existing ground level at 3.0m AHD albeit areas of previous development for the purposes of transient workers accommodation have been filled to a level of 4.0m AHD in accordance with previous approvals. The zoning of the land is 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') and it is included in the Onslow Coastal Hazard Area Special Control Area.

At the Ordinary meeting of 8 May 2013, Council resolved to adopt Local Planning Policy '*Local Planning Policy - Beadon Bay Village Concept Plan*' (LPP) at Lots 557 & 563 Beadon Creek Road and Lots 555 & 556 Parsley Street, Onslow.

The LPP facilitates the development of additional transient workforce accommodation and associated facilities to complement the existing development at Beadon Bay Village. The concept development plan that accompanies the LPP provides a 'strategic' direction of the development of the whole land (i.e. Lots 555, 556, 557 and 563) for transient workforce accommodation, caravan park and ancillary uses. At the Ordinary meeting of 18 May 2013, Council adopted the LPP.

Since adoption of the LPP, the Department of Housing (DoH) has identified that 'key workers' who are employed by local small and medium business enterprises are currently under housing stress as they struggle to pay rental and purchase prices which are three times more expensive than the Perth Metropolitan area. The original LPP did not identify such accommodation arrangements and should be modified to reflect up to 12 'key worker' units.

At the Ordinary meeting of 18 September 2013, Council resolved to adopt the draft modifications to '*Local Planning Policy - Beadon Bay Village Concept Plan*' to include the 12 'key worker' units and authorised the Shire Administration to advertise the modified LPP. Council required a further report to Council once advertising is complete.

On Tuesday, 24 September 2013, the Minister for Regional Development and the Minister for Housing issued a Press Release advising that the State Government was providing 'affordable housing for Onslow workers' as follows:

- 12 two-bedroom units to be placed in Onslow for rent to service workers
- Chalets will be available for rent in January 2014
- \$4.8million project funded by State Government's Royalties for Regions program

### ATTACHMENT 14.7A

The site identified as being suitable for such housing arrangements is Lot 555 Parsley Street, Onslow. The 'key worker' accommodation is defined as 'group dwelling' which requires planning approval and will need to comply with the Western Australian Planning Commission's (WAPC) Residential Design Codes and have a minimum floor level as required under the WAPC's State Planning Policy 2.6 and the Scheme.

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### Proposal

This report relates to the modified LPP to facilitate the development of 12 'key worker' accommodation units at Lot 555 Parsley Street Onslow.

**ATTACHMENT 14.7B**

It should be noted that an application for planning approval for the 12 'key worker' accommodation units on Lot 555 Parsley Street Onslow was recently lodged with the Shire and is currently being advertised and referred to necessary agencies (Planning Application No. 13-11). The application for planning approval seeks to provide for the accommodation units to be used for short and long term occupation until 2033. Importantly, the modified LPP provides for this proposal.

**ATTACHMENT 14.7C**

### Comment

The modified 'Local Planning Policy - 'Beadon Bay Village Concept Plan' includes the following additional new clause:

#### ***"6.8 Key Worker Residential Accommodation***

*6.8.1 The Department of Housing (DoH) and the Shire has identified that 'key workers' who are employed by local small and medium business enterprises are currently under housing stress as they struggle to pay rental and purchase prices which are three times more expensive than the Perth Metropolitan area.*

*6.8.2 The Housing Authority (the Authority) is progressing a business case for funding from the Royalties for Regions Housing for Workers Program to provide dwellings for key workers in Onslow on Lot 555 Parsley Street, Onslow.*

*6.8.3 The 'key worker' accommodation is defined as 'group dwelling' which requires planning approval ('D' Use) and will need to comply with the Western Australian Planning Commission's (WAPC) Residential Design Codes.*

*6.8.4 'Key worker' accommodation units are to be generally located in as shown on the Policy Plan and should be designed to be adaptable to accommodate future conversion to tourist accommodation.*

*6.8.5 'Key worker' accommodation units shall be at a minimum finished floor level of 5.9m AHD. A lower floor level may be considered by Council where the Application for Planning Approval is accompanied by an assessment from a suitably qualified person and addresses:*

- potential flood;*
- storm surge events;*
- State Planning Policy 2.6;*
- and the like.*

*It is anticipated that any approval resulting in a floor level less than 5.9m AHD would be limited to a development period".*

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Should Council agree to progress the inclusion of the key worker' accommodation units in the LPP, the final version would be appropriately detailed in an application for planning approval.

The zoning of the land is 'Tourism' under the Scheme and within the *Onslow Coastal Hazard Area Special Control Area*. Clause 6.20.4 of the Scheme provides:

*"Council may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development."*

Clause 7.3.6 of the Scheme states (with reference to the Onslow Coastal Hazard Area-Special Control Area):

*"...the Local Government may require applications for planning approval to include an assessment, prepared to its satisfaction, of the impact of potential flood and storm surge events on the proposed development."*

Because Onslow is located within an area that experiences cyclonic activity the SPP 2.6 specifies that development should be set back from the coast to afford development protection from the impact of cyclonic storms. This requires a further variation to the general case of development on an undeveloped sandy shoreline.

This aspect of the site was extensively discussed in Shire Administration Report (Agenda Item 14.5 (Minute No. 11630) to the Ordinary Meeting of Council 18 September 2013. In summary, the Shire considers that a finished floor level for residential or non-emergency response infrastructure (*i.e. essentially all residential land use*) of 5.9m AHD is necessary.

It may be possible to consider a lower finished floor level provided any Application for Planning Approval was accompanied by an assessment from a suitably qualified person that addressed potential flood, storm surge events, SPP 2.6 and the like on the proposed development.

At the time of preparing the Report to Council no submissions relating to the modification to the LPP had been received. However, the closure of advertising occurs one week after the 16 October 2013 Council meeting.

### **Conclusions**

The Shire Administration's supports the State Government's attempts to provide service worker accommodation at the Beadon Creek Caravan Park. It is acknowledged that the advertising period is still to be concluded. On this basis, it is recommended that subject to there being no submissions received opposing the modified draft LPP being received, that Council delegate the Chief Executive Officer to finalise the LPP. Should objections be received, the matter will be referred back to Council (possibly in the form of a 'Special Council meeting).

In addition, subject to the adoption of the LPP as addressed above and where no objections are received, it is recommended that Council authorise the Chief Executive Officer to determine the application for planning approval for the 12 'key worker' accommodation units on Lot 555 Parsley Street Onslow (Planning Application No. 13-11) in accordance Delegation No. 035.

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### Consultation

Chief Executive Officer

Clause 2.3.1 of the Scheme requires that draft Local Planning Policies be advertised for community consultation for a minimum of 21 days which closes on 23 October 2013.

At the time of preparing the Report to Council no submissions relating to the modification to the LPP had been received.

### Statutory Environment

Planning and Development Act

Shire of Ashburton Town Planning Scheme No. 7

State Planning Policy 2.6 - The State Coastal Planning Policy

State Planning Policy 3.4 - Natural Hazards and Disasters

### Financial Implications

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

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns.

### Policy Implications

Local Planning Policy 'Transient Workforce Accommodation'

Local Planning Policy 'Interpretation of Onslow Coastal Hazard Area'

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr C Fernandez

**That Council:**

- 1. Note the contents of this Report and the lodgement of the application for planning approval for the 12 'key worker' accommodation units on Lot 555 Parsley Street Onslow (Planning Application No. 13-11).**
- 2. Subject to there being no submissions received during the 21 day advertising period opposing modified '*Local Planning Policy - 'Beadon Bay Village Concept Plan'*', that Council adopt the modified '*Local Planning Policy - 'Beadon Bay Village Concept Plan'*' ATTACHMENT 14.7B as a Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').**
- 3. Should submissions be received during the 21 day advertising period opposing the modified '*Local Planning Policy - 'Beadon Bay Village Concept Plan'*', the Chief Executive Officer be requested to prepare a further report on the matter if any adverse comments are received.**
- 4. Subject to the adoption of the modified '*Local Planning Policy - 'Beadon Bay Village Concept Plan'*' in Resolutions 2 and 3 above, authorise the Chief Executive Officer to determine the application for planning approval for the 12 'key worker' accommodation units on Lot 555 Parsley Street Onslow (Planning Application No. 13-11 – ATTACHMENT 14.7C in accordance Delegation No. 035.**

**CARRIED EN BLOC 8/0**

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### **Declaration of Interest**

Prior to consideration of this Agenda Item Crs White and Dias declared a Financial Interest in Agenda Item 14.8 in accordance with Section 5.60A of the Local Government Act. The interest being that Crs White and Dias are Shareholders having a total value exceeding \$10,000

Crs Dias and White left the meeting at 1.51 pm.  
Cr Rumble took the chair at 1.51 pm.

### **14.8 COMPLIANCE WITH PLANNING APPROVAL CONDITIONS - RESIDENTIAL BUILDING LOT 800 (FORMALLY LOTS 410, 411 & 412) THIRD AVENUE, ONSLOW**

**MINUTE:** 11679

**FILE REFERENCE:** ON.TH.0410.00  
ON.TH.0411.00  
ON.TH.0412.00

**AUTHOR'S NAME AND POSITION:** Rob Paull  
Principal Town Planner

**NAME OF APPLICANT/  
RESPONDENT:** Applicant: BHPB/Resolve Group/Unison Group of Companies  
Owner: State of Western Australia (Department of Housing)

**DATE REPORT WRITTEN:** 5 October 2013

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.5 (Minute: 11212) – Ordinary Meeting of Council 20 June 2013

### **Summary**

At the Ordinary Council meeting of 20 June 2012, Council issued Planning Approval to CLE Town Planning (on behalf of BHPB) to construct a two level 16 bedroom, 'residential building' at Lots 410, 411 & 412 (now amalgamated lot 800) Third Avenue, Onslow. The purpose of the building is to accommodate operational staff associated with the Macedon domestic gas plant.

In support of the Application, the Applicant noted:

*"The building itself is of a high quality, with an excellent presentation to all four elevations. All habitable spaces, including accommodation and communal facilities are provided on a Single level with undercroft parking and service areas provided below. Decked areas address the southern (street), eastern and western elevations, providing shaded high amenity outdoor spaces for future residents and promote mutual surveillance to and from public areas. A central breezeway connects the accommodation units and allows for air circulation throughout. Designated portions of the site are to be landscaped to a high*



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*standard, comprising of plant species with low water consumption, and the use of alternative ground treatments such as mulch where appropriate.”*

Building Approval for the development was issued on 2 November 2012 however compliance with many of the conditions appears to have been overlooked by the developer. The result is a building that is stark in appearance and does not represent a *high quality, with an excellent presentation to all four elevations.*

Temporary occupation of the building has been provided however subject to the outcome of the necessary planning approval conditions, it can be withdrawn.

The Unison Group of companies provided plans and information relating to the clearance of the conditions however the Shire Administration that there are several matters that are not satisfactory, including:

1. the revision of the lower section of the building to lessen the bulk using materials such as lattice and the like;
2. an internal and external lighting plan;
3. details of the colour, design and installation of the metal screens to be provided to the balconies and windows of the development; and
4. a landscape plan for the development and include the adjoining road verge.

The building is intended to be BHPB's formal accommodation centre for its employees and the Shire Administration believe that BHPB would actively seek to ensure that the building was of the highest amenity for users and neighbours alike.

It is recommended that the Shire President, Chief Executive Officer (CEO) and other staff deemed relevant by the CEO seek to meet with representatives from BHPB with a view to resolve the apparent non-compliance with the Planning Approval issued to CLE Town Planning (on behalf of BHPB) for a two level 16 bedroom, 'residential building' at Lots 410, 411 & 412 (now Lot 800) Third Avenue, Onslow.

### **Background**

Lots 410, 411 & 412 Third Avenue, Onslow have a combined area of 3036m<sup>2</sup>. Lots 410, 411 & 412 have been amalgamated to form Lot 800.

The site is located in a developed residential area opposite drainage/recreation facilities.

In 2012, CLE Town Planning on behalf of BHPB sought Planning Approval to construct a 16 bedroom 'residential building' on the site, each with private ensuite, communal facilities comprising a commercial kitchen, dining area, lounge/recreation room and decked area. The proposal also provided extensive undercroft parking area, communal laundry facilities and service area. The purpose of the building was to accommodate operational staff associated with the Macedon domestic gas plant

In support of the Application, CLE Town Planning noted:

*“The building itself is of a high quality, with an excellent presentation to all four elevations. All habitable spaces, including accommodation and communal facilities are provided on a Single level with undercroft parking and service areas provided below. Decked areas address the southern (street), eastern and western elevations, providing shaded high amenity outdoor spaces for future residents and promote mutual surveillance to and from public areas. A central breezeway connects the accommodation units and allows for air circulation throughout.*

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*Designated portions of the site are to be landscaped to a high standard, comprising of plant species with low water consumption, and the use of alternative ground treatments such as mulch where appropriate.”*

After advertising where no objections were received, Council at the Ordinary meeting of 20 June 2012 resolved to issue Planning Approval to CLE Town Planning (on behalf of BHPB) to construct a two level 16 bedroom, ‘residential building’ at Lots 410, 411 & 412 Third Avenue, Onslow. A copy of the Minutes and attachments of the Council Meeting are included as **ATTACHMENT 14.8A**.

### Comment

The building (‘known as ‘Macedon House’) covers approximately 1000m<sup>2</sup> over a site area of 3036m<sup>2</sup> and with a finished first floor height of 5.9m AHD. This development was always going to result in a dominant building. However, it was the intent of Council (and the Applicant) to seek to lessen the appearance of the bulk by the inclusion of conditions associated with design, colour, servicing and landscaping.

The Report to Council for the Ordinary Council meeting of 20 June 2012 noted as follows:

*“The policy requires that the appearance of the proposed use should not impact on the residential character of the surrounding area. The proposed ‘Residential Building’ is essentially a ‘fit for purpose’ building (i.e. it isn’t simply a converted dwelling) and has been designed to complement the residential neighbourhood.*

*One aspect of the design that is considered an opportunity for improvement is to reduce the apparent bulk of the building by having the lower portion constructed with ‘lighter’ materials such as lattice.”*

Building Approval for the development was issued on 2 November 2012 however compliance with some of the conditions appears to have been overlooked by the developer. Temporary occupation of the building has been provided however subject to the outcome of the necessary planning approval conditions, it can be withdrawn.

The Unison Group of companies has provided plans and information relating to the clearance of the conditions however the Shire Administration believe there are several matters that are not satisfactory, including:

1. the revision of the lower section of the building to lessen the bulk using materials such as lattice and the like;
2. an internal and external lighting plan;
3. details of the colour, design and installation of the metal screens to be provided to the balconies and windows of the development; and
4. a landscape plan for the development and include the adjoining road verge.

The non-compliance with the above matters has in the opinion of the Shire Administration, resulted a building that is stark in appearance and does not “...represent a high quality, with an excellent presentation to all four elevations”.

Whilst the landscaping plan submitted (**ATTACHMENT 14.8B**) appears to be acceptable, the planting on the ground by the developer does not appear to reflect what is shown in the landscaping plans.

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It should be noted that it not clear what role the Unison Group of companies plays in responsibility for the outcome of the development. As the following shows, a large number of 'operators' are involved in the overall development outcome:

- The Applicant for the Planning Approval was CLE Town Planning.
- The builder was Noel Smith.
- The Certifier was the Resolve Group.
- The land owner is the State of Western Australia (Department of Housing).
- The operator of the building is BHPB.

As the following photographs indicate, the landscaping provided has a negligible benefit to the development.



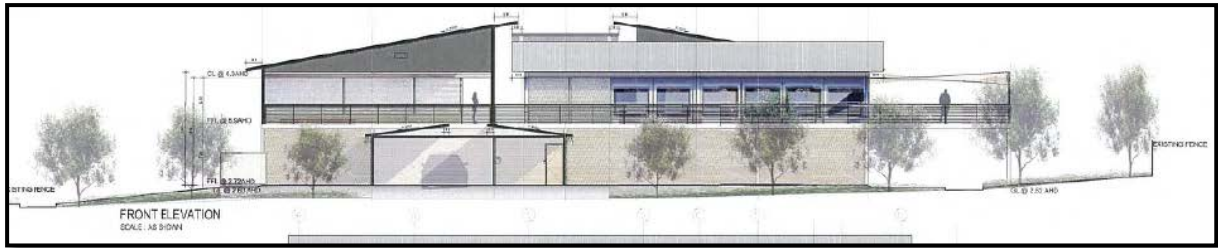
**Landscaping undertaken by the developer – Photo taken 22 August 2013**

Of particular concern is the lower section of the building. Condition 4 (i) of the Planning Approval provides as follows:

- “4. *Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the Shire and endorsed to this Planning Approval:*
- Revision of the lower section of the building to lessen the bulk using materials such as lattice and the like.*

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The plans submitted with the Application showed as follows:



The development as built is as follows:



Photo taken 22 August 2013

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The Shire has no record of the being presented with the detailed finish as what has been constructed. It is considered that either the lower section of the building will need to be significantly altered to reflect "...materials such as lattice and the like" or far greater landscaping effort will need to be provided that as far as practical, hides the building.

In relation to a lighting plan and details of the colour, design and installation of the metal screens to be provided to the balconies and windows of the development, the Shire has no record of plans etc being provided by any party. The developer did advise that no metal screens for windows will be sought however no reference to balconies has been addressed.

In this regard, through the Shire President, concerns as to overlooking from the resident opposite the balcony area to the rear of the building (over the ROW) have been raised. It is appropriate that this balcony be screened.

### **Conclusions**

The building is intended to be BHPB's formal accommodation centre for its employees and the Shire Administration believe that BHPB would actively seek to ensure that the building was of the highest amenity for users and neighbours alike.

It is open to the Shire to pursue the matters through the State Administrative Tribunal (SAT) however it is considered more appropriate to discuss and potentially negotiate a better outcome with the operators of the site (BHPB) than currently exists on the site.

In this regard, it is recommended that the Shire President, Chief Executive Officer (CEO) and other staff deemed relevant by the CEO seek to meet with representatives from BHPB with a view to resolve the apparent non-compliance with the Planning Approval issued to CLE Town Planning (on behalf of BHPB) for a two level 16 bedroom, 'residential building' at Lots 410, 411 & 412 (now Lot 800) Third Avenue, Onslow.

### **Statutory Environment**

Planning and Development Act 2005  
Shire of Ashburton Local Planning Scheme No. 7.

### **Consultation**

Chief Executive Officer  
Shire President

It should be noted that the original application was advertised for 21 days by sign on the site and notification to all adjoining and nearby landowners. No submissions were received.

### **Financial Implications**

There are no direct financial implications relative to this issue. However, should the matter be eventually referred to the SAT it is likely that legal costs would be involved. Should the matter require consideration by the SAT, the Shire Administration would refer the matter back to Council.

### **Strategic Implications**

There are no strategic implications relative to this issue.

### **Policy Implications**

There are no policy implications relative to this issue.

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr A Eyre**

#### That Council:

1. Note the development of 'Macedon House' at Lot 800 Third Avenue, Onslow as addressed in the Agenda.
2. Authorise the Shire President, Chief Executive Officer (CEO) and other staff deemed relevant by the CEO to meet with representatives from BHPB with a view to resolve the apparent non-compliance with the Planning Approval issued to CLE Town Planning (on behalf of BHPB) for a two level 16 bedroom, 'residential building' at Lots 410, 411 & 412 (now Lot 800) Third Avenue, Onslow.
3. Request the CEO to report the results of the meeting back to Council at the earliest opportunity.

**CARRIED 6/0**

**Crs Rumble, Foster, Fernandez, Thomas, Eyre and Shields voted for the motion**

**Crs White and Dias entered the meeting at 1.55 pm.**

**Cr White resumed the chair at 1.55 pm.**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.9 TOM PRICE ROYAL FLYING DOCTOR SERVICE AIRSTRIP COST ESTIMATES

**MINUTE:** 11680

**FILE REFERENCE:** TR.AT.01.06

**AUTHOR'S NAME AND POSITION:** Michelle Tovey  
Project and Technical Support Officer

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

**DATE REPORT WRITTEN:** 1 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 18.3 (Minute No. 11336) – Ordinary Meeting of Council 17 October 2012

#### **Summary**

At the 17 October 2012 Ordinary Meeting of Council, Council authorised the Chief Executive Officer to source the required capital funding for the Royal Flying Doctor Air Strip and investigate means to offset maintenance costs and requested that a Business Plan be brought back to Council for approval.

Prior to a business plan being formalised, a more accurate estimate of costs was required. Aerodrome Management Services Pty Ltd (AMS) was approached to provide this detailed information. Their report was received on 15 July 2013. The construction cost estimation is \$2,947,575.50 and the ongoing operational costs are estimated to be \$73,000 per year. It is recommended that the Council endorse the AMS report to allow the CEO to utilise this report in the pursuit of funding and for the preparation of the Business Plan.

#### **Background**

Tom Price does not have a functioning airstrip, therefore patients requiring aeromedical services are required to be transported to Paraburdoo, approximately one hour away. The lack of a RFDS accessible airstrip poses a significant risk to the Tom Price community. This has been outlined in previous agenda items but to summarise, the increased travel time increases the risk of harm or death for patients and also puts undue pressure on the local volunteer operated ambulance service and the RFDS.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

The requirements of the RFDS airstrip, as outlined in the AMS report, are as follows:

REQUIREMENT	SPECIFICATIONS
Runway Length	1,200m minimum
Runway Width	18m minimum (20m preferred)
Runway Slope	2.0% maximum, 2.68% in any part
Runway Crossfall	2.5% maximum, 1.5-2.0% preferred
Runway Strip (Graded) Width	45m (including runway)
Runway Strip Flyover (Cleared) Width	90m for night use (including Graded Strip above)
Apron	30m x 50m
Turning Areas (at runway ends)	25m x 25m
Taxiway Width	12m minimum
Runway and Runway Strip Markers	Required
Windsock	Required (lit for night use)
Lighting	Solar or battery powered
Fencing	Required (1.8m high)

The following is the Construction Cost Estimation:

ITEM	QUANTITY	UNIT	UNIT COST	COST
<b>Initial Costs</b>				
Survey	1	Lump Sum	25,000	\$ 25,000
Geotech	1	Lump Sum	40,000	\$ 40,000
Design	1	Lump Sum	50,000	\$ 50,000
Contractor Mob / Demob	1	Lump Sum	50,000	\$ 50,000
Bitumen Contractor Mob	1	Lump Sum	70,000	\$ 70,000
<b>Runway</b>				
Clearing	154,481	m2	0.5	\$ 77,240.50
Topsoil Removal	56,190	m2	2	\$ 112,380.00
Cut to Fill	9,400	m3	15	\$ 141,000.00
Cut to Spoil	4,600	m3	11	\$ 50,600.00
Subgrade Trim and Compact	26,440	m2	4.5	\$ 118,980.00
Pavement 200mm	26,440	m2	25	\$ 661,000.00
Prime, 2 coat and Fog Coat	26,440	m2	20	\$ 528,800.00
Shape / Compact Strips, Drains	29,750	m2	2.5	\$ 74,375.00
Linemarking	1	Lump Sum	40,000	\$ 40,000.00
Markers / Cones	1	Lump Sum	5,000	\$ 5,000.00
Solar Lights / Windsock	1	Lump Sum	50,000	\$ 50,000.00
Fencing	3,000	m	25	\$ 75,000.00
Safety Inspection / Survey	1	Lump Sum	5,000	\$ 5,000.00
Transportable Building, Generator etc	1	Lump Sum	100,000	\$ 100,000.00



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<b>Access Track</b>				
Clearing	20,000	m2	0.5	\$ 10,000.00
Topsoil Removal (100mm depth)	20,000	m2	2	\$ 40,000.00
Cut to Fill	3,500	m3	15	\$ 52,500.00
Cut to Spoil	1,700	m3	11	\$ 18,700.00
Subgrade Trim and Compact	16,000	m2	4.5	\$ 72,000.00
Pavement 250mm	16,000	m2	30	\$ 480,000.00
<b>Total</b>				<b>\$ 2,947,575.50</b>

The following is the estimated annual operational costs;

<b>ACTIVITY</b>	<b>FREQUENCY / AMOUNT</b>	<b>COST</b>
Slashing / Weeding	6 days per year	\$ 9,000
Grading Runway Strips / Access Rd	1 or 2 times per year	\$ 12,000
Fixing Scours	6 days per year	\$ 15,000
Safety Inspection	Annual	\$ 5,000
Linemarking	Annualised (3 years)	\$ 10,000
Generator Maintenance	12 per year	\$12,000
Pavement Maintenance	Annual aggregate	\$ 10,000
Fencing / Building Maintenance	Annual aggregate	\$ 5,000
<b>Total</b>		<b>\$ 73,000</b>

### **Comment**

#### **Capital Funding:**

There are numerous capital funding options that, following Council endorsement of the AMS report, can be pursued further. These include;

- Private partnerships
- Royalties for Regions
- Lottery West
- Regional Airports Development Scheme (RADS) funding
- Remote Aerodrome Safety Program (RASP) funding

#### **Operational Funding:**

Consideration has been given to leasing the airstrip to a commercial operator to cover some of the ongoing costs. The Shire of Ashburton has been approached by a commercial operator requesting access to, or lease of, land close to the town site of Tom Price for helicopter operations such as general charters and tourism. This may be a feasible option to cover some of the ongoing operations and maintenance costs but will require further consideration.

#### **Consultation**

A/Executive Manager - Technical Services  
Senior Project Officer

#### **Statutory Environment**

Various permits may be required but these are not considered problematic.

#### **Financial Implications**

Provided capital funding can be secured for the construction of the airstrip, partial or full ongoing operational and maintenance costs will be incorporated into future Annual Budgets.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Objective 03 – Quality Education, Healthcare, Childcare, Aged Care and Youth Services

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Goal 05 – Inspiring Governance

Objective 02 – Community Ownership

### Policy Implications

There are no policy implications relative to this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr P Foster

**That Council notes the Aerodrome Management Services Pty Ltd report outlining the design parameters and detailed cost estimation for the Tom Price Royal Flying Doctor Service Airstrip for use in the preparation of the business plan.**

**CARRIED 8/0**

**Crs White, Dias, Rumble, Foster, Fernandez, Thomas, Eyre and Shields voted for the motion**

### Reason for change of Recommendation:

Endorsement is not required until the Business Plan has been prepared.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.10 AWARD OF RFT 13/13 PROVISION OF CONSULTANCY SERVICES FOR SITE SELECTION AND FEASIBILITY STUDY OF ONSLOW WASTE MANAGEMENT FACILITY

**MINUTE:** 11681

**FILE REFERENCE:** AS.TE.13.13

**AUTHOR'S NAME AND POSITION:** Michelle Tovey  
Project and Technical Support Officer

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

**DATE REPORT WRITTEN:** 27 September 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 14.13 (Minute No. 11656) – Ordinary Meeting of Council 18 September 2013

#### **Summary**

The capacity of the current Onslow landfill facility is nearly exhausted. A site selection and feasibility study for a new Onslow waste management facility is to be conducted. This will be funded under the Critical Services Infrastructure program for the Chevron Wheatstone project.

The assessment criteria for Request For Tender (RFT) 13/13 Provision of Consultancy Services for Site Selection and Feasibility Study of Onslow Waste Management Facility was in accordance with the Shire's FIN14 Tender Assessment Policy.

Eight submissions were received. Following review and assessment of the tenders it is recommended that Talis Consultants Pty Ltd be awarded the Contract for the Provision of Consultancy Services for Site Selection and Feasibility Study of Onslow Waste Management Facility.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Background

The capacity of the current Onslow landfill facility is nearly exhausted and its buffer zone impacts on the proposed expansion of the residential area of the town and the alignment of the proposed Onslow Ring Road. A new waste management facility is required that meets appropriate siting, design and operational standards.

Under the Ashburton North State Development Agreement (Wheatstone Project), Chevron is required to make a capped contribution of \$2 million to develop a new waste management facility. This full contribution is contingent upon the facility meeting Chevron's environmental standards of a Class IV facility.

In order to determine an appropriate site and the feasibility of providing a facility to meet Chevron's standards, agreement was reached for up to \$300,000 of the \$2 million to be allocated to a site selection and feasibility study.

A Letter of Intent for this study was provided by the WA Department of State Development in June 2013 and subsequently agreed to by the Acting Chief Executive Officer.

The Shire of Ashburton sought consultancy services to conduct the Site Selection and Feasibility Study for the proposed Onslow Waste Management Facility through a Request For Tender. Eight submissions were received and were evaluated on the following assessment criteria.

ASSESSMENT CRITERIA	WEIGHTING
Price	50%
Relevant experience	20%
Key personnel, resources and plant, equipment and materials	20%
Methodology and key issues	10%

The tender assessment was undertaken by Troy Davis (Executive Manager – Technical Services), Darren Lundberg (Project Team Leader, Community and Essential Infrastructure – Chevron) and Michelle Tovey (Project Admin and Technical Support). A summary of the assessment is as follows;

RFT 13/13 ONSLOW WASTE STUDY – TENDER ASSESSMENT			
Tenderer	Price (ex GST)	Total Score (/100)	Ranking
<b>Talis</b>	<b>\$97,600</b>	<b>92.0</b>	<b>1</b>
Golder	\$100,000	87.4	2
AECOM	\$145,500	79.8	3
SLR	\$146,000	77.7	4
GHD	\$192,760	62.7	5
Hyder Consulting	\$248,000	57.8	6
Wave International	\$369,670	46.6	7
SERS	\$186,000	36.1	8

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A best value for money approach was applied to the price evaluation. This means that although the total price was taken into account, value for money was also a consideration. Talis' submission displayed exceptional value for money in terms of both the lump sum price for the study and the hourly rates nominated for additional works.

Evaluation of the non-price criteria highlighted that a number of the submissions showed strengths in all three areas (experience, methodology and key personnel) but the tender assessment panel is confident that Talis demonstrates the highest level of competency and value for money.

Talis demonstrated a strong working knowledge of the Pilbara waste industry, having recently completed the *Waste Data Study for the Pilbara Region and Shire of Broome* report for the Waste Authority.

### **Comment**

As a requirement of the Project Implementation Plan (PIP), the appointment of a Consultant to undertake this study required endorsement by the Critical Services Infrastructure Working Group.

The Critical Services Infrastructure Working Group has endorsed the recommendation to award the Contract for the Provision of Consultancy Services for Site Selection and Feasibility Study of Onslow Waste Management Facility to Talis Consultants Pty Ltd.

### **Consultation**

Darren Lundberg – Project Team Leader, Community and Essential Infrastructure - Chevron  
Executive Manager Technical Services  
Executive Manager Strategic and Economic Development

### **Statutory Environment**

Section 3.57 of the Local Government Act 1995

### **Financial Implications**

In accordance with the 2013/14 Annual Budget

As this study is funded by Chevron in accordance with the Ashburton North State Development Agreement, the Critical Services Infrastructure program and the Onslow Waste Management Facility Site Selection and Feasibility Study Project Implementation Plan (PIP), there will not be any net financial implications of this study on the Annual Budget.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 02 – Enduring Partnerships  
Objective 01 – Strong Local Economies  
Objective 02 – Enduring Partnerships with Industry and Government

### **Policy Implications**

FIN12 Purchasing and Tender Policy  
FIN14 Tender Assessment Policy

### **Voting Requirement**

Absolute Majority Required

**MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Sheilds**

**That Council:**

- 1. Award the Contract 13/13 Provision of Consultancy Services for Site Selection and Feasibility Study of Onslow Waste Management Facility to Talis Consultants Pty Ltd for the lump sum of \$97,600 (excluding GST).**
- 2. Authorise the Chief Executive Officer to execute the relevant contract documentation.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Crs White, Rumble, Dias, Eyre, Foster, Fernandez, Thomas and Sheilds voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.11 IN-PRINCIPLE SUPPORT FOR MAIN ROADS WA TO CONTROL THE PROPOSED ONSLOW RING ROAD

**MINUTE:** 11664

**FILE REFERENCE:** RO.ON.RI

**AUTHOR'S NAME AND POSITION:** Troy Davis  
Executive Manager, Technical Services

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

**DATE REPORT WRITTEN:** 1 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.1 (Minute No. 11247) – Ordinary Meeting of Council 18 July 2012

#### **Summary**

The Onslow Townsite Strategy (2011) and subsequent Planning and Community developed documents, such as the Onslow Expansion Plan 2012, have highlighted the need for a new access road (Onslow Ring Road) from Onslow Road adjacent to the Onslow Airport, cutting across the northern end of the existing Onslow Landfill and accessing the Onslow Township around Simpson St or further north.

One of the principal functions of the road is to access Chevron's proposed 9Ha Operational Village, whilst ultimately providing an upgraded and all-weather access into Onslow.

Given the strategic nature of the proposed Onslow Ring Road, it is recommended that Council give in-principle support to negotiate with Main Roads WA (MRWA) for MRWA to take control of the road.

#### **Background**

The Planning exercises undertaken to date have identified the significant growth and expansion of Onslow as a result of the development of the Ashburton North Strategic Industrial Area (ANSIA).

Council has recognised this fact by adopting the Onslow Expansion Development Plan. This Plan highlighted the need for a new access road into Onslow to not only access the proposed Chevron Operational Village but to also provide an upgraded, all weather access into Onslow.

Since the Onslow Ring Road was proposed, discussions have taken place with representatives of the Department of State Development about the design and ultimately responsibility of the road with general consensus being that the strategic nature of the road lends itself to being recognised as a main road.

Preliminary discussions have taken place with MRWA representatives and Council's in-principle support for the proposal is now required to progress these negotiations.

## **MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

### **Comment**

In order to progress negotiations with MRWA, it is necessary to seek in-principle support from Council on the proposal to have the Onslow Ring Road recognised as a main road and be the responsibility of MRWA.

Preliminary discussions have proved to be favourable, however a number of factors would need to be considered in order to progress the proposal. The primary one being that MRWA will not accept responsibility for two (2) accesses into Onslow. Therefore the section of Onslow Rd to the north of the proposed Ring Road to the Beadon Creek Rd intersection would need to become the responsibility of Council.

Council staff have highlighted during preliminary discussions that any 'gifting' of road assets from MRWA would require upgrade works to be undertaken to ensure they are at a high standard, including upgraded intersections, before they would be considered for acceptance.

These conditions will form part of the ongoing negotiations and Council's endorsement of any proposals will be brought back for consideration.

### **Consultation**

Acting CEO (at that time)  
Executive Manager Strategic and Economic Development  
Chris Clark - DSD  
Darren Lundberg - Chevron

### **Statutory Environment**

Nil

### **Financial Implications**

When developing the 2013/14 Budget it was envisaged that Council would take carriage of this project so funding of \$500,000 of was provided to undertake preliminary investigations and design. This work was to be funded by a contribution from Chevron.

As this stage this may not be required.

The financial implications of the outcome of the negotiations with MRWA will be reported in a future agenda item.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 4 Distinctive and Well Serviced Places  
Objective 02 Accessible and Safe Towns

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required



**MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

**Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

**That Council:**

- 1. Provide in-principle support for Main Roads WA (MRWA) to control the proposed Onslow Ring Road.**
- 2. Delegate authority to the Chief Executive Officer to negotiate with MRWA on the proposal.**
- 3. Receive a further report to consider the tenure of the proposed Onslow Ring Road and the remainder of the existing Onslow Road to the north.**

**CARRIED EN BLOC 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### 14.12 AUTHORISED OFFICER FOR RANGER SERVICES

MINUTE: 11682

**FILE REFERENCE:** RS.BM.00.00

**AUTHOR'S NAME AND POSITION:** Morgwn Jones  
Senior Ranger/Supervisor Emergency Services

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

**DATE REPORT WRITTEN:** 26 September 2013

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

This report is to revoke all authorisations issued to the previous Shire of Ashburton Ranger, Sebastian Reeve and to authorise Mr Neville Donaldson as an authorised officer of the Dog Act 1976 and other relevant local laws.

#### Background

This report is to ensure that all staff dealing with legal issues under the various Acts and Local Laws pertaining to the Shire of Ashburton are authorised to do so in accordance with the relevant Act or Local Law.

#### Comment

Mr. Sebastian Reeve, the former Shire of Ashburton Ranger based in Paraburdoo left the employment of the Shire in November 2012, since then Ranger Services have been delivering services from Tom Price with Rangers visiting Paraburdoo twice a week.

Mr. Neville Donaldson has been appointed to a position of Town Maintenance Officer/Animal Control Officer. Mr. Donaldson will serve as an authorised officer for animal control issues in Paraburdoo with Ranger Services continuing to visit Paraburdoo from Tom Price twice a week. In order for fulfill his duties as an Animal Control Officer he needs to be appointed as an Authorised Officer for the following Acts and Regulations and Local Laws.

- *Dog Act 1976*
- *Dog Regulations 1976*
- *Cat Act 2011*
- *Cat Regulations 2012*
- *Local Government Miscellaneous Provisions Act 1960*
- *Local Government Act 1995*
- *Local Law Dogs*
- *Local Law Cats*

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Statutory Environment

- Dog Act 1976
- Cat Act 2011
- Local Government Miscellaneous Provisions Act 1960
- Local Government Act 1995

### Shire of Ashburton Local Laws

- Local Law Dogs
- Local Law Cats

### Consultation

Executive Manager – Strategic & Economic Development

Executive Manager – Community Development

Executive Manager - Operations

### Financial Implications

Costs of advertising appointments

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2007- 2011

Goal 05 Inspiring Governance

Objective 2 Community Ownership

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr I Dias**

**SECONDED: Cr L Thomas**

**That Council:**

- 1. Revokes the authorisation of Sebastian Reeve as an Authorised Officers of the Shire of Ashburton.**
- 2. Approve the authorisation of Neville Donaldson as an Authorised Officer for the relevant Act, Regulations and Local Laws.**
- 3. Advertise the appointment in accordance with each Act, Regulation and Local Law.**

**CARRIED 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Shields, Thomas and Fernandez voted for the motion**

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Declaration of Interest

Prior to consideration of this Agenda Item Crs White and Dias declared a Financial Interest in Agenda Item 14.13 in accordance with Section 5.60A of the Local Government Act. The interest being that Crs White and Dias are Shareholders having a total value exceeding \$10,000

Crs White and Dias left the meeting at 2.03 pm.

Cr Rumble took the chair at 2.03 pm.

### 14.13 AWARD OF RFT 15/13 COONDEWANNA INTERSECTION UPGRADE ASPHALT WORKS

MINUTE: 11683

FILE REFERENCE: RO.GNHW

AUTHOR'S NAME AND POSITION: Sean Ripley  
Technical Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 September 2013

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda item 14.1 (Minute 11420) 23 January 2013 Ordinary Meeting of Council

### **Summary**

The Shire is currently planning for works for BHP Billiton at the intersection of Great Northern Highway and Coondewanna Road. These works were approved at the 23 January 2013 Ordinary Meeting of Council.

The project consists of widening the highway shoulders and construction of a slip lane for northbound traffic exiting the highway and turning into the Coondewanna air strip.

In accordance with the FIN12 Purchasing and Tender Policy, tenders were sought through the Western Australian Local Government Association (WALGA) E-Quote System. The evaluation criteria for RFT 15/13 Coondewanna Intersection Upgrade Asphalt Works was as determined at the 23 January 2013 Ordinary Meeting of Council.

Ten suppliers were invited to submit tenders. Tenders were received from Downer and Bitumen Surfacing. Following review and assessment of the tenders it is recommended that Downer be awarded the Contract for 15/13 Coondewanna Intersection Upgrade Asphalt Works.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Background

BHP Billiton Iron Ore Pty Ltd approached the Shire of Ashburton to undertake a construction project on the Great Northern Highway at the Coondewanna Intersection. The project is a 'design and construct' involving the widening and upgrade of the intersection to accommodate increased traffic movements to the Area C airstrip.

The works are being undertaken on behalf of BHP Billiton and upon completion will be handed over to Main Roads Western Australia (MRWA) and as such all works are being completed to MRWA specification.

The financial agreement for undertaking the work is on a 'cost plus' basis. BHP Billiton Iron Ore agree payment to the Shire of Ashburton for its actual costs to undertake the work plus a margin of 15% up to a total value of \$988,808 (ex GST).

As stipulated at the 23 January 2013 Ordinary Meeting of Council the project will be undertaken utilising internal labour and plant, current contracts and WALGA preferred suppliers.

The works involve;

Primer seal & AC10 MRWA DG14 Intersection mix	3,017m <sup>2</sup>
Prime & Two Coat Seal	937m <sup>2</sup>

Tenders were sought through the WALGA E-quote system. Two tenders were received by the deadline of 12 July 2013. Tender Evaluation was undertaken by Sean Ripley (Technical Officer) and Allan Monson (Capital Works Manager).

The tenders were evaluated in accordance with the following criteria;

RFT 15/13	Tenderer 1	Tenderer 2
Item	Downer	Bitumen Surfacing
Price (Ex GST)	\$266,929.15	\$394,608.40
Relevant Experience ( /10)	5	5
Technical skill of key personal ( /10)	10	10
Resources & ability to supply and sustain the necessary resources ( /20)	15	15
Methodology / Quality systems( /10)	8	10
Price ( /50)	48	30
Overall Score ( /100)	86	70

As Downer has the highest overall score it is recommended that the tendered offer of \$266,929.15 (ex GST) from Downer be accepted.

### Comment

Although there were only two tender submissions received for the project, Downer's tender submission meets the required specifications and it is believed that there is value for money in their tender submission.

### Consultation

Executive Manager – Technical Services  
Capital Works Manager

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Statutory Environment

Local Government Act 1995, S3.57 Tenders for providing goods or services

### Financial Implications

In accordance with the 2013-2014 Approved Budget

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – 'Distinctive and Well Serviced Places'

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

### Policy Implications

FIN12 – Purchasing and Tender Policy

FIN14 – Tender Assessment Criteria Policy

### Voting Requirement

Simple Majority Required

Janyce left the meeting at 2.04 pm.

Janyce entered the meeting at 2.06 pm.

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr L Shields**

**That Council:**

- 1. Award the RFT15/13 Coondewanna Intersection Upgrade Asphalt Works to Downer for a lump sum value of \$266,929.15 (excluding GST).**
- 2. Authorise the Chief Executive Officer to execute the relevant contract documentation.**

**CARRIED 4/2**

**Crs Foster, Dias, Shields and Eyre voted for the motion  
Crs Fernandez and Thomas voted against the motion**

**Cr Dias and White entered the room at 2.16 pm.**

**Cr White resumed the chair at 2.16 pm.**

**15. OPERATIONS REPORTS**

There were no Operations Reports for this meeting.

**16. COUNCILLOR AGENDA ITEMS**

There were no Councillor Agenda Items for this meeting.

**17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

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

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

*(a) a matter affecting an employee or employees;*

*(b) the personal affairs of any person;*

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

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

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

*(I) a trade secret;*

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

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

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

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

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

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

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

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

*(h) such other matters as may be prescribed.*

**MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

**Council Decision**

**MOVED: Cr D Dias**

**SECONDED: Cr P Foster**

**That Council close the meeting to the public at 2.17 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 8/0**

**Crs White, Rumble, Eyre, Dias, Foster, Shields, Thomas and Fernandez voted for the motion**

Members of the public left the meeting at 2.17 pm.



**MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

**18.1 CONFIDENTIAL ITEM - WITTENOOM ASBESTOS LITIGATION**

**MINUTE:** 11684

**FILE REFERENCE:** AS.WI.002.00

**AUTHOR'S NAME AND POSITION:** Keith Pearson  
Special Projects Advisor

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

**DATE REPORT WRITTEN:** 3 October 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 17.1 Ordinary Meeting of Council, 13 March 2013  
Confidential Agenda Item 17.1 Ordinary Meeting of Council, 23 January 2013  
Confidential Agenda Item 17.3 Ordinary Meeting of Council, 12 December 2012  
Confidential Agenda Item 17.1 Ordinary Meeting of Council, 21 November 2012  
Confidential Agenda Item 17.1 Ordinary Meeting of Council, 21 October 2012

Please refer to Confidential Item Attachment under separate cover.

**Council Decision**

**MOVED:** Cr P Foster **SECONDED:** Cr L Shields

**That Council**

**Resolve to adopt the Officer's recommendation, as set out in the body of the memo to the Shire President and Councillors, entitled "Update Report. Confidential Agenda Item 18.1. Wittenoom Asbestos Litigation" and dated 15 October 2013.**

**CARRIED 8/0**  
**Crs White, Rumble, Dias, Fernandez, Shields, Thomas, Foster and Eyre voted for the motion**

**Reason for change of Recommendation:**

A case has progressed to a point where a decision is required.

**MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013**

Cr Dias left the meeting at 2.22 pm.

**18.2 CONFIDENTIAL ITEM - PROPOSED TRANSFER AND CHANGE OF LICENCE AGREEMENT OVER BODYLINE GYMNASIUM TOM PRICE - PORTION OF RESERVE R40835**

**MINUTE:** 11685

**FILE REFERENCE:** AS.LE.182

**AUTHOR'S NAME AND POSITION:** Mabel Gough  
Facilities Manager

**NAME OF APPLICANT/RESPONDENT:** Tony and Kim Bloem

**DATE REPORT WRITTEN:** 27 September 2013

**DISCLOSURE OF FINANCIAL INTEREST:** The author has no financial interest in the proposal.

**PREVIOUS MEETING REFERENCE:**

- Agenda Item 11.2 (Minute 11636) Ordinary Council Meeting 18 September 2013
- Agenda Item 11.06.05 Ordinary Council Meeting 16 June 2010
- Agenda Item 15.10.113 Ordinary Council Meeting 19 October 2004
- Confidential Agenda Item 15.09.90 Ordinary Meeting of Council 15 July 2003
- Agenda Item 8.05.164 Ordinary Meeting of Council 16 May 2000

Please refer to Confidential Item Attachment under separate cover.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 OCTOBER 2013

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr L Shields

**That Council:**

1. Delegates authority to the Chief Executive Officer to negotiate a lease and then to advertise the proposed disposition of a council building for public comment as required by Section 3.58 of the Local Government Act 1995, with any objections being referred back to Council for its consideration.
2. If there are no objections received from the advertising period, authorise the Shire President and Chief Executive Officer to affix the common seal of the Shire of Ashburton to the Commercial Lease agreement.
3. Reconsiders this matter if an agreed lease fee cannot be negotiated.

**CARRIED 7/0**

**Crs White, Rumble, Fernandez, Shields, Thomas, Foster and Eyre voted for the motion**

### Council Decision

**MOVED:** Cr L Thomas

**SECONDED:** Cr I Dias

**That Council re-open the meeting to the public at 2:27pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 7/0**

**Crs White, Rumble, Fernandez, Shields, Thomas, Foster and Eyre voted for the motion**

**Members from the public gallery re-entered the room at 2.27 pm.**

**Cr Dias entered the meeting at 2.27 pm.**

### **19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 20 November 2013, at the Ashburton Hall, Ashburton Avenue Paraburdoo, commencing at 1.00 pm.

### **20. CLOSURE OF MEETING**

The Shire President closed the meeting closed at 2.30 pm.