

SHIRE OF ASHBURTON
ORDINARY COUNCIL MEETING
MINUTES

**RM Forrest Memorial Hall, Second Avenue,
Onslow**

15 August 2012

MINUTES - ORDINARY MEETING OF COUNCIL 15 AUGUST 2012

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 15 August 2012 at RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.09 pm.

2. **ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Michael Klvac, Approvals and Land Access Manager, Iron Ore Holdings, residents and tourists from the Onslow Caravan Park and members of the public to the public gallery.

3. **ATTENDANCE**

3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr J Breen	Chief Executive Officer
Mr F Ludovico	Executive Manager, Corporate Services
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr G Brayford	Executive Manager, Technical Services
Ms D Wilkes	Executive Manager, Community Development
Mr R Paull	Principal Town Planner
Mrs J Brayford	CEO & Councillor Support Officer
Miss Kaylani Cortesi	CEO & Councillor Support Officer

3.2 **APOLOGIES**

Ms F Keneally	Executive Manager, Operations
Cr Lisa Shields	Tom Price Ward

3.3 **APPROVED LEAVE OF ABSENCE**

There was no Leave of Absence for this meeting.

4. **QUESTION TIME**

Frank Ludovico left the meeting at 1.18 pm.

Frank Ludovico re-entered the meeting at 1.29 pm.

4.1 **PUBLIC QUESTION TIME**

At the Ordinary Meeting of Council held on 15 August 2012, the following questions were taken on notice and a written response will be provided.

Ann Dunn, on behalf of Onslow Ocean View Caravan Park residence tabled the following questions.

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Q1. As long term tourist to Onslow we have been enjoying your hospitality over many years.

We enjoy the lifestyle that Onslow has provided us.

We would like to continue. And in view of this we would like to ask the following questions.

- 1. What proportion of sites at the Ocean View Caravan Park will be allocated to:
a) Workers?
b) Long Stay Tourists?
c) Casual Tourists?**
- 2. Will consideration be given to long stay tourists who have been coming for up to 25 years will they be allocated the same sites next year?**
- 3. When will we be advised of the policy so that we can make a booking?**
- 4. Over the past 3 years the prices have more than doubled. Will this trend continue?**

Geoff Herbert tabled the following questions.

- Q2. 1. Is the shire going to go into competition with local business in any other areas?
2. How much is it going to cost the shire to upgrade the caravan park?
3. When do we anticipate to have a return on this investment?**

Kimberley Eaton tabled the following question.

- Q3. Grease trap issue what is going on? Need answer now or business will be closed down!!!**

Cameron McGurk tabled the following questions.

- Q4. My question directed at the shire CEO Mr Jeff Breen. With regards to the free to air TV digital switch over in Onslow.**

At the February council meeting the two options the shire submitted to the councillors to votes on were:

- A. Turn off the towns tower and opt Onslow into the satellite subsidy scheme (SSS) thus receiving the viewer access television service known as VAST.**

Or

- B. Upgrade the town's tower to digital and transmit the VAST signal to the community.**

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Why then in your letter to the editor of the Onslow Times June edition did you state the two options for digital upgrade were?

A. Switch to the new VAST service

Or

B. Upgrade the shelf-help remote transmission tower.

These are not the options you gave the councillors.

Why do you also state in the same letter that opting into the SSS will also offer more channels than if the shire was to retransmit? It is the same VAST signal whether it be transmitted from the broadcast tower or received directly into homes via satellite. It has the same number of channels available and the same picture qualities. At an annual broadcast licensing fee of \$40 per channel surely the licensing cost is not the reason the shire would choose not to broadcast all VAST channels.

Given that the shire states that they are doing this for good of the community, why are they intentionally feeding Onslow residents miss truths to sell them on the idea?

Will the shire print a correction in the next Onslow times telling residents that they also have the option to transmit the VAST signal if the tower is upgraded to digital?

Robyn and Tony Richardson tabled the following question via email.

Q5. *“Good morning Jeffrey, Fiona and Kerry in your varying capacities within the Ashburton Shire Council.*

We own and live on Mount Florance Station which is approximately 90 km from Wittenoom on the Wittenoom-Roebourne road. As I have indicated to shire reps in the past the traffic has increased considerably on this road over the last two years but nothing as consistently and damaging as the sand trucks that are carting to the Solomon expansion project on the southern end of our property. They go through early in the morning six days a week and return later in the day. The numbers of trucks vary. The damage to the road since they started has been considerable – dust holes where the surface has broken up completely and terrible corrugations. People other than us who are familiar with the road say that it is the worst they have ever seen it. We would totally agree. Apart from one grade, no other work/maintenance has been undertaken. As you can see from the email below, sent today to FMG regarding the matter, we have indicated in that we would like the Shire to liaise with FMG regarding this road to enable repairs to occur and a greater level of ongoing maintenance while the usage continues.

The grader was last on this section of road (railway crossing to the Fortescue valley road) in mid to late April. The sand trucks were on the move then. We later saw the grader on the Millstream section

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(between the crossings) but it didn't continue up through here. This has happened many times in the past but it needs to stop. The whole road needs maintaining not just one section. In addition, as our homestead and campground is less than a kilometre from the road we get deluged with the dust, particularly on days when the easterly is blowing. On these cool to cold mornings the dust hangs in the air for up to an hour. That is then the case all along the road. It would be helpful for us especially if a water truck could be made available to keep this road damp and lessen the impact of the dust in this area.

Furthermore, the bitumen on the Fortescue river crossings, both on the Mulga Downs loop and the Fortescue Valley road took a hammering through and after the rains with the machinery and heavy traffic continuing to go over them. We have lived here since 1974 and seen the Mulga bitumen under water many times but it has not in the past sustained the damage that has occurred this year. It is a similar situation with the Fortescue Valley Rd crossing. That was completed in 1996 and has been underwater for many weeks following heavy, consistent rain events on at least three other occasions separate to the last summer rains and has never suffered the damage as has happened this time. We have no doubt it was due to the heavy vehicle and machinery traffic from the construction camp in the area from the construction camp in the area going to Solomon. The big hole in the middle of the crossing is quite dangerous and had still not been repaired or even sign posted. It is a miracle no one has been hurt there. These repairs need to be included in the discussions with FMG. If nothing is done and heavy rains occur again before repairs are completed we could lose the crossing.

On another matter, earlier this year I wrote to the shire regarding the two grids either side of the homestead. Neither have been maintained over the years but the one to the north is still in place and visible. It was to be replaced but we are still waiting for this to happen despite being told that a couple of months ago that it was to be done early in the 'next financial year'. We would like this to be done as soon as possible. The other grid to the south was one that we requested be left many years ago when several old grids were removed along the road through our lease. However it was never maintained by the council and is now buried under the road surface. We would like this grid re-instated as we pointed out in our previous correspondence. We have had no satisfactory response on this matter to this date.

Would like the matters raised to be progressed asap please.

*From: Robyn and Tony Richardson
Subject: Sand Trucks*

Have had enough of the two sand trucks going through 6 days a week, twice a day. At the moment once again there is no wind and we get covered in dust every morning which hangs in the cool air for at least an hour. This road is continuing to deteriorate at a rapid rate which started with the sand trucks commencing. We know that other trucks and vehicles use the road now but nothing as consistently and relentlessly as the sand trucks. The mailman came out early this

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morning and found vision in the dust caused considerable problems. Having been caught behind one myself I know exactly what he meant. Other people are talking about the poor condition of the road, particularly when they turn on to the Roebourne - Wittenoom road. As we have to use the road all time we are suffering damage to our vehicles, which will only increase.

Can you find out how much longer this is going to go on please? We would like FMG to liaise with the Shire of Ashburton regarding repairs to the road and a higher level of maintenance on it while this level of traffic continues. As it stands at this stage, construction will finish, our road will be destroyed and nothing will be done to repair it. We will be left with the mess.

I will be forwarding a copy of this email to the Shire of Ashburton”

Mercedes Fox, from SAFE Tom Price, tabled the following question.

Q6. What can the shire do in educating dog owners on importance of firstly registering their dogs as requested by law?

2nd importantly vaccinations for their pets including cats but especially dogs, in relation to ‘parvo virus’ particular – another outbreak in Paraburdoo – Only matter of time to reach Tom Price.

It’s no good just putting info in.

Cr Fernandez tabled the following question.

Q7. When is the dogs exercises park will be officially open.

Can shire give me a proposal draft date, so we SAFE Tom Price and IBN Corporation and Vet clinic get together I plan some activities for this celebration.

Leonie Manns tabled the following question.

Q8. RE: Dogs on ovals

- 1. What is the shire going to do about the dog’s poeing in the ovals. As this is a sports area and kids play grounds?**
- 2. Could there be a designated area where people could take their dogs?**
- 3. Can we have some urgent action on this?**

Steele McDermott tabled the following question.

Q9. In March this year I attended a council meeting to ask about the delays in the Paraburdoo sports centre, it’s been almost 6 months and still haven’t heard anything. Nothing is made public knowledge. I have been a resident of Paraburdoo for 8 years and I have played for the Saints football club the entire time, being luck to be the current

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games leader of games played this delays is frustrating as I would like to be able to use the planned facilities before my playing career is over, after using substandard change rooms for many seasons.

Cr Dias tabled the following question.

Q10. Can Meeka Park be officially named Paraburdoo Train Park and secondly in all Shire documentation Peter Sutherland oval be referred to by its name rather than the unofficial name "Top Oval".

Pete Backalley and Peter Kalalo JP tabled the following question.

Q11. The pensioners living in the units on Second Avenue would like to request that the shire put a concrete pathway with steps and/or ramp to the beach at the front of the units. Many of the residents enjoy fishing, but find it difficult to access the beach.

We realise there is going to be upgrades to this area in the Onslow town site in the future and believe that this would only be a small extension of the plan for this to happen.

As we get older we have very few activities that we can enjoy and would appreciate the council's consideration in this matter.

Cr Eyre Tabled the following question.

Q12. The public have been asking are Chevron/Bechtel going to close Twitchen to Old Onslow Road.

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 15 August 2012, the following questions were taken on notice and a written response will be provided.

Sue Stump tabled the following correspondence on behalf of Lestok Tours.

Q1. *"Lestok Tours does not support the new location proposed by the Shire, in the car park alongside the bakery fence. Nor do we support relocating the bus stop to Central Road outside the Visitor Centre.*

Both locations are being used by other long, heavy and light vehicles and no amount of signage has stopped this happening and we do not want our Lestok drivers to be fighting for space each time we require loading and unloading of passengers.

Weekly we currently have 17 buses in the morning and the same number in the afternoon transporting passengers. These buses often arrive and depart at the same time and space at the two proposed locations would be an issue. Our existing location would allow for two buses to be there at the same time without parking issues.

Should there be another vehicle parked in our bay what would you suggest we do? Either double park, even more of a safety issue, or push them out of the way.

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Access is required to both sides of the bus to load and unload passenger luggage and freight. We don't believe this will be safe to do at either of the two proposed locations.

Neither of the proposed locations allows us to conduct our business effectively as we have done for the last 25 years.

We consider the two new locations to be unsafe and intend to continue loading and unloading our passengers at the current location in the car park at the rear the Chinese Restaurant. We intend to park parallel to the former grassed area with passengers boarding and alighting on the grassed area side of the bus.

This gives passengers a safe location to wait under shelter from the sun or inclement weather in front of the restaurant which is not open during bus times.

It also allows passengers to be collected from the bus without those people collecting them to be looking for parking in an already congested car park.

I urge councillors to consider our suggestions in a favourable manner when addressing this agenda."

Response

The Tom Price airport bus stop was listed on Councils agenda for discussion at its meeting of 18 July 2012. The Shire President would like to thank you for taking the time to make a presentation on this item at that meeting.

Council decided:

1. To agree to the airport bus stop remaining in its current location; and
2. That further discussion with Lestok Tours occur to negotiate a permanent location.

Accordingly you are advised that you may continue to use the car park adjacent to the Chinese restaurant for the present time. We will now seek to arrange a suitable meeting time so that the long term arrangements can be discussed.

As background to those discussions however I would like to advise that the Shire has been considering a number of different uses for the Council car park you are currently using. The long term identification of this particular site for the airport bus stop is unlikely to fall into the eventual strategy that may be adopted.

The development of the village green site can be expected to increase the demand for parking, which will either make this site unavailable for a bus stop, and or make it as congested as Muzzy's car park is claimed to be at this stage.

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If the site that was identified and built in the Town Centre Revitalisation Project in Muzzy's car park is not acceptable it may be necessary to identify a completely new site. In doing so we will need to more formally understand the needs of Lestok Bus Services to provide access to both sides of the bus. If this is the case then clearly an off road bus interchange will be required rather than a bus stop within or adjoining a road reserve. We are not aware of this type of access being currently used at the Paraburdoo Airport, but if this is the need this can be part of those future discussions.

I will arrange a meeting within the next few weeks.

Binnie Dwyer Senior Occupational Therapist, Government of Western Australia Department of Health, Pilbara Population Health – West tabled the following questions.

Q2a. When will the front car park (Coles) be completed?

This car park has a high through put of individuals with disabled parking permits (ACCROD); locals and tourists, it is of great concern that the 2 designated disabled parks are not completed to standard and that numerous able bodied individuals are using these parks.

Q2b. The rear car park (Muzzy's) when will this space be completed?

I understand that this car park needs to be resurfaced as was scheduled to have this start on 20 May 2012. When is this going to be completed so that disabled parking can be completed in this car park to standard?

Response

The disabled bays are in place but there is some additional line marking to be performed so that they are more useable in gaining access to the site. The central bollard between the two bays has yet to be installed. This is expected to occur in the next two weeks.

These bays have been marked with the disabled symbol, but the line marking is very light and needs to be strengthened in the background, symbol colours and symbol size. This will also be done within the next two weeks.

Upright signs will not be installed at this stage in these locations, but the improved colour markings should clarify the situation for the people who are parking improperly in these bays. If the Muzzy's car park situation does not improve signs will be reconsidered in the near future. It will not be practical to install signs in the Coles car park.

Some additional wheel stops will be installed in the disabled spots in the Muzzy's car park as requested.

Q2c. The car park across from the Shire, at the pool have recently been repainted and not to the correct Disabled Parking Standard (AS/NZS 2890.6:2009), will this will be rectified and within what time frame?

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Response

These bays have been remarked, but not modernised to the new standard. The line marking is light and we will improve its shade so that it is more visible. It will be relatively easy to widen these bays to the new standard and this will be undertaken.

In contrast the remarking of the disabled bays opposite the Shire building will be left as they are at this stage. Adjusting these bays to the new standard would be a major undertaking at this stage and would require a complete review all of the marked bays. These parking spots are expected to be re-arranged within the next two years when additional road works will be considered and it is at this stage that they will be reformatted to the new standard.

Q2d. Curbs and Pathways around Tom Price

Within the town of Tom Price there are several curbs and pathways that are in a state of disrepair. This is a great concern due to the safety issues that arise from this. The pathways and curbs are used by all members of this town (not just the disabled) and need to be addressed for safety reasons. Here is a list of some of the issues:

- Problems with the angle of kerbs
- Uneven entry to/from the footpaths to roads
- Misalignment of footpaths to ramp entry
- Curb presented show no level access

To help identify issues photos examples of the following areas were presented to the Shire President:

a) Corner of YURAGA

There is no level access between the road and the footpath. There is broken road at some point of entry/exit making a smooth transition difficult. Footpath width onto road is very narrow – Is there a reason for this?

b) Corners of CARINGAL

Uneven road surface between road and footpath. Bitumen is not a smooth transition to curb area. State of road that is the direct path to cross is in poor state.

c) Corner of SIRUS

Uneven surface between curb and bitumen

d) Corners of GUNGARRI

Access point is not level to footpath – understand due to visual issues with traffic; however the curb does not offer level access from footpath to road on both sides.

e) Corners of CERON

There is a footpath around the corners but there is again smooth gradient to enable level access

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- f) **End of COOLLAROO**
This pathway enters straight into the cul-de-sac of Coolaroo Street. This is not safe for people to walk straight onto a road and with the current concrete ramp, is not appropriate for a safe transition from footpath to the road.
- g) **End of PILKENA**
This pathway has loose gravel/dirt at the end which then enters the cul-de-sac of Pilkena. The 'ramp' that has been cemented in place is not appropriately aligned to the footpath and at a sharp entry.
- h) **End of ALGONA**
This footpath enters straight into the cul-de-sac of Algona. This little cement 'ramp' is very narrow and offset to the footpath.
- i) **Corners of CARPARK by WORKPAC**
There is a really nice new footpath created on the Westpac side of the entry but is not level to the road and the opposite side there is a significant step up from the road/driveway onto the footpath.

These are just some of the examples I have found around the town which present issues for people riding their bikes, walking their dogs, general foot traffic and are a significant hindrance to people with disabilities who want to access areas within Tom Price. In combination with the lack of lighting around Tom Price this heightens the safety concerns for the uneven surfaces that are within the town.

Therefore my questions are:

1. With the town upgrades' happening is there a planned review of footpaths and curbs occurring?
2. If not why not?
3. Will the issues (as stated above and in the photos) that are presented today be able to be reviewed and rectified/updated?
4. What is the Shire's policy for street lighting as there are several streets with no lighting what so ever.

Response

Kerbs and footpaths in Tom Price

You also provided a list and accompanying photographs of poor footpaths and access ramps.

Many of these are old and in obvious need for upgrade and/or replacement. Some are located adjacent to new subdivision work and reinstatement is not yet complete, whilst two are related to the town centre upgrade where the contractor allowed for an asphalt re-sheet which has not yet occurred.

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Some immediate repairs and replacement works can be organised to some of these crossings, whilst others will need to wait for the availability of asphalt in town.

a) Yuraga St

b) Caringal St

These are part of a service reinstatement following the subdivision at Yarunga and Warara Sts. Urgent reinstatement will be requested to restore the crossing utility.

b) Sirius Street

An asphalt overlay has lifted the road above the kerb level of the pavement, in part. In the scheme of things this is not desirable, but is not easily corrected, and not an uncommon problem in most municipalities where asphalt overlays have occurred. We will attempt to do some minor corrections, but the problem does not justify a major reconstruction of the kerb and footpath, or re-profiling of the road surface.

c) Gungarri St

This is significantly non compliant and an appropriate access ramp will be constructed within this year's maintenance schedule. Priority 1.

e) Ceron St

An old transition and not a fully compliant with modern standards. An improved access will be constructed within available maintenance funds this year. Priority 2.

f) Coolaroo.St

Not acceptable and an access ramp will be constructed. – Priority 1

g) Pilkena St.

Not acceptable and an access ramp will be constructed. – Priority 1

h) Algona St

Not acceptable and an access ramp will be constructed. – Priority 1

i) WorkPac Car Park

These are new crossings constructed in the town centre upgrade. The contractor allowed for an asphalt overlay in setting the levels, but this has not taken place as the car park is private property. The Shire will feather out this step when we next have asphalt available in town.

The Shire, like most municipalities has a reasonably extensive footpath asset, many of which were built to a different standard than currently expected. Our asset management system is maturing whereby we can identify all the deficiencies from the current standards It will take time to correct all the known deficiencies but we can make a start on those that you have brought to our attention. Monitoring of conditions and corrective actions will progressively become a larger part of the asset management program.

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Street lighting has been a contentious issue for some years, principally because there has been a jurisdictional anomaly concerning responsibility in the towns of Paraburdoo and Tom Price, originating from when these towns were "normalised".

Rio Tinto and the Shire have been working together to restructure the responsibilities whereby street lighting is provided in the same way as the rest of the state. That would require that the Shire pay a lamp fee per annum after which the utility would maintain the service. The agreement is nearing completion with Rio Tinto currently mapping and quantifying the existing assets.

The Shire has, in the draft budget not yet adopted, an amount of \$150,000 to provide new street lighting lamps.

May I thank you for the time and interest you have shown in identifying these features and bringing them to our attention. The list will be passed onto our operations department so the corrections can be put into our maintenance and improvement programme.

As requested discussions have taken place with our Media & Communications Manager to organise a special feature in an upcoming Ashburton News to highlight the need for drivers to be aware of the disabled parking bays and avoid them if they do not have a disabled parking sticker on their car.

Cr Fernandez tabled the following question

Q3. Can Shire tell me how much money was received from Department of Health to serve the Aboriginal Communities?

- **Since when to do what?**
- **What has been done?**
- **Can I have a dot point report?**
- **Do we have a working plan to develop during the year?**
- **Can I have a copy?**

Funding was managed in the past by Pilbara Meta Maya (PMM).

Response

The Shire received, in the 11/12 financial year \$167,432 for an aboriginal health officer. This type of grant has been received since the financial year 07/08.

This grant is wholly expended on employing the officer, and includes salaries, housing, motor vehicle, printing and stationary, depreciation, insurance etc. An amount of \$13,000 was available for special projects.

The program objectives are to ensure services are available and to provide support and liaison services with service providers. The task is not to provide direct services.

No additional funds have been received from any source that would enable the Shire to directly deliver any service to these communities, other than support services. There does appear to be a view within the community,

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and / or Pilbara Meta Maya that the Shire can now fund services provided by PMM, but this is not the case.

Cr Dias tabled the following question on behalf of Kelly Stevenson.

Q4. Is there a chance that street lights and footpaths can be put on streets? In Bruce Ave the cars come down the street rather fast and there are a lot of kids and parents that walk down there.

There are kids on the street walking, playing or riding their bikes and paths and lights would make it so much safer.

It would also be great if some existing paths could be fixed, especially some of the slopes on Ashburton, as they seem very dangerous.

Response

Thank you for your questions raised at the Council meeting of the 18 July, 2012.

Footpaths

The Shire, like most municipalities have an reasonably extensive footpath asset, many of which were built to a different standard then currently expected. Our asset management system is maturing whereby we can identify all the deficiencies from the current standards It will take time to correct all the known deficiencies. Monitoring of conditions and corrective actions will progressively become a larger part of the asset management program. The Shire does have an allocation for additional footpaths in Paraburdoo. Construction is however delayed pending the acquittal of previous grants that must be completed in allocation order. We do expect to be able to move forward on these footpaths in the coming year, but we cannot be more explicit on the date at this stage.

Street Lighting

Street lighting has been a contentious issue for some years, principally because there has been a jurisdictional anomaly concerning responsibility in the towns of Paraburdoo and Tom Price, originating from when these towns were "normalised". Rio Tinto and the Shire have been working together to restructure the responsibilities whereby street lighting is provided in the same way as the rest of the state. That would require that the Shire pay a lamp fee per annum after which the utility would maintain the service. The agreement is nearing completion with Rio Tinto currently mapping and quantifying the existing assets. The Shire has, in the draft budget not yet adopted, an amount of \$150,000 to provide new street lighting lamps.

Thank you for your time and interest you have put into identifying these features and bringing them to our attention.

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Cr Dias tabled the following question on behalf of Rene Solomon

- Q5. Is there any chance the Shire would consider lengthening the chains on the swings at the train park?**

It would really give the kids a chance to be more independent. They seem too high for kids at the moment.

Response

A playground inspector has assessed the swings in a Meeka Park in Paraburdoo, and they confirmed that it was possible to lower them to allow for easier access for children.

Extra chain has been ordered and the swings should be lowered before the end of August 2012.

Cr Foster tabled the following questions on behalf of Elisa Etienne.

- Q6a. Some time ago it was asked what the latest information was relating to the Tom Price Revitalisation Projects, particularly the schedule of works in Tom Price town centre.**

Just visited the Shire of Ashburton website and the most current information was dated 22 August 2011; the town centre plans were dated 25 November 2010.

I would like to know if the information on the website will be updated so that the community can see exactly what is happening and what is due to be completed next.

I would also like to see on the Shire of Ashburton website plans relating to the works commencing at the Tom Price Skate Park and also Clem Thompson Oval so that the community can see what the finished product will look like.

Response

Following the completion of Stage 1 of the Town Centre Revitalisation Project (upgrade of mall) planning and feasibility studies are being undertaken to commence Stage 2. The proposed retail and commercial development at Lot 2 Stadium Road, known as 'Village Green', will provide much needed retail and commercial floor space in the Tom Price town centre. It will also offer tavern/cafe facilities, a new administration centre for the Shire of Ashburton, medical facilities and a grassed amphitheatre with large digital screen. Studies are underway to identify funding options for the development, car parking requirements and potential investors. It is envisaged these studies will be completed by the end of September to determine how and when the development can commence.

Plans of the Tom Price Skate Park and Clem Thompson Oval will be available on the Ashburton Website prior to the 15 August Ordinary Meeting of Council.

- Q6b. As Tom Price and Paraburdoo have ongoing issues with the supply of fuel and Shell (Coles Express) are unable to act on a resolution to this**

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issue, over the past few years, can the Shire investigate with the relevant governing bodies to obtain another permit for another provider in Tom Price.

I have been in contact with the Coles Express / Shell Regional Manager regarding the fuel shortages on several occasions over the years and still the shortage concern hasn't been resolved.

The community will benefit in more ways than one having competition in both towns. As the Census states indicate, the population has increased, not to mention the increase in FIFO workers.

Could the Shire of Ashburton please act on this situation?

Response

The Shire has consistently and actively addressed the issue of fuel shortage in Tom Price and Paraburdoo with Shell over the past 6 years.

This has resulted in an extra tank being installed in Tom Price. Whilst shortages have still occurred Shell is confident that the issue can be resolved.

The Shire would assist another provider to establish in Tom Price within its capabilities. However the establishment of a further provider (Caltex operates from the Light Industrial Area) is a purely commercial decision which the Shire has no influence over.

5. APPLICATIONS FOR LEAVE OF ABSENCE

No applications for Leave of Absence were received.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

A petition was presented to Council from the residents of Onslow regarding issues surrounding the Digital TV Switchover.

6.2 DEPUTATIONS

There were no deputations presented to Council.

6.3 PRESENTATIONS

Michael Klvac, Approvals and Land Access Manager gave a presentation to Council on the Buckland Hills Project prior to Agenda Item 11.4.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2012

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That the Minutes of the Ordinary Meeting of Council held on 18 July 2012, as previously circulated on 26 July 2012, be confirmed as a true and accurate record with the following inclusion of the following comment immediately preceding item 16.4:

“Cr Eyre indicated that she was upset that all the items of New Business of an Urgent Nature could not be dealt with at the meeting”.

VOTE 4/4
Shire President exercised her casting vote 5/4
CARRIED

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President thanked Geoff and Jackie Brayford for their contribution to the Shire and welcomed Kaylani Cortesi.

9. DECLARATION BY MEMBERS

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

The Shire President commented that while she had read the contents of the agenda she had limited time to read the attachments.

9.1 DECLARATION OF INTEREST

Councillors to Note

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

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

or;

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

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

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

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

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NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

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10. CHIEF EXECUTIVE OFFICER REPORTS

There were no Chief Executive reports for this meeting.

11. CORPORATE SERVICES REPORTS

11.1 SHIRE OF ASHBURTON CEMETERIES LOCAL LAWS 2012

MINUTE: 11253

FILE REFERENCE: LE.LL.04.00

AUTHOR'S NAME AND POSITION: Leanne Lind
Project Officer (Local Laws)

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 August 2012

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 Ordinary Meeting of Council 18 July 2012
Minutes Number 11229

Summary

Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

Background

The existing local law was gazetted on 17 July 1998 with the primary objective of providing rules and guidelines for control and management of Cemeteries within the Shire.

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws.

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 7 April 2012 with a closing date for submissions of 18 May 2012. No submissions were received. Following this, at the Council Meeting on 18 July, 2012 approval was given to proceed to repeal and replace the current Local Law under this review process.

ATTACHMENT 11.1A

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Comment

The purpose of the local law is 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.

The effect of the local law is 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.

The Minister for Local Government has carriage of the Cemeteries Act and recently engaged the Department of Local Government in a review of the Cemeteries Local Law. The review led to changes of a technical drafting and content nature, and this amended Local Law is presented to Council for adoption.

ATTACHMENT 11.1B

Consultation

Administration Manager
Manager Governance, WALGA
DL Consulting

Statutory Environment

Section 3.12 of the *Local Government Act 1995* specifies the procedures to be followed when making a local law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
 - (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
 - (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

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- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed to make a local law* that is not significantly different from what was proposed.*

***Absolute majority required.**

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
- (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to the local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them*
- (8) *In this section –*
making *in relation to a local law, includes to amend the text of, or repeal, a local law.*

Cemeteries Act 1986

Financial Implications

Advertising costs of approximately \$600 associated with statewide advertising.

Strategic Implications

Strategic Plan 2007-2011

Strategic objective is a well managed and contemporary corporation.

Policy Implications

There are no policy implications associated with this time at this point in time.

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council pursuant to the Cemeteries Act 1986, give Statewide public notice that it intends to make the Shire of Ashburton Cemetery Local Law 2012, as contained in the Attachment (11.1B).

CARRIED BY ABSOLUTE MAJORITY 7/1

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11.2 SHIRE OF ASHBURTON (COUNCIL MEETINGS) LOCAL LAW 2012

MINUTE: 11254

FILE REFERENCE: LE.LL.10.00

AUTHOR'S NAME AND POSITION: Leanne Lind
Project Officer (Local Laws)

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 August 2012

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 Ordinary Meeting of Council 18 July 2012
Minute Number 11229

Summary

Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

The Shire of Ashburton (Council Meetings) Local Law 2012 formally referred to as Standing Orders, are a key component of how the Council conducts its business at a political and officer level. Standing Orders regulate how business is carried out at committee meetings. The Standing Orders are subsidiary legislation to the Act and are considered enforceable procedures.

Background

This Local Law was adopted on 20 January 1998 and Gazetted on 9 March 1998, with the primary objective of providing rules and guidelines which apply to the conduct of meetings of Council and council committees convened under the provisions of the LGA. In its current format this local law contains inconsistencies with the LGA and therefore requires change.

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws.

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required

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by section 3.12(3), for a minimum period of 42 days. The review was advertised on 7 April 2012 with a closing date for submissions of 18 May 2012. No submissions were received. Following this, at the Council Meeting on 18 July, 2012 approval was given to proceed to repeal and replace the current Local Law under this review process.

ATTACHMENT 11.2A

Comment

The purpose of the Local Law is to provide procedures which apply to the conduct of meetings of the Council, its committees and to meetings of electors.

The effect of the Local Law is to control the operation of Council, committee and electors meetings.

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. To comply with the provisions of section 3.12 of the LGA, when proposing to make a local law, the Presiding Person is required to give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered. This is achieved by:

- (a) Ensuring that the purpose and effect of the local law is included in the agenda for that meeting; and
- (b) By ensuring that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

ATTACHMENT 11.2B

Consultation

Executive Manager, Corporate Services
Administration Manager, Corporate Services
Manager Governance, WALGA
DL Consulting

Statutory Environment

Section 3.12 of the *LGA 1995* specifies the procedures to be followed when making a local law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after*

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the notice is given;

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
 - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
 - (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed to make a local law* that is not significantly different from what was proposed.*
- *Absolute majority required.**
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) stating the title of the local law;*
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.*
 - (7) The Minister may give directions to the local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them*
 - (8) In this section –*
making *in relation to a local law, includes to amend the text of, or repeal, a local law.*

Financial Implications

Advertising costs of approximately \$600 associated with Statewide advertising.

Strategic Implications

Strategic Plan 2007-2011.

Strategic objective is for a well managed and contemporary corporation.

Policy Implications

Procedural documentation derived from the introduction of this Local Law will be presented to Council in the future.

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Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr I Dias

That Council gives Statewide public notice that it intends to make the Shire of Ashburton (Council Meetings) Local Law 2012, as contained in the Attachment (11.2B).

CARRIED BY ABSOLUTE MAJORITY 7/1

Cr Wright left the meeting at 1.52 pm.

Cr Wright re-entered the meeting at 1.53 pm.

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11.3 SHIRE OF ASHBURTON DOGS LOCAL LAW 2012

MINUTE: 11255

FILE REFERENCE: LE.LL.05.00

AUTHOR'S NAME AND POSITION: Leanne Lind
Project Officer (Local Laws)

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 August 2012

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 Ordinary Meeting of Council 18 July 2012
Minute Number 11229

Summary

Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

The Minister for Local Government announced on 6 June 2012 that a review of the Dog Act 1976 will take place with a Bill to be taken to Parliament before the end of this year. The new Dog Act has not been introduced to date and the staff recommends adopting a new Dogs Local Law in the interim. A review of this Local Law will take place when the new Dog Act is introduced.

Background

The current Dogs Local Law was gazetted on 3 June 1998 and based on a dated version of the WALGA Local Laws model.

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws.

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 7 April 2012 with a closing date for submissions of 18 May 2012. No submissions were received. Following this, at the Council Meeting on 18 July, 2012 approval was given to proceed to repeal and replace the current Local Law under this review process.

ATTACHMENT 11.3A

Comment

The purpose of the Local Law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

The effect of the Local Law is to extend the controls over dogs which exist under the Dog Act 1976. The proposed Dogs Local Law contains townsite maps and reserve numbers which clearly define the dog exercise areas.

Even with the pending introduction of the new Dog Act, the Senior Ranger recommended that the review of the current Dogs Local Law be undertaken to ensure that the prescribed dog off-lead exercise areas were gazetted in the immediate future.

ATTACHMENT 11.3B

Consultation

Senior Ranger/Supervisor Emergency Services, Shire of Ashburton
Manager Governance, WALGA

DL Consulting

Amanda O'Halloran Executive Manager, Strategic & Economic Development
Deb Wilkes Executive Manager, Community Development

Statutory Environment

Section 3.12 of the *Local Government Act 1995* specifies the procedures to be followed when making a local law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

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- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed to make a local law* that is not significantly different from what was proposed.*

***Absolute majority required.**

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to the local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them*
- (8) *In this section –*
making *in relation to a local law, includes to amend the text of, or repeal, a local law.*

Dog Act 1976

Financial Implications

Advertising costs of approximately \$600 associated with statewide advertising.

Strategic Implications

Strategic Plan 2007-2011.

Strategic objective is a well managed and contemporary corporation.

Policy Implications

There is no policy implications associated with this item at this point in time.

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Voting Requirement

Absolute Majority Required.

Council acknowledged the receipt of amended Attachment 11.3B.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

That Council:

Pursuant to Dog Act 1976, give Statewide public notice that it intends to make the Shire of Ashburton Dogs Local Law 2012, as contained in the Attachment (11.3B).

CARRIED BY ABSOLUTE MAJORITY 8/0

Cr Rumble left the meeting at 2.10 pm.

Cr Rumble re-entered the meeting at 2.13 pm.

Michael Klvac entered the meeting at 2.15 pm.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Rumble

That Council adjourn for a break at 2.16 pm

CARRIED 8/0

Council Decision

MOVED: Cr I Dias

SECONDED: Cr D Wright

That Council reconvene from the break at 2.24 pm.

CARRIED 8/0

Frank Ludovico left the meeting at 2.25 pm.

Frank Ludovico re-entered the meeting at 2.26 pm.

Michael Klvac gave a presentation to council on Buckland Hills Project.

Michael Klvac left the meeting at 2.43 pm.

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11.4 RECEIPT OF FINANCIAL AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JUNE AND JULY 2012

MINUTE: 11256

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: 6 August 2012

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:

June 2012

- Statements of Financial Activity and associated statements for the Month of June 2012.

ATTACHMENT 11.4A

July 2012

- Schedule of Accounts paid under delegated authority including
 - Credit Card Statements for Chief Executive Officer, Executive Managers of Engineering Services, Corporate Services, Community Development, Strategic & Economic Development, and Managers of Building Services and Human Resources.

ATTACHMENT 11.4B

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Consultation

Executive Manager Corporate Service
Other Executive managers
A/Finance Manager
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

There are no strategic implications relevant to this issue.

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That Council:

- 1. Receive the Financial Reports for June 2012 and Schedule of Accounts and Credit Card Statements for July 2012.**

CARRIED 8/0

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Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 11.5 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr White has shares in the company which is making a financial contribution to Council Projects.

Cr White left the room at 3.05 pm.

Cr Rumble took the Chair.

It was report the financial contribution by the company was pursuant to agreement made with the WA State Government.

The Executive Manage Corporate Services read to the meeting advice from the Department of Local Government on this issue.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

That Council acknowledge the financial interest of Cr White in this matter but consider it to be insignificant and Cr White be allowed to participate and vote in the matters contained in Agenda Item 11.5

CARRIED 6/0

Cr White re-entered the room at 3:07 pm and resumed the Chair.

11.5 TITLE ADOPTION DRAFT ANNUAL BUDGET 2012/2013

MINUTE: 11271

FILE REFERENCE: FI.BU.12.13

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 August 2012

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

PREVIOUS MEETING REFERENCE:

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Summary

The draft Annual Budget for the year ended 30 June 2013 was workshopped by Council at its May and June 2012 Briefing Sessions.

The statutory form of the budget has now been finalised, taking into account Council's input at these workshops. The document is now submitted to Council for formal adoption.

The draft 2012/2013 Annual Budget is attached under separate cover.

Background

The draft 2012/2013 Annual Budget has been compiled based on the principles contained in the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan. The 2012/13 draft Annual Budget has been prepared taking into account the issues workshopped by Council at its May and June 2012 Briefing Sessions.

The proposed differential rates were approved by the Council on 20 June 2012 and advertised for public comment. No submissions were received by 16 July 2012 when the public comment period closed. A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval.

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The Re-valuation of Gross Rental Properties has meant the greater use of differential rating to more equally disburse the rating burden. Council income from rates has increased by 15% to meet the needs of the community and the new functional responsibilities emanating from the Shire's Organisational Review
- The Capital Works program totalling \$64.3 million has been provided for with investment in:
 - Staff Housing with \$480,500 in renewals and \$3.14m in new Assets
 - Tom Price Swimming Pool of \$160,000 for
 - Four Mile Creek Upgrade of \$500,000 for
 - Sporting Precinct Upgrade Onslow \$3.5m for
 - Tom Price Sporting Pavilion of \$4.0m
 - Paraburdoo Town Centre Revitalisation of \$1.0m
 - Tom Price Town Centre Revitalisation \$1.5m
 - Skate Park Tom Price of \$690,000
 - Area W Mater Plan of \$310,000
 - Information Technology of \$545,000

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- Plant & Equipment of \$3.25m
- Onslow Airport Construction \$31.9 m
- Land Development (Tom Price LIA, Tom Price Residential and Onslow Industrial) \$2.0m
- Footpaths (all Towns) \$1.162
- Grant and Contributions income of \$48.7m including
 - Royalties for Regions \$6.32m
 - Federal Assistance Grants \$4.4 (less \$2.49 prepaid in 2012/13)
 - Local Partners (Chevron Australia, BHP Billiton and Rio Tinto Iron Ore) \$36.35m
- Fees and Charges have generally been increased to reflect our costs of providing services.

There has been an expansion in the structure of the fees for other venues to allow for greater flexibility for hirees.

- An amount of \$6,161,158 has been transferred to Reserves and \$ 9,239,000 from Reserves. These transfers recognise movements in Employee Entitlement, Infrastructure, Housing and Property Development Reserves.
- An estimated surplus of \$2.7 million is anticipated to be brought forward from 30 June 2012. However this is unaudited and may change. Any change will be addressed as part of a future budget review.

Consultation

Council and Councillors
Executive Management Group
Officers from relevant functional areas

Statutory Environment

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2012/13 Annual Budget as presented is considered to meet statutory requirements.

Waste Avoidance & Recovery Act 2007 deal with aspects of the budget including rating and fees and charges

Financial Implications

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2013 after carrying out normal operational requirements and an extensive capital program.

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Strategic Implications

The budget has been prepared on the basis of achieving a near normal year of operations and an ambitious capital program while also consolidating the management and operational aspect of the Shire.

The budget has been drafted with regard to the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

As indicated in the Recommendation

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Council Decision

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2012/13

Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Council adopt the Municipal Fund Budget as contained in Attachment 11.5 of this agenda and the minutes, for the Shire of Ashburton for the 2012/13 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of \$ 41,059,673
- Statement of Comprehensive Income by Program on page 3 showing a net result for that year of \$ 41,059,673
- Statement of Cash Flows on page 4
- Rate Setting Statement on page 5 showing an amount required to be raised from rates of \$ 13,309,415
- Notes to and Forming Part of the Budget on pages 6 to 43
- Budget Functional Schedules as detailed in pages 44 to 98

Moved: Cr C Fernandez

Seconded: Cr P Foster

CARRIED BY ABSOLUTE MAJORITY 7/1

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Rate Code	Cents in the Dollar GRV	Cents in the Dollar UV
Residential GRV	3.4369	
Residential Development GRV	3.9650	
Commercial Civic	4.8045	
Tourism	6.0868	
Community	4.0300	
Industrial	2.0950	
UV Pastoral		2.8650
UV Rural/Commercial		31.5500
UV Rural/Industrial		31.5500
UV Rural/Tourism		13.8948
UV Mining Leases		31.5500
Minimum Rate:	\$550.00	

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2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full by instalments:

Option 1
Due Date Fri 28th September 2012

Option 2
1st Instalment Due Fri 28th September 2012
2nd Instalment Due Tue 29th January 2013

Option 3
1st Instalment Due Fri 28th September 2012
2nd Instalment Due Wed 28th November 2012
3rd Instalment Due Tue 29th January 2013
4th Instalment Due Thu 28th March 2013

3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Moved: Cr D Wright

Seconded: Cr P Foster

CARRIED BY ABSOLUTE MAJORITY 7/1

PART C – GENERAL FEES AND CHARGES FOR 2012/13

Pursuant to section 6.16 of the *Local Government Act 1995*, Council adopts the Fees and Charges included at pages 99 to 128 inclusive of the draft 2012/13 Annual Budget included as Attachment 11.5 of this agenda and minutes.

Moved: Cr L Rumble

Seconded: Cr D Wright

CARRIED BY ABSOLUTE MAJORITY 7/1

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PART D – OTHER STATUTORY FEES FOR 2012/13

1. Pursuant to section 53 of the *Cemeteries Act 1986* the Council adopts the Fees and Charges for all Cemeteries in the Shire of Ashburton included at page 107 of the draft 2012/13 Annual Budget included as Attachment 11.5 of this agenda and minutes.
2. Pursuant to section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960* the Council adopts a swimming pool inspection fee of \$13.75 inclusive of GST.
3. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

3.1 Residential Premises (including recycling)

- 240ltr bin per weekly collection \$395pa
- 240ltr bin per weekly collection
Additional bin pick up at time of normal collection \$435pa

3.2 Commercial Premises

- 240ltr bin per weekly collection \$712pa
- 1.1m³ per weekly collection \$1,424pa

Moved: Cr P Foster

Seconded: Cr D Wright

CARRIED 7/1

4. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and section 6.16 of the *Local Government Act 1995* Council adopt the following charges for the deposit of domestic and commercial waste:

- Domestic (private residents: cars, utilities, trailers only) No Charge
- Unsecured Domestic Loads \$10.00/load
- Unsecured Commercial Loads \$20.00/load
- Commercial Bulk Waste delivered to landfill site \$48.00/m³
- Comingled Waste and Recyclable material (including timber & Steel) \$100.00/ m³
- Car and light vehicle tyres \$10.00/tyre
- Truck tyres \$15.00/tyre
- Earthmover tyres by negotiation
- Gas bottles valve intact \$10.00ea
- Waste oil \$0.80/ltr
- Fridges not de-gassed \$20.00ea
- Vehicle batteries \$8.00 per battery
- Asbestos (Double Wrapped) \$48.00 /m³
- Oversized Items By negotiation

- Recyclable materials separated & uncontaminated free
- Car Bodies free
(All oils (including diff oil), fuels and batteries removed)

Moved: Cr P Foster

Seconded: Cr C Fernandez

CARRIED BY ABSOLUTE MAJORITY 7/1

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PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2012/13

1. Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$14,000
Councillors	\$ 7,000

2. Pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual local government allowance for elected members:

Telecommunications Allowance	\$ 300
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3. Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$20,000
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4. Pursuant to section 5.98A of the *Local Government Act 1995* and regulations 33A of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

Deputy President	\$ 5,000
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Moved: Cr P Foster

Seconded: Cr D Wright

CARRIED BY ABSOLUTE MAJORITY 8/0

PART F - ADOPTION OF MATERIAL VARIANCE LEVEL FOR REPORTING

In Accordance with Section 34(5) of the *Local Government (Financial Management) Regulations 1996* adopt the following materiality thresholds:

Condition	Action
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretions
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

Moved: Cr D Wright

Seconded: Cr I Dias

CARRIED 8/0

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PART G –ORGANISATIONAL STRUCTURE

In accordance with Section 5.2 of the Local Government Act 1995 the Organisational Structure of the Shire of Ashburton is amended to reflect the positions funded in the 2012/2013 Annual Budget

Moved: Cr P Foster

Seconded: Cr D Wright

CARRIED 6/2

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12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

12.1 LAZY LANDS PROJECT TOM PRICE

MINUTE: 11257

FILE REFERENCE:	GOV9
AUTHOR'S NAME AND POSITION:	Anika Serer Land Development and Marketing Manager
NAME OF APPLICANT/RESPONDENT:	Pilbara Cities
DATE REPORT WRITTEN:	6 August 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire has been working with Pilbara Cities on their 'Lazy Land' Project which aims to identify vacant land in and around Tom Price that can be fast-tracked for development. Unused Reserves and Unallocated Crown Land have been identified in the townsite as suitable for residential development, and Pilbara Cities seeks a resolution from Council to relinquish the Management Orders over these Reserves. In addition, the Shire is seeking to acquire land through the project which can be developed and sold or used to build additional staff housing.

Background

The Shire has been working with Pilbara Cities since early 2011 to identify all available unused land within Reserves and Unallocated Crown Land (UCL) that would be suitable for residential development in Tom Price. Each site has been investigated in terms of current use, potential future use, ease of servicing and other issues such as easements and Native Title. Through this process two stages of land release have been identified by Pilbara Cities and they are now seeking Council's support to have the Management Orders over the Reserves relinquished (refer to Attached Schedule and Maps).

ATTACHMENT 12.1A
ATTACHMENT 12.1B

There is currently a shortage of accommodation in Tom Price, and further land development is urgently required to satisfy both housing and business requirements. It is estimated that a further 270 housing lots alone will be required over the next two years.

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Comment

As part of the Lazy Lands project the Shire has also identified 7 sites that it would seek to acquire for future development (refer to attachment and map). The Shire has the capabilities and expertise to identify suitable areas of land, arrange subdivision, installation of services, and disposal to the public. This exercise would not only ease the pressure on residential land requirements, but also provide a source of revenue for the Shire.

It is proposed that the purchase of this land would be in accordance with the '5% Ruling' Scheme available to Local Government through State Lands Policy, ie the land would be obtained at 5% of market value. Agreement by Council to relinquish the Management Orders over Reserves as requested by Pilbara Cities should be conditional upon the terms and acquisition of this land.

Pilbara Cities have also requested that Council relinquish Reserve 40798, currently zoned for Club and Club Premises and known as 'Crushers' to enable the development of residential land. This relinquishment would be subject to the proviso that appropriate land for a new club premises and public open space be provided as part of the development of the lots identified as 'T5' or 'T6' on the attached maps and endorsement received from Crushers.

The other sites identified through Lazy Lands would be disposed of by Pilbara Cities through an Expression of Interest (EOI) process with the support of State Lands Services and the Shire. The successful proponents will be expected to undertake any rezoning required for the development of the parcels in consultation with the Shire.

The EOI process proposed by Pilbara Cities will encourage both public and private developers to invest in the town. This will further strengthen and diversify the economy whilst providing much needed land and accommodation solutions.

Consultation

Pilbara Cities
State Land Services
Shire of Ashburton Chief Executive Officer
Shire of Ashburton Principal Town Planner

Statutory Environment

Land Administration Act 1997
Regulation 30 of the Local Government (Functions & General) Regulations 1996 enables Council to return land to the Government through this process.

Financial Implications

Future revenue received from the development and disposal of land acquired by the Shire through the Lazy Lands project will be applied to other public open spaces and recreational areas in accordance with the State Lands Policy.

Council has allowed \$50,000 in the Draft 2012/13 Budget for the acquisition of this land.

Strategic Implications

The sale will assist in achieving the focus as stated in the Shire's Strategic Plan 2007-2011:

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

1. Diversify and Strengthen the Economy:

- o Facilitate land development throughout region (1.2);*
- o Encourage private investment within the Shire (1.6).*

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Policy Implications

None anticipated

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council agrees to relinquish the Management Orders held over Reserves 40797, 39874, 39907, 39925,49928,39986,39852,40222,40209 and 40798 in order for Pilbara Cities to use this land for the Lazy Lands project subject to:

- a) The Shire being allocated the sites identified as T5 (Reserve 40797), T14 (Reserve 39925), T15 & T16(part Reserve 39907), T28 (Reserve 39986) and T30 (Reserve 40222) as part of the Lazy Lands project and subject to State Land Service's '5% Ruling'.
- b) The relinquishment of Reserve 40798 shall be subject to appropriate other land for club premises and public open space being made available either in the T5 or T6 development and the endorsement of Crusher's Sports Club (current lessees).

CARRIED BY ABSOLUTE MAJORITY 8/0

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12.2 ADOPTION OF SHIRE OF ASHBURTON COMMUNITY STRATEGIC PLAN 2012 - 2022

MINUTE: 11258

FILE REFERENCE: OR.CM.10.00

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager, Strategic & Economic Development

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 August 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Community Strategic Plan is attached for endorsement and adoption by Council. The Community Strategic Plan has been developed with significant levels of community consultation and engagement over the past year. The plan is considered to be quite comprehensive and realistic in its expectations both from a resourcing and financing point of view.

Background

The Community Strategic Plan (CSP) outlines community long term (10+ years) **vision, values, aspirations and priorities of the community of the Shire of Ashburton**. The CSP is not static and must be reviewed regularly.

The Plan:

- Establishes the **community's vision** for the local government's future, including aspirations and service expectations.
- Drives the **development** of local government Area/Place/Regional Plans, resourcing and other informing strategies, e.g. Workforce, Asset Management and Services.
- Will ultimately be a driver for **all other planning**.

The Local Government (Administration) Regulations 1996 has been amended to require each local government to adopt a Community Strategic Plan and a Corporate Business Plan.

Section 5.56(1) and (2) of the Act requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations.

The new regulations specify what a 'plan for the future' should involve. In particular, local governments will be formally required to develop and adopt two new planning instruments:

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- A Community Strategic Plan, and
- A Corporate Business Plan (This will be commenced in September – provided the CSP is endorsed by Council.)

Comment

The CSP and the Corporate Plan will drive the development of each local government's 2013/2014 Annual Budget and will ultimately help local governments plan for the future of their communities.

The CSP covers a period of at least 10 financial years, and is reviewed at least once every 4 years. As a broad visioning document, the CSP does not have to be lengthy or complex, the process of how the CSP is developed, including meaningful community engagement and its interrelationship with the Corporate Business Plan, are of more importance than the complexity and length of the document itself. It is also important that it be accessible to, and easily understood by, the community and elected members.

The CSP will be operationalised, supported and informed by resourcing and delivery strategies that include the Asset Management, Long Term Financial and Workforce Plans. These plans will drive the development of the Annual Budget and will ultimately help local governments plan for the future of our communities.

The Integrated Planning working group and the responsible departments have been working on understanding the requirements and proposed development of the individual plans. Once the CSP is endorsed and adopted by Council the development of the plans will commence in earnest. Janyce Smith Executive Officer will be presenting an item to Council most months outlining the Shire team's progress towards meeting the statutory time frames of the Integrated Planning process.

1.1 Community Strategic Plan – “*Integrated Planning and Reporting Advisory Standard 2011*”

Department of Local Government Western Australia – www.dlg.wa.gov.au

Element	Regulatory Requirements	Standards
<p>Strategic Community Plan</p>	<p>A Community Strategic Plan:</p> <p>(i) Is for a minimum 10-year timeframe.</p> <p>(ii) States community aspirations, vision and objectives.</p> <p>(iii) Was developed or modified through engagement with the community, and this is documented.</p>	<p>Standard is NOT met:</p> <p>If a council has not, by 30 June 2013 or earlier, adopted a Community Strategic Plan that meets all of the regulatory requirements.</p> <p><u>Basic Standard:</u></p> <p>Basic Standard is met when:</p> <ul style="list-style-type: none"> • A council has, by 30 June 2013 or earlier, adopted a Community Strategic Plan

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	<p>(iv) Has regard to current and future source capacity, demographic trends and strategic performance measurement.</p> <p>(v) Was adopted or modified by an absolute majority of council.</p> <p>It is also required that:</p> <p>(i) A strategic review of the Strategic Community Plan is to be scheduled for 2 years from when it is adopted; and</p> <p>(ii) A full review of the Strategic Community Plan is to be scheduled for 4 years from when it is adopted.</p>	<p>that meets all of the regulatory requirements.</p> <ul style="list-style-type: none"> • The local government has a community engagement policy/strategy. • Community engagement involves at least 500 or 10% of residents, whichever is fewer, and is conducted by at least 2 documented mechanisms. <p>Intermediate Standard:</p> <p>Intermediate Standard is met when:</p> <ul style="list-style-type: none"> • The Community Strategic Plan connects most of the activities / services that are delivered by the local government with the community's vision, aspirations and objectives. • The Community Strategic Plan takes into account a range of relevant external factors, including relevant plans of State and Commonwealth agencies. • Community engagement involves more than the minimum number of electors, is inclusive and uses more than the minimum number of documented mechanisms. <p>Advanced Standard:</p> <p>Advanced Standard is met when:</p> <ul style="list-style-type: none"> • The Community Strategic Plan meets Basic and
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		<p>Intermediate standards;</p> <ul style="list-style-type: none">• The Community Strategic Plan connects all of the activities/services that are delivered by the local government with the community's vision, aspirations and objectives;• The Community Strategic Plan demonstrates effectiveness in achieving community outcomes.
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Living Life - Shire of Ashburton Community Strategic Plan 2012 – 2022

ATTACHMENT 12.2

The Community Strategic Plan presented to Council today meets all basic and some intermediate standards set down by the Local Government Department.

The CSP presented to Council today meets all basic requirements and goes a ways to meeting the intermediate standards set down by the department.

Marketing and Media

An extensive media campaign will be carried out to ensure that the document is disseminated throughout the Shire – ensuring the community is able to easily access the document for their reference, key stakeholders are informed of the communities visions and aspirations and all other interested parties are privy to Councils commitment to sound governance with the release of its 10 year CSP. Further information related to this will be communicated to Council via the Information Bulletin.

Consultation

The Shire of Ashburton consults regularly with the community and its stakeholders. In embarking on the development of this 10 Year Community Strategic Plan implemented a range of initiatives across the Shire to listen to the community and stakeholders.

Areas:

Engagement was completed across four key areas; Tom Price, Paraburdoo, Pannawonica and Onslow.

Methods:

- A community survey
- Shopping Centre Displays
- Internal Focus groups with Shire of Ashburton Councillors and Staff
- Focus groups with Government Agencies and Service Providers
- Dialogue Café with Community Groups and Businesses
- Dialogue Café with Community, focusing on Youth
- Meetings with Visitors Centre and Small Business Centre
- Meetings with Indigenous leaders
- Meetings with Karingal Neighbourhood Centre, Police, Hospital, Primary School, Rio Tinto Iron Ore

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Timing

The bulk of the engagement was completed from July – September 2011. Meetings with the Indigenous leaders were completed in late June 2012.

Participation

A total of 40 community engagement sessions were held and a total of 192 people attended workshops. 86 community surveys were completed.

Other engagement processes

The Shire was involved in a separate engagement process for the Onslow Visioning Project (July 2011), which included over 80 community members and stakeholders in dialogue cafes, interviews and focus groups. The Shire was also a partner with LandCorp (July 2011) and undertook a week long planning exercise in the Onslow Community – this had a high level of participation and perhaps arguably the most diverse attendance in recent times. The information collated from these two events has been utilised to inform the Community Strategic Plan.

Statutory Environment

The *Local Government (Administration) Regulations 1996* has been amended to require each local government to adopt a Community Strategic Plan and a Corporate Business Plan.

Section 5.56(1) and (2) of the Act requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations.

The new regulations specify what a 'plan for the future' should involve. In particular, local governments will be formally required to develop and adopt two new planning instruments:

- A Community Strategic Plan, and
- A Corporate Business Plan

Financial Implications

Council budgeted for the development of the Community Strategic Plan in the 2011/2012 financial year. A further allocation is proposed in the 2012/13 budget which will cover the finalization of the plan and support the development of the Corporate Plan.

Strategic Implications

The Council is committed to sound corporate governance and legislative compliance. The development of the Community Strategic Plan 2012 – 2022 will ensure the Council is proactive in both these areas, which will facilitate a solid basis for business planning and service delivery into the future.

Policy Implications

Not Applicable

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Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. **Adopt the - Living Life - Shire of Ashburton 10 year Community Strategic Plan 2012 – 2022.**

CARRIED BY ABSOLUTE MAJORITY 7/1

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12.3 PUBLIC TENDER RFT04/12 - SALE OF LOT 101 EUCALYPTUS COURT, TOM PRICE

MINUTE: 11259

FILE REFERENCE: TP.BN.308

AUTHOR'S NAME AND POSITION: Anika Serer
Economic and Land Development Manager

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 8 August 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.05.13 Ordinary Council Meeting 4 May 2007
Agenda Item 15.02.02 Ordinary Council Meeting 17 Feb 2010
Agenda Item 17.02 Ordinary Council Meeting 16 May 2012

Summary

Following Council's instruction at the Ordinary Council Meeting held on 16 May 2012, a public tender was called for the sale of Lot 101 Eucalyptus Court, Tom Price (being the last unsold lot in Stage 1 of the Boonderoo Road LIA subdivision). The Public Tender closed at 1pm on 8 August 2012 and submissions have been assessed for presentation to Council.

Background

Proposed Lot 101 Eucalyptus Court, Tom Price forms the 7th lot in the Boonderoo Road LIA subdivision. 6 other lots were pre-sold at auction in February 2011 (titles have been issued and settlement took place in July 2012) however the 7th sale was delayed as part of the closed road needed to be purchased from State Land Services to create the lot. This has now been arranged and title for Lot 101 Eucalyptus Court is due to be issued in the next 4 – 6 weeks.

Three submissions from potential purchasers for the 7th lot were presented to Council at the Ordinary Meeting held on 16 May 2012. Council reviewed the offers and instructed that the lot be offered for sale by Public Tender to ensure transparency and equity. The land was subsequently offered for sale by Public Tender on 26 July 2012 with submissions closing 8 August 2012.

Comment

The public tender required submissions to include an offered purchase price (incl GST), preliminary development plan/proposed use and proposed timeline for development to take place, with the following weightings:

- | | |
|----------------------|------------|
| 1. Price Offered | 60% |
| 2. Proposed Use | 30% |
| 3. Proposed Timeline | <u>10%</u> |
| | 100% |

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The weighting was to ensure that submissions that may provide strategic, economic or community benefit would be given appropriate consideration. The proposed timeline would also encourage the purchaser to ensure development took place in a timely manner.

One submission was received from Ashburton Aboriginal Corporation (AAC), for the consideration of \$400,000 including GST. AAC propose to use the land to expand the biodiesel facility currently operating at 39 Boonderoo Road, Tom Price as they require a purpose-built facility to increase production of biodiesel and this is not possible in the current location. They have proposed that the relocation of the biodiesel business will allow up to 5,000,000 litres of biodiesel to be produced each year as a viable and cost effective alternative to mineral diesel. This will increase the economic base of local indigenous communities within the shire and enhance the economic diversity of the Shire of Ashburton.

AAC proposes to commence design and development of the site immediately upon settlement and all statutory approvals being received.

Assessment of the proposal against the weighting gave AAC a rating of 80/100.

Consultation

Chief Executive Officer

Executive Manager, Strategic and Economic Development

Executive Manager, Corporate Services

Statutory Environment

S3.58 Local Government Act 1995: Disposing of Property

Financial Implications

An allowance of \$332,000 (excl GST) was included in the 2012/13 budget for the sale of Lot 101 Eucalyptus Court, after selling and statutory fees totaling approximately \$20,000 are deducted. The proposal by AAC of \$363,000 plus GST (total \$400,000) will realize an additional \$31,636 in budget income.

Strategic Implications

As previously identified, sale of the lot will assist to “diversify and strengthen the economy” as stated in the Shire’s Strategic Plan 2007-2011.

Sale of the land to Ashburton Aboriginal Corporation will directly support indigenous employment and business opportunities in the region

Policy Implications

None identified

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Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

Approve Ashburton Aboriginal Corporation's Tender Offer to purchase Lot 101 Eucalyptus Court, Tom Price for the sum of \$400,000 including GST.

CARRIED BY ABSOLUTE MAJORITY 6/2

Geoffrey Brayford left the meeting at 3.25 pm.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr I Dias

That Council adjourn for a break at 3.27 pm.

CARRIED 8/0

Council Decision

MOVED: Cr I Dias

SECONDED: Cr C Fernandez

That Council reconvene from the break at 3.48 pm.

CARRIED 8/0

Geoffrey Brayford re-entered the meeting at 3.48 pm.

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13. TECHNICAL SERVICES REPORTS

13.1 TOM PRICE RFDS AIRSTRIP

MINUTE: 11272

FILE REFERENCE: TR.AT.01.06

AUTHOR'S NAME AND POSITION: Michelle Walker
Manager, Asset Management

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 13 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.01 Ordinary Meeting of Council 15 February 2012 and item 13.12.50 Ordinary Meeting of Council 16 December 2008

Summary

On 15 Feb 2012 the need for an airstrip that could be used by the Royal Flying Doctor Service (RFDS) at Tom Price was outlined to Council. 'In principle' support was given, and a resolution was made to authorise the Chief Executive Officer to investigate the possible location, scope, construction, operation, and maintenance costs of such a facility.

This paper outlines the work that has been done to date on this scoping exercise, which has been undertaken by Ashburton Shire staff, and pro bono by the consultants Lambert & Rehbein.

To design and construct an airfield capable of basic RFDS operations by day or by night will at its most basic cost in the order of \$4.4M, and could be designed and constructed, given permits and environmental/ community consultation, within 5 – 6 months. These estimates have been arrived at under the constraints explained in the body of the report, and are mentioned so that Council may understand the basic scope of the proposed undertaking.

It is recommended that Council authorises and supports steps to secure funding of \$4.4M.

More importantly the report recommends that Council accept the ownership and ongoing maintenance costs of the strip.

Background

The need for a TP RFDS Airstrip

The lack of a RFDS accessible airstrip within close proximity to Tom Price and subsequent risk posed to the community was outlined in Agenda Item 15 February 2012.

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Recap of main points:

- In 2005 the number of RFDS call outs to Tom Price was 48. Last year (2011), the number of call outs had more than tripled, to 131. In 2012 the number of RFDS call outs has already exceeded those to the same period in 2011 by 31 call outs, as shown in Figure 1 below. This indicates that the demand for aeromedical services in the town is growing, both as a function of the population which has been forecast to expand further over the next 5 years (Heuris Partners (March 2010))), and because medical service expectations in Australia are growing, particularly in relation to maternal/child health.

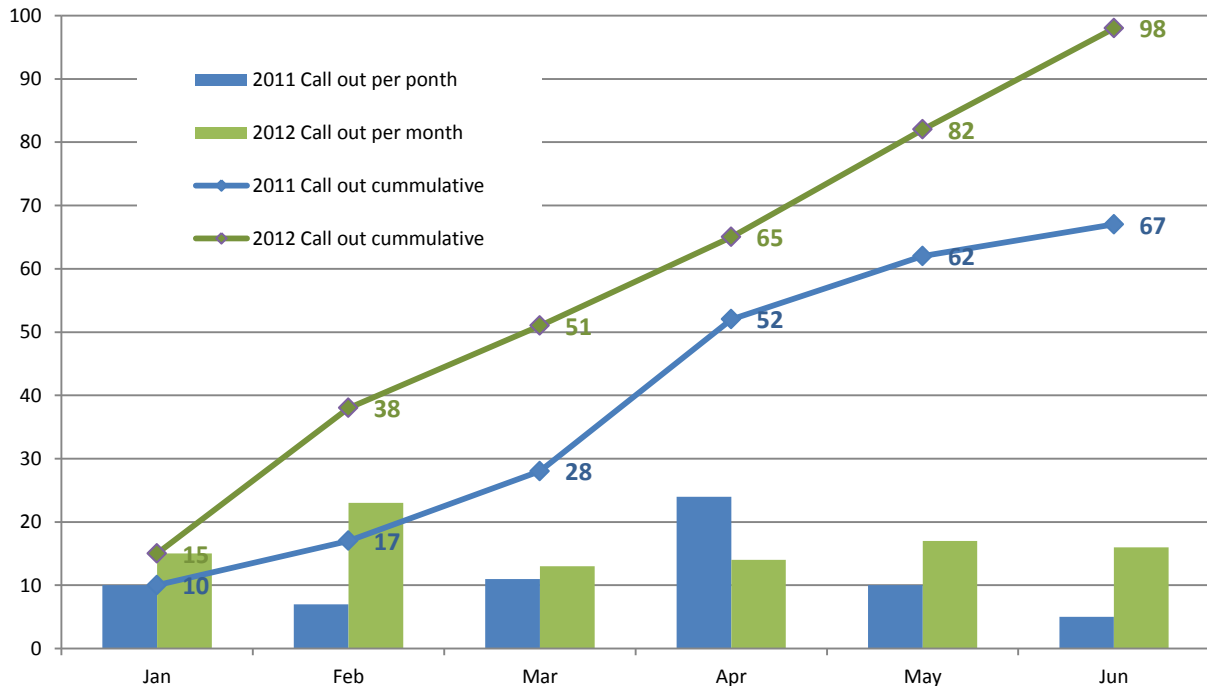


Figure 1. Tom Price RFDS call outs 2011 and 2012

- A recent study of 9 years of RFDS statistics found that major trauma patients in regional WA are twice as likely to die from their injuries as their Perth counterparts. However patients who were evacuated by RFDS had equivalent outcomes to those injured in Perth.
- RFDS evacuations from Paraburdoo require lengthy travel and waiting times for the RFDS doctors, Tom Price nursing staff, ambulance staff and the patient. Tying up these medical resources away from Tom price can result in a critical lack of resources in the town should they be required.

The Tom Price Ambulance Service is run entirely with volunteer staff. These staff are currently under almost unbearable pressure due to their workload. The time required of the volunteers is exacerbated by the use of the Paraburdoo airstrip. Construction of a local airstrip would reduce the pressure on our ambulance crew; hence contribute to the sustainability of this service.

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Comment

1. Scope of work

1.1 Airstrip location

The site for the proposed airstrip is approximately 13km north of Tom Price immediately adjacent to Bingarn Road (refer to location plan in **ATTACHMENT 13.1A**).

ATTACHMENT 13.1A

1.2 Airstrip layout / key components

The proposed strip consists of a 1200m long 18m wide runway, with a 30 x 7.5m taxiway, and a 20 x 20m apron. This is 22,225m² of sealed pavement. The proposed airstrip would include fencing and lighting.

1.3 Construction cost

The concept estimate is \$4.4M, which included a +30% contingency. Please see **ATTACHMENT 13.1B** for further details.

ATTACHMENT 13.1B

1.1 Operations & Maintenance

The operational costs of the airstrip have been estimated at \$60,000/year. This would include lighting, sweeping, fence upkeep, slashing non sealed areas, and some basic repairs to pavement. The life of the pavement would be approximately 80 years however the surface (seal) would have a life of only 15 years at which time additional funds in the order of \$800,000 would be required to reseal the strip. This timeframe would depend on the amount of traffic (15 years assuming primarily RFDS traffic only).

Similarly re-fencing costs can be expected every 20 years.

A life cycle cost analysis indicates that the airstrip would have a Net Present Value of \$6.2M.

The average annual ownership costs (excluding the initial capital outlay) would amount to less than \$100,000 per annum. Ownership costs is an expression of the annual maintenance costs and the cost to refurbish components at different frequencies within its life cycle. This includes resealing the strip and renewing other items such as fencing etc. These may be done at intervals that may be up to 20 years apart.

2. Funding Sources

2.1 Capital

The Ambulance volunteer proponents advise of a willingness by several public and private sources to provide up front funding for the RFDS Strip. These sources include Rio-Tinto, FMG and also funding agencies such as Royalties for Regions (RADS funding) and Lottery West. Commitments to an actual dollar amount can not be made until a detailed scope for the project is available. It is proposed that this commitment be now sought based on the concept proposed.

2.2 Operations & Maintenance

Some consideration was given to leasing the airstrip to a commercial operator to cover the ongoing costs. At this time it was considered that there would not be sufficient commercial traffic for this to be a feasible option. It may be considered further at a later time.

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It is suggested that one or more of the St Johns volunteer staff be equipped and trained as required to open the facility for RFDS, and to possibly carry out basic maintenance services. The local aviation community (private pilots) may also be willing to assist in the upkeep of the airstrip in return for use of the strip. Council may be required to provide a backup monitoring service.

Council would have some part in sweeping the runway and slashing the area, and upkeep of the fence (within the estimated \$60,000 per year requirement).

Should Council decide that an unsealed airstrip would be acceptable then the capital costs can be expected to reduce by approximately \$300,000. However the operating costs would be higher due to the necessity to periodically grade and work on the gravel pavement. If capital can be sourced from outside sources the preferred operational and life cycle choice would be to have a sealed strip.

Conclusion

Initial funding does not appear to be a major hurdle for this project. The key issue for resolution is which agency or organization will take ownership of the airstrip.

It appears that most RFDS strip in WA are owned and managed by the Shire. The Shire has maintained the Onslow RFDS strip for many years.

There appears no other agency willing to become the sponsor/owner for this airport, should the capital funds become available.

The recommendation is that Council agree to be the owner and to accept the expected operational and maintenance costs. Council could still pursue a source of funds for this expense, however if this recommendation is adopted then it should expect that these costs must be internally located.

Consultation

- SOA Chief Executive Officer
- Executive Manager, Technical Services
- FMG
- Rio Tinto
- Lambert & Rehbein, Aviation Consulting Engineers

Statutory Environment

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

Financial Implications

If Council takes ownership of the strip there will be ongoing operations and maintenance costs as already identified.

Strategic Implications

This proposal is perfectly aligned with the Shire of Ashburton mission statement "Working together, enhancing lifestyle and economic vitality". Further it is also aligned with several of the Shires Strategic Objectives:

Strategic Objective 2: Include and Engage Our Community
Strategic Objective 3: A Connected and Accessible Region
Strategic Objective 5: Community Safety and Security

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Policy Implications

Asset Management Policy AMP1

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr I Dias

That Council suspend standing orders in order to allow members to discuss Agenda Item 13.1 Tom Price RFDS Airstrip.

CARRIED BY ABSOLUTE MAJORITY 8/0

During discussion Cr Foster tabled correspondence from: Tom Stephens JP MLA, Justin and Lynsey Pike, Megan O'Brien and Corey McKitterick, Melissa Smith, Cassandra Bebeck, Chris Bailey, Bianca McRae, Katie Taylor, Barb O'Neill, Hayley Burnett, Kirsten Hunter, Sandra Morris and Gary Robinson.

Council Decision

MOVED: Cr I Dias

SECONDED: Cr D Wright

That Council reinstate standing orders.

CARRIED BY ABSOLUTE MAJORITY 8/0

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr Dias

1. That Council authorise the Chief Executive Officer to source \$ 4.4M capital funding for the Royal Flying Doctor Service airstrip.
2. That should the capital funds be located then Council agree to accept the ownership responsibility of the airstrip and thereafter finance the operating costs required.

LOST 5/3

Crs White, Rumble, Dias, Wright and Thomas voted against the motion.

Crs Foster, Fernandez and Eyre voted for the motion.

Reason: It is not a local government responsibility to own and operate a RFDS airport.

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

1. Council will support the development of a RFDS airport of Tom Price owned and operated by others.
2. Direct the CEO to lobby resource companies, state government departments, etc. to construct own and operate an RFDS air strip in Tom Price.

CARRIED 7/1

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13.2 PROPOSED DONATION OF TOM PRICE SKATE PARK

MINUTE: 11260

FILE REFERENCE: TP.WL.0850.000

AUTHOR'S NAME AND POSITION: Michael O'Neill
Civil Engineer, Technical Services

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 6 August 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

With the construction of the new skate park in Tom Price, the old skate park items are available for re - use.

Cr. Fernandez would like to see these items donated to a local aboriginal community.

Background

As part of the revitalization of Tom Price the skate park is being upgraded. This involved the demolition of the old skate park. The old ramps are surplus to the new park design.

If the ramps are installed correctly then they are suitable to be used for their original purpose i.e. a skate park. This park is a different standard to the new one being installed in Tom Price and is not suitable to skaters of all experience levels.

Proposal

Donate the old ramps from the Tom Price skate park to a local community.

Comment

The Shire has to dispose of these ramps from the skate park site prior to the opening of the new facility

The ramps could still be used to produce a skate park in installed correctly. The items should remain as part of a unit.

Consultation

Executive Manager, Technical Services

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Statutory Environment

As the value of the Items is below \$20,000 Council does not need to dispose of the items through a public process (Regulation 30 Local Government –Functions & General Regulations 1996).

Financial Implications

The ramps have some salvage value as scrap steel which will be lost if they are donated. This may be approximately \$1500.

Strategic Implications

There are no strategic implications that relate to this matter.

Policy Implications

There are no policy implications that relate to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr I Dias

That Council:

- 1. Approve the donation of the old ramps from the skate park site to a recognised Aboriginal Community.**
- 2. Nominate the Wakathuni / Bellary Aboriginal Community(s) that can be offered the material.**
- 3. Make the donation conditional upon an agreement with the community(s) that the Shire is not responsible for removal or transportation costs, nor has any liability for the installation, serviceability or use of the materials for any purpose.**

CARRIED 8/0

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Declaration of Interest

Prior to consideration of this Agenda Item Crs Wright, Foster, Rumble and Dias declared an interest in Agenda Item 13.3 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Wright is an employee of Rio Tinto, Cr Foster's partner is employed by Rio Tinto and part of his employment conditions is that he is provided with a home owned by Rio Tinto, Cr Rumble owns shares in Rio Tinto, and Cr Dias is an employee of Rio Tinto and has shares in the company.

Crs Wright, Foster, Rumble and Dias left the room at 3.55pm.

13.3 REQUEST TO MODIFY PLANNING APPROVAL CONDITION - DRY MESS, OFFICES, STORAGE AND ABLUTIONS ON LOT 54 SOUTHERN CORNER OF PANNAWONICA ROAD AND DEEPDALE ROAD, PANNAWONICA

MINUTE: 11273

FILE REFERENCE: PN.DP.54

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

NAME OF APPLICANT/RESPONDENT: Robe River Mining Pty Ltd (who is the Primary Leaseholder)

DATE REPORT WRITTEN: 9 July 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Planning Approval was issued on 14 April 2008 for a temporary dry mess, gym, offices, cold storage, dry storage and ablutions on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica. At the time, RTIO advised that the facility was required to meet worker arrangements for Pannawonica until the end of 2009. In March 2009, the Shire responded to a request by RTIO to extend the gym, storage and ablutions until 10 February 2010 and the offices until 27 September 2012.

RTIO advise that cold and dry storage has been removed. Due to ongoing construction works proposed at Pannawonica, Mesa A and J mines, the other facilities have remained in place.

RTIO has lodged a new application seeking approval for a gym, offices and ablutions, requesting that the condition be removed or alternatively it be amended to allow the units to remain until 2020.

It is recommended that approval be issued to allow the retention of the units until July 2020.

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Background

On 14 April 2008 the planning approval was granted for a dry mess and proposed temporary buildings, Lot 54 Deepdale Drive Pannawonica. The gym, offices, cold storage, dry storage and toilets were all included in the scope of works. On 19 March 2009 the Company submitted a letter to the Shire requesting for an extension of time for the temporary buildings to remain on site.

On 27 March 2009 the Shire granted approval for the extension of the temporary buildings to remain on site and stated the following:

“The Shire approves extension of time for the temporary gym, cold storage, dry storage and toilets to be removed by 10 February 2010 and temporary EPCM site offices (2) to be removed by 27 September 2012 in its entirety and the area to be returned to its original state to the satisfaction of the Shire of Ashburton.”

The Company has advised that it has removed the cold storage and dry storage buildings.

In 2010, the Company requested a change of use to convert the temporary gym to a permanent gym. On 6 April 2010 the Shire approved this request which remains valid for a period of two (2) years, after which time an application for renewal of planning permission must be submitted.

Proposal

RTIO has lodged a new application seeking approval for a gym, offices and ablutions, requesting that the condition be removed or alternatively it be amended to allow the units to remain until 2020.

The Company wishes for the site offices (3) and the permanent gym to remain indefinitely in order to accommodate:

- the Wandoo Housing Project until completion of the works (December 2012);
- future projects and administration activities.

Comment

The land is zoned “Rural” under the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’). Under the Scheme, the temporary dry mess, gym, offices and ablutions are permissible uses as they are all associated with the existing (approved) ‘transient workforce accommodation’.

As the land uses continue to relate to ongoing construction works proposed at Pannawonica, Mesa A and J mine, it is recommended that the units be retained. Should Council consider that a condition addressing the removal of the units should be retained, it is appropriate that it is modified to allow any further contingency until the end of 2020 to ensure that there is some control over the ‘end use’ of the buildings.

Consultation

Chief Executive Officer

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

Financial Implications

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

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Strategic Implications

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

Policy Implications

There are no policy implications, which relate to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr

SECONDED: Cr

This agenda item could not be resolved due to a lack of quorum.

Crs Wright, Foster, Rumble and Dias re-entered the meeting at 3.57 pm.

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13.4 MINE ROAD TOM PRICE - DEDICATION OF ROAD

MINUTE: 11261

FILE REFERENCE: OR.IG.02.05

AUTHOR'S NAME AND POSITION: Geoffrey Brayford
Executive Manager, Technical Services

NAME OF APPLICANT/
RESPONDENT: Department of Regional Development and Lands

DATE REPORT WRITTEN: 26 July 2012

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

PREVIOUS MEETING REFERENCE: Minute No. 248.3 Ordinary Meeting of Council 21-22 February 1995
Minute No. 826.2 Ordinary Meeting of Council 19 November 1996

Summary

Council agreed to accept Mine Road from Doradeen road to the Mine entrance as part of the normalisation agreement in 1994. Processes to dedicate this road as a public road did not proceed and the Department of Regional Development and Lands (RDL) have now sought a formal determination from Council to proceed with the dedication.

There are some issues associated with the request that staff have sought to clarify with the department, however a recommendation to proceed has been included in the agenda. It is expected that some clarification will be received before the Council meeting.

Background

At the Council meeting of the 21 & 22 February 1995 Council decided to advise the Department of Land Administration (DOLA) that "*action for dedication of Mine Road in Tom Price between Doradeen Road and the Tom Price Mine site may proceed.*" That agenda item stated that Council had agreed to accept responsibility for Mine Road as part of the 1994 normalisation negotiations.

At the Council meeting of the 19 November 1996 Council further decided to "*decline to provide the Department of Land Administration with an indemnity against any costs involved in the resumption of the Mine Road, as shown on survey Plans 16348 and 16349, from the Hamersley Iron Special Lease.*"

On the 11th July 2012 the Department of Regional Development and Lands wrote to Council advising that due to an oversight the proposal was never finalized. The Department would now like to conclude the proposal and has requested Council to provide a resolution to dedicate the road under Section 56 of the Land Administration Act 1997.

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Comment

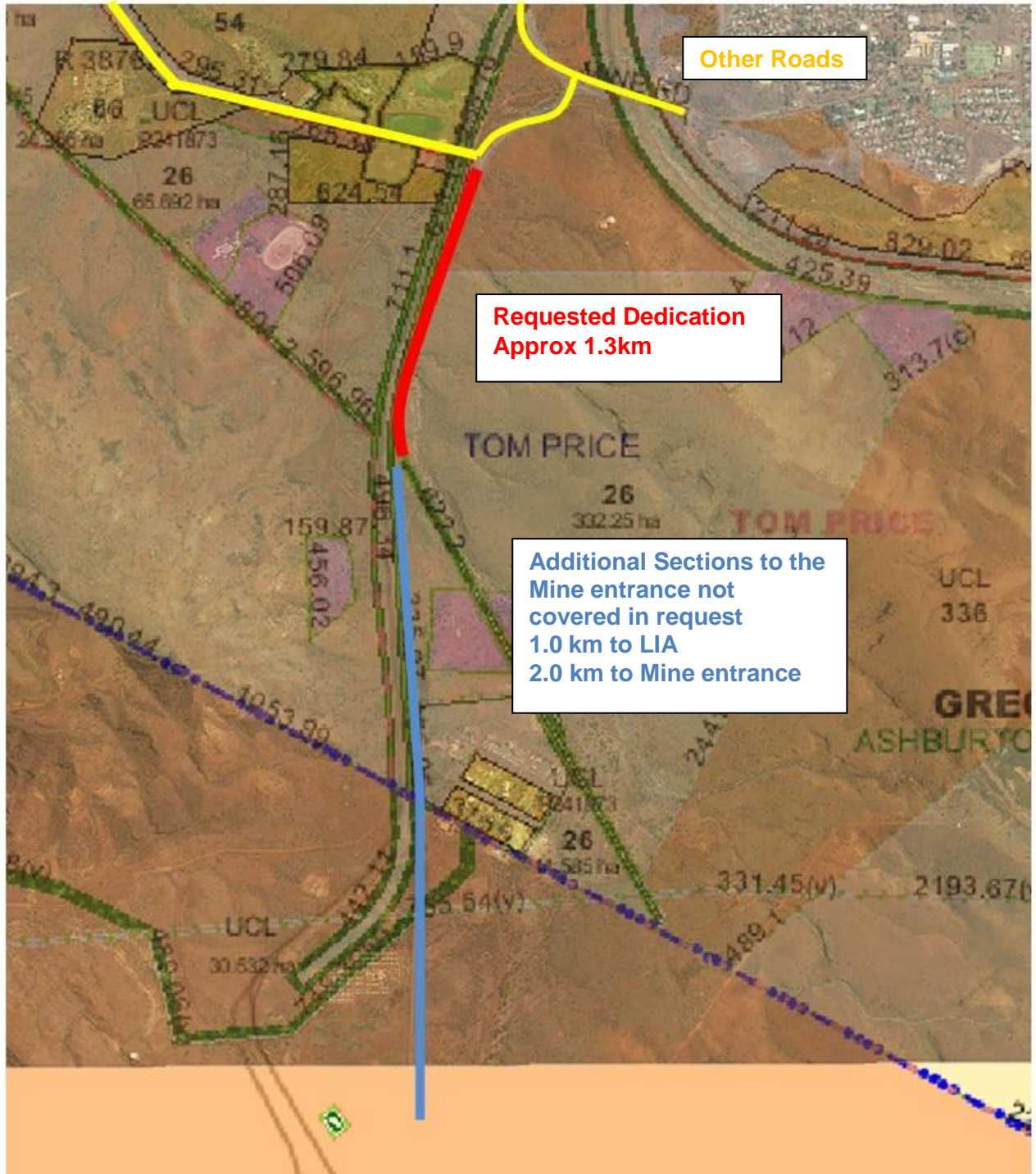
It is not clear why Council agreed to take over Mine Road from Doradeen Road to the Mine entrance, given that there are no separate private properties along this road corridor. In essence the road serviced only the Mine at that time. Since that time Bingarn and Nameless Valley Roads have been built and Mine Road has been realigned to form a safer intersection with Bingarn Road. None the less there are no public road function after the Nameless Valley Road intersection. The Light Industrial Area (LIA) remains under the control of the Mine.

Council has assumed responsibility for Mine Road maintenance for many years. The agenda item of 1995 stated that "Council has been under the impression for some years that Mine Road was a dedicated public road and Council had in fact received previous advice from DOLA supporting this *view*".

None the less there has been conjecture about the extent of Council responsibility for Mine Road – varying from up to the entrance to the LIA – to the entrance to the Mine. The practice for many years has been to maintain only up to the entrance to the LIA.

The request from DOLA does not coincide with either of these interpretations, stopping well short of the LIA.

Main Roads web site indicates Mine Road continues all the way to the mine entrance (generally the extent of the blue line), but this is not accepted by the Shire as the current extent of responsibility.



To confirm the request RDL has been requested to advise why additional sections of Mine Road have not been included, but also to advise what the consequences would be of Council not proceeding with this request.

Further information may be available from RDL prior to Council hearing this agenda item.

ATTACHMENT 13.4

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There is one attachment to this agenda, containing four parts:

- Sheet 1 - The request from RDL
- Sheet 2 - Land Title for Lot 20 DP 47816
- Sheet 3 - DP 216348 showing Lots 355 & 356
- Sheet 4 - a larger Plan of the proposal.

Consultation

RDL

No discussion has been held with the Mine operators at this stage.

Statutory Environment

To advance the request Council must make a decision in accordance with Section 56 of the Land Administration Act, and comply with the Regulations.

Financial Implications

Council will be responsible for all maintenance and any reconstruction or rebuilding costs for any road dedicated as a public road. The lengths of road amount to 1.3 km as requested, plus an additional 3 km that are not part of the request. Traditionally the Shire has maintained the road to the mine LIA so no additional costs are anticipated.

Strategic Implications

The State government (through the MRWA web site) believes that this is already a public road. If Council does not agree to the request then steps should be taken to close the road as a public road, and remove any doubt about the status of the road.

Policy Implications

Council should take over roads that form a public function, rather than a private function.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr I Dias

- 1. That Council resolves to make a request to the minister under section 56(1)(a) of the Land Administration Act 1997 to dedicate Lot 356 of DP 216348 as a road.**
- 2. Council resolves to advise Department of Regional Development and Lands that it would also be prepared to accept a road reserve to continue to the entry to the Tom Price LIA.**

CARRIED 8/0

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13.5 DRAFT LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN AND DRAFT AMENDMENT NO. 17 TO PLANNING SCHEME NO.7 EXTENSION OF TIME FOR CONSIDERATION

MINUTE: 11274

FILE REFERENCE: PS.TP.7.17

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

NAME OF APPLICANT/RESPONDENT: LandCorp

DATE REPORT WRITTEN: 3 August 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5, Minute: 11163 Ordinary Meeting of Council 18 April 2012

In addition to Agenda Item 13. 5 above, the following Items were associated with the ANSIA Strategic Industrial Area:

Agenda Item 13.01, Minute: 11090 Ordinary Meeting of Council 14 December 2011

Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011

Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011

Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010

Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008

Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009

Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009

Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009

Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010

Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

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Summary

At the Council meeting of 18 April 2012, Council resolved that subject to a formal response from the EPA as to the level of environmental assessment and modifications to the draft Development Plan and draft Amendment No. 17 and 18 that Council:

- adopt draft Amendments No. 17 and 18 and advertise the Amendment for 42 days in accordance with the in accordance with the Town Planning Regulations 1967; and
- adopt draft '*LandCorp ANSIA Industrial Development Plan*' in accordance with provisions of the Scheme and advertising it in concert with the draft Amendments.

The two Scheme Amendments associated with the draft *Development Plan* are as follows:

- Draft Amendment No 17 seeks to zone land in accordance with the ANSIA Structure Plan to 'Strategic Industry' zone and '*Other Purposes – Infrastructure*' reserve (Stage 1B). Draft Amendment No. 17 provides a site for Transient Workforce Accommodation (TWA) in the ANSIA, which adjoins the Chevron TWA. Under draft Amendment No. 17, the 'LandCorp' TWA site is proposed to be zoned 'Special Use 2'. The Amendment deliberately excludes the area identified in the draft LandCorp ANSIA Industrial Development Plan as 'Scarborough LNG plant' as the Shire considers it appropriate to have the 'Scarborough' LNG addressed in a site-specific amendment to the Scheme. This would ensure a consistent approach to the rezoning of LNG sites at the ANSIA.
- Draft Amendment No. 18 seeks to zone land (Stage 1C) to 'Industry' zone (Note: this matter is separately discussed in detail in Item 13.6).

A total of 9 submissions were received (excluding the EPA advice) during advertising. Specifically, LandCorp and the Department of State Development (DSD) have placed submissions calling for the inclusion of the "Scarborough LNG plant" in the Amendment.

It is suggested that the issues raised require further consultation with LandCorp and DSD, which will take it outside the statutory assessment period for a Scheme Amendment.

A further period of time will be required before Council can resolve whether the amendment will be adopted with or without modifications or whether it does not wish to proceed with the amendment. In this regard, it is recommended that Council seek an extension of 60 days from the Minister for Planning to specifically address the LandCorp and DSD submissions.

Alternatively, Council could resolve whether the amendment will be adopted with or without modifications or whether it does not wish to proceed with the amendment, without referral back to LandCorp and DSD.

Background

Council, at its Special Meeting of 5 October 2011 meeting gave final approval to the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and draft Amendment No. 10 to the Shire's Town Planning Scheme No 7 ('Scheme'). The ANSIA Structure Plan facilitates the development of an industrial hydro-carbon precinct south west of the town of Onslow and Amendment 10 essentially provides the opportunity to develop the Wheatstone LNG plant, access road and Chevron's Transient Workforce Accommodation (TWA) camp for the construction workforce (only). The Western Australian Planning Commission (WAPC) and the Minister for Planning have approved the ANSIA Structure Plan and Amendment No. 10 respectively.

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

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

Council has granted development approval for the first development within the ANSIA, being BHP-Billiton's Macedon Domestic Gas Plant, which has commenced construction. This project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow. It was however able to be assessed within the framework of the planning scheme, as it presently exists. Council placed conditions on BHP-Billiton's planning approvals to address the potential negative outcomes from the development. A requirement for Macedon as part of the Planning Approval was that the proponent would seek to have the land zoned accordingly.

The ANSIA Structure Plan divides the ANSIA into several stages. Stage 1 consists of a Future Industry Area (FIA) incorporating downstream gas processing industries and other uses. Land with no current development intention in the short to medium term and therefore set aside for future strategic industrial expansion is referred to as Stage 2.

Stage 1 is further divided into sub-stages with Stage 1A comprising the Wheatstone project, a common port facility, a Multi User Access and Infrastructure Corridor (MUAIC) for the purpose of shared transport and infrastructure and Chevron's TWA camp.

Stage 1B comprises the potential development site of the Scarborough LNG and the Macedon Domestic Gas Projects, portions of land associated with the FIA and TWA and is reflected in draft Amendment No. 17.

Stage 1C comprises the balance of Stage 1 identified for 'Industry' development and is reflected in draft Amendment No. 18.

At the Council meeting of 18 April 2012, Council resolved that subject to a formal response from the EPA as to the level of environmental assessment and modifications to the draft *Development Plan* and draft Amendment No. 17 and 18 that Council:

- adopt draft Amendments No. 17 and 18 and advertise the Amendment for 42 days in accordance with the in accordance with the Town Planning Regulations 1967; and
- adopt draft '*LandCorp ANSIA Industrial Development Plan*' in accordance with provisions of the Scheme and advertising it in concert with the draft Amendments.

The two Scheme Amendments associated with the draft Development Plan are as follows:

- Draft Amendment No 17 seeks to zone land in accordance with the ANSIA Structure Plan to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (Stage 1B). Draft Amendment No. 17 provides a site for Transient Workforce Accommodation (TWA) in the ANSIA, which adjoins the Chevron TWA. Under draft Amendment No. 17, the 'LandCorp' TWA site is proposed to be zoned 'Special Use 2', which is the same as Chevron's TWA site. The provision limiting the use of the site for constructions workers only would also apply.

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The draft Amendment also includes a statutory linkage to the draft Development Plan that ensures that any proponent that develops in Stage 1B must first achieve environmental approval and address social infrastructure contributions associated with Onslow.

The Amendment deliberately excludes the area identified in the draft *LandCorp ANSIA Industrial Development Plan* as 'Scarborough LNG plant' as the Shire considers it appropriate to have the 'Scarborough' LNG addressed in a site-specific amendment to the Scheme. This would ensure a consistent approach to the rezoning of LNG sites at the ANSIA.

- Draft Amendment No. 18 seeks to zone land (Stage 1C) to 'Industry' zone.

Comment

The development of land reflected by Amendment No. 17 has already been identified in the approved ANSIA Structure Plan. The role of the '*LandCorp ANSIA Industrial Development Plan*' (*Development Plan*) is to provide detailed information associated with the development of the land associated with the Amendment.

The Amendment was referred to the EPA where it advised that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act).

The Amendment was advertised for 42 days and a total of 9 submissions were received (excluding the EPA advice). LandCorp and the Department of State Development (DSD) have placed submissions calling for the inclusion of the "Scarborough LNG plant" in the Amendment.

ATTACHMENT 13.5

The Shire is reluctant to support the LandCorp and DSD submissions as it is considered appropriate to have the 'Scarborough' LNG addressed in a site-specific amendment to the Scheme for consistency of planning approach with Wheatstone and to ensure the Shire's active involvement in ensuring infrastructure commitments for Onslow. In particular, DSD has failed to ensure the opportunity for the Shire, Council and the community to have direct involvement in infrastructure contributions from the development of the Scarborough site. It should be noted that the Shire is not convinced that the Amendment could readily be modified to include the site as 'Strategic Industry' as it was not advertised as such. However, if the Council could be convinced to support such an approach (which would eventually be resolved by the Minister who can direct Council to undertake modifications), it might be possible to include Condition 7 of the '*LandCorp ANSIA Industrial Development Plan*' to have statutory affect under Appendix 11 of the Scheme as follows:

"Within land zoned 'Strategic Industry', prior to the approval of any development and/or any subdivision, the proponent shall define and demonstrate the implementation of social infrastructure contributions to the satisfaction of the Shire. Any social infrastructure contributions may form part of a future State Development Agreement, or other agreement with the State, to the satisfaction of the Shire."

Under the *Town Planning Regulations* (1967) a 42-day statutory time constraint applies to amendments being considered by Council at the end of the advertising period. However, a longer period maybe approved by the Minister [regulations 17(1)&(2) and 25(fb)]. The issues raised require further consultation with LandCorp and DSD, which will take it outside the statutory assessment period for a Scheme Amendment.

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In relation to Amendment No.17, a further period of time will be required before Council can resolve whether the amendment will be adopted with or without modifications or whether it does not wish to proceed with the amendment. In this regard, it is recommended that Council seek an extension of 60 days from the Minister for Planning to specifically address the LandCorp and DSD submissions. In addition, it is appropriate that discussions with LandCorp and DSD seek to achieve irrevocable assurances that the a proponent for the 'Scarborough' site "...shall define and demonstrate the implementation of social infrastructure contributions to the satisfaction of the Shire".

Alternatively, Council could resolve whether the amendment will be adopted with or without modifications or whether it does not wish to proceed with the amendment, without referral back to LandCorp and DSD.

It should be noted that a separate Report that addresses draft Amendment No. 18 (Stage 1C) has been prepared for this Agenda.

Consultation

Chief Executive Officer
Executive Manager, Technical Services
Executive Manager, Strategic and Economic Development

Referral of draft Amendment No. 17 along with draft *LandCorp ANSIA Industrial Development Plan* was undertaken to the following Agencies:

Department of State Development
Department of Planning
Dampier Port Authority
Department of Environment and Conservation
Environment Protection Authority
Main Roads WA
Department of Water
Department of Mines and Petroleum
Department of Transport
Water Corporation
Horizon Power
Department of Indigenous Affairs
Department of Health
Chevron Australia Pty Ltd
Forrest and Forrest

Statutory Environment

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

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. The decision on whether to initiate an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

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Environmental Protection Act

Referral to the Environmental Protection Authority (EPA) is required to determine the level of environmental assessment under Part IV Division 3 of the Environmental Protection Act 1986. The EPA can determine that proposed scheme amendments should not be assessed under (EP Act) but nevertheless provided advice and recommendations.

Advertising of Amendments No. 17 commenced after the EPA has determined the level of environmental assessment.

Financial Implications

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

Strategic Implications

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

The Shire's Strategic Plan 2007-2011 (Incorporating Plan for the Future) seeks to:

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

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

- “New Industry
Measures and Targets
- » Increase in major investment enquiries
 - » Increase in building activity
 - » Community satisfaction with economic development
 - » Increased employment opportunities.”

Policy Implications

There are no policy implications relevant to this matter.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

That Council:

1. Note the Submissions lodged by LandCorp and the Department of State Development (DSD) whereby they call for the inclusion of the 'Scarborough LNG plant' in Scheme Amendment No. 17.
2. Request the Minister for Planning to extend the statutory assessment period for a Scheme Amendment No. 17 to a total of 102 days in order to allow the Shire to further consult with LandCorp and DSD on their respective submissions.
3. Request the Chief Executive to meet with the senior officials of LandCorp and DSD with respect to their respective submissions and to address the matters outlined in this report.

WITHDRAWN

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr I Dias

That Council:

(A) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 17

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval, draft Amendment No. 17 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by rezoning of land and modifying Clause 6.11 as follows:

- a) Rezoning portion of Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 350, 505, 508, 518, 530, 535 and 536 and Lots 500, 506, 507, 520, 548 and 541 from 'Rural' zone and 'Conservation, Recreation and Natural Landscapes' reserve to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (excluding the area identified in the draft LandCorp ANSIA Industrial Development Plan as 'Scarborough LNG plant').
- b) Rezoning Portion of Lot 152, Onslow Road from 'Rural' zone to 'Special Use – Transient Workforce Accommodation' zone.
- c) Insert after Clause 6.11.10 of the Scheme the following:

LandCorp ANSIA Industrial Development Plan

- 6.11.11** For Lot 152 and portion of Lot 153 Onslow Road and portion of Lots 350, 505, 508, 518, 530, 535 and 536 and Lots 500, 506, 507, 520, 548 and 541 zoned 'Strategic Industry' within the Ashburton North Strategic Industrial Area, all development shall be in accordance

with LandCorp ANSIA Industrial Development Plan. Works associated with the development of land shall only be undertaken with the written approval of the Local Government in accordance with Part 5 of this Scheme. All other use and development shall not be approved by the Local Government unless consent from the Minister for the Environment has been sought and received.

6.11.12 All use and development shall be in accordance with LandCorp ANSIA Industrial Development Plan.

d) Amending the Scheme Maps accordingly (excluding the area identified in the draft LandCorp ANSIA Industrial Development Plan as 'Scarborough LNG plant').

- 2. That the Council endorses the Schedule of Submissions ATTACHMENT 13.5B prepared in response to the community consultation undertaken in relation to Amendment No. 17.**
- 3. That the Council refer Amendment No. 17 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.**
- 4. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.**

(B) LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN

Insofar as the draft Landcorp ANSIA Industrial Development Plan addresses land subject of draft Amendment No. 17 to the Scheme, Council:

- 5. Adopts the 'Schedule of Submissions' ATTACHMENT 13.5B prepared in response to the advertising of the draft Landcorp ANSIA Industrial Development Plan.**
- 6. Adopts the draft Landcorp ANSIA Industrial Development Plan for final approval pursuant to the requirements of Clause 6.4, Appendix 7 and Appendix 11 of the Scheme subject to the draft Landcorp ANSIA Industrial Development Plan being modified in accordance with 'Schedule of Submissions' ATTACHMENT 13.5B**
- 7. Refer the adopted draft Landcorp ANSIA Industrial Development Plan to the Western Australian Planning Commission with a request for endorsement as a framework for the future land use and development of the land subject of draft Amendment No. 17.**

CARRIED 8/0

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Reason:

Council considers that the ANSIA Structure Plan and the ANSIA Development Plan provide the strategic opportunities for the State to ensure a second LNG can be developed at the ANSIA. The exclusion of the 'Scarborough LNG site reflects the Premier's direction that the ANSIA is 'proponent driven'.

Importantly, the requirement for a site-specific amendment to the Scheme associated with a second LNG plant reflects a consistent planning approach with Wheatstone. For the community of Onslow, such an approach ensures the Shire's active involvement in ensuring infrastructure commitments for Onslow. Attachment 13.5B addresses the submissions lodged in relation to draft Amendment No.17.

In particular, the decision of Council acknowledges that both the DSD and LandCorp submissions fail to ensure the opportunity for the Shire, Council and the community to have direct involvement in infrastructure contributions from the development of the Scarborough site. Importantly, the submission fails to acknowledge the need for 'due process' associated with a second LNG plant and the potential for significant impacts on what will soon be, the existing Wheatstone LNG plant and Dom gas plant.

Geoffrey Brayford left the meeting at 5.05 pm.
Geoffrey Brayford re -entered the meeting at 5.10 pm.

Jeffrey Breen left the meeting at 5.24 pm.
Jeffrey Breen re-entered the meeting at 5.26 pm.

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13.6 DRAFT LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN AND DRAFT AMENDMENTS NO.18 TO PLANNING SCHEME NO.7 FOR FINAL APPROVAL

MINUTE: 11275

FILE REFERENCE: PS.TP.7.18

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

NAME OF APPLICANT/RESPONDENT: LandCorp

DATE REPORT WRITTEN: 3 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5, Minute: 11163 Ordinary Meeting of Council 18 April 2012

In addition to Agenda Item 13.5 above, the following Items were associated with the ANSIA Strategic Industrial Area:

Agenda Item 13.01, Minute: 11090 Ordinary Meeting of Council 14 December 2011

Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011

Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011

Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010

Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008

Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009

Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009

Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009

Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010

Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

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Summary

At the Council meeting of 18 April 2012, Council resolved that subject to a formal response from the EPA as to the level of environmental assessment and modifications to the draft Development Plan and draft Amendment No. 17 and 18 that Council:

- adopt draft Amendments No. 17 and 18 and advertise the Amendment for 42 days in accordance with the in accordance with the Town Planning Regulations 1967; and
- adopt draft 'LandCorp ANSIA Industrial Development Plan' in accordance with provisions of the Scheme and advertising it in concert with the draft Amendments.

The two Scheme Amendments associated with the draft *Development Plan* are as follows:

- Draft Amendment No 17 seeks to zone land in accordance with the ANSIA Structure Plan to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (Stage1B). Draft Amendment No. 17 provides an additional area for an additional LNG plant ('Scarborough') and a site for Transient Workforce Accommodation (TWA) in the ANSIA (Note: this matter is separately discussed in detail in Item 13.5).
- Draft Amendment No. 18 seeks to zone land (Stage 1C) to 'Industry' zone.

A total of 8 submissions were received (excluding the EPA advice) during advertising. The submissions are addressed in the Schedule included as an attachment to this Report. One aspect that needs to be addressed is the issue of ensuring that the subdivision potential of land within Amendment No. 18 is reflective of further development planning and ensure that lot sizes of the industrial area does not automatically lead to subdivision being a minimum of 2000m² as provided for in the Scheme. After discussion with LandCorp concerning this issue, it is considered appropriate to add a further provision be included in the Scheme as follows:

6.11.6 *Within the Ashburton North Strategic Industry Special Control Area, the Local Government shall not recommend approval of lots in the 'Industry' zone unless it is generally reflects the lot design, layout and lot minimums as provided for in an endorsed development plan.*

It is appropriate to adopt Amendment No. 18 for final approval and adopt the draft Landcorp ANSIA Industrial Development Plan insofar as it addresses land subject of draft Amendment No. 18.

Background

Council, at its Special Meeting of 5 October 2011 meeting gave final approval to the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and draft Amendment No. 10 to the Shire's Town Planning Scheme No 7 ('Scheme'). The ANSIA Structure Plan facilitates the development of an industrial hydro-carbon precinct south west of the town of Onslow and Amendment 10 essentially provides the opportunity to develop the Wheatstone LNG plant, access road and Chevron's Transient Workforce Accommodation (TWA) camp for the construction workforce (only). The ANSIA Structure Plan and Amendment No. 10 have been approved by the Western Australian Planning Commission (WAPC) and the Minister for Planning respectively.

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

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

Council has granted development approval for the first development within the ANSIA, being BHP-Billiton's Macedon Domestic Gas Plant, which has commenced construction. This project is relatively small in the context of the overall development of the precinct but will still have significant impact on a town the size of Onslow. It was however able to be assessed within the framework of the planning scheme, as it presently exists. Council placed conditions on BHP-Billiton's planning approvals to address the potential negative outcomes from the development. A requirement for Macedon as part of the Planning Approval was that the proponent would seek to have the land zoned accordingly.

The ANSIA Structure Plan divides the ANSIA into several stages. Stage 1 consists of a Future Industry Area (FIA) incorporating downstream gas processing industries and other uses. Land with no current development intention in the short to medium term and therefore set aside for future strategic industrial expansion is referred to as Stage 2.

Stage 1 is further divided into sub-stages with Stage 1A comprising the Wheatstone project, a common port facility, a Multi User Access and Infrastructure Corridor (MUAIC) for the purpose of shared transport and infrastructure and Chevron's TWA camp.

Stage 1B comprises the potential development site of the Scarborough LNG and the Macedon Domestic Gas Projects, portions of land associated with the FIA and TWA and is reflected in draft Amendment No. 17.

Stage 1C comprises the balance of Stage 1 identified for 'Industry' development and is reflected in draft Amendment No. 18.

At the Council meeting of 18 April 2012, Council resolved that subject to a formal response from the EPA as to the level of environmental assessment and modifications to the draft Development Plan and draft Amendment No. 17 and 18 that Council:

- adopt draft Amendments No. 17 and 18 and advertise the Amendment for 42 days in accordance with the in accordance with the Town Planning Regulations 1967; and
- adopt draft 'LandCorp ANSIA Industrial Development Plan' in accordance with provisions of the Scheme and advertising it in concert with the draft Amendments.

The two Scheme Amendments associated with the draft Development Plan are as follows:

- Draft Amendment No 17 seeks to zone land in accordance with the ANSIA Structure Plan to 'Strategic Industry' zone and 'Other Purposes – Infrastructure' reserve (Stage 1B). Draft Amendment No. 17 provides an additional area for an additional LNG plant ('Scarborough') and a site for Transient Workforce Accommodation (TWA) in the ANSIA.
- Draft Amendment No. 18 seeks to zone land (Stage 1C) to 'Industry' zone.

ATTACHMENT 13.6A

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Comment

The development of land reflected by Amendment No. 18 has already been identified in the approved ANSIA Structure Plan. The role of the '*LandCorp ANSIA Industrial Development Plan*' (*Development Plan*) is to provide detailed information associated with the development of the land associated with the Amendment.

The Amendment was referred to the EPA where it advised that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act). The Amendment was advertised for 42 days and a total of 8 submissions were received (excluding the EPA advice). The submissions are addressed in the attached Schedule.

ATTACHMENT 13.6B

(Please note: the complete documentation of Amendment No. 18 *Development Plan* was provided to Council in April 2012. Due to the size of the Attachments, only the Scheme Amendment map and the Development Plan have been provided to Council. Copies of the complete documentation can be provided upon request).

One aspect that needs to be addressed is the issue of ensuring that the subdivision potential of land within Amendment No. 18 is reflective of further development planning and ensure that lot sizes of the industrial area does not automatically lead to subdivision being a minimum of 2000m² as provided for in the Scheme. After discussion with LandCorp concerning this issue, it is considered appropriate to add a further provision be included in the Scheme as follows:

6.11.6 Within the Ashburton North Strategic Industry Special Control Area, the Local Government shall not recommend approval of lots in the 'Industry' zone unless it is generally reflects the lot design, layout and lot minimums as provided for in an endorsed development plan.

It is appropriate to adopt Amendment No. 18 for final approval and adopt the draft *Landcorp ANSIA Industrial Development Plan* insofar as it addresses land subject of draft Amendment No. 18.

It should be noted that a separate Report that addresses draft Amendment No. 17 (Stage 1B) has been prepared for this Agenda.

Consultation

Chief Executive Officer
Executive Manager, Technical Services
Executive Manager, Strategic and Economic Development

Referral of draft Amendment No. 18 along with draft *LandCorp ANSIA Industrial Development Plan* was undertaken to the following:

Department of State Development
Department of Planning
Dampier Port Authority
Department of Environment and Conservation
Environment Protection Authority
Main Roads WA
Department of Water
Department of Mines and Petroleum
Department of Transport
Water Corporation

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Horizon Power
Department of Indigenous Affairs
Department of Health
Chevron Australia Pty Ltd
Forrest and Forrest

Statutory Environment

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

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. The decision on whether to initiate an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

Environmental Protection Act

Referral to the Environmental Protection Authority (EPA) is required to determine the level of environmental assessment under Part IV Division 3 of the Environmental Protection Act 1986. The EPA can determine that proposed scheme amendments should not be assessed under (EP Act) but nevertheless provided advice and recommendations.

Under the Section 41 of EP Act, decision-making authorities (including the Shire or a JDAP) are not to make any decision that would allow the proposal to be implemented until the EPA's assessment of the proposal and the Minister for the Environment's decision making is complete.

Section 41 of the EP Act would not prevent the advertising or referral of a planning application however it would prevent a decision on an application until the Minister for the Environment determines the environmental assessment. Advertising of Amendments No. 18 commenced after the EPA has determined the level of environmental assessment.

Financial Implications

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

Strategic Implications

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

The Shire's Strategic Plan 2007-2011 (Incorporating Plan for the Future) seeks to:

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

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

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- “New Industry
Measures and Targets
» Increase in major investment enquiries
» Increase in building activity
» Community satisfaction with economic development
» Increased employment opportunities.”

Policy Implications

There are no policy implications relevant to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

That Council:

(A) DRAFT LOCAL PLANNING SCHEME AMENDMENT NO. 18

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval, draft Amendment No. 18 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by rezoning of land and modifying Clause 6.11 as follows:
 - a) Rezone Portion of Lot 152, Onslow Road from 'Rural' zone to 'Industry' zone.
 - b) Amend the Scheme Maps accordingly.
 - c) Modify Clause 6.11.8 of the Scheme by inserting the following new clause:

“6.11.8 Within the Ashburton North Strategic Industry Special Control Area, the Local Government shall not recommend approval of lots in the 'Industry' zone unless it is generally reflects the lot design, layout and lot minimums as provided for in an endorsed development plan.”
 - d) Accordingly renumber the existing Clauses 6.11.8 – 6.11.10 (inclusive).
2. That the Council endorses the Schedule of Submissions ATTACHMENT 13.6B prepared in response to the community consultation undertaken in relation to Amendment No. 18.
3. That the Council refer Amendment No. 18 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required

prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.

(B) LANDCORP ANSIA INDUSTRIAL DEVELOPMENT PLAN

Insofar as the draft *Landcorp ANSIA Industrial Development Plan* addresses land subject of draft Amendment No. 18 to the Scheme, Council:

5. Adopts the 'Schedule of Submissions' ATTACHMENT 13.6B prepared in response to the advertising of the draft *Landcorp ANSIA Industrial Development Plan*.
6. Adopts the draft *Landcorp ANSIA Industrial Development Plan* for final approval pursuant to the requirements of Clause 6.4, Appendix 7 and Appendix 11 of the Scheme subject to the draft *Landcorp ANSIA Industrial Development Plan* being modified in accordance with 'Schedule of Submissions' ATTACHMENT 13.6B.
7. Refer the adopted draft *Landcorp ANSIA Industrial Development Plan* to the Western Australian Planning Commission with a request for endorsement as a framework for the future land use and development of the land subject of draft Amendment No. 18.

CARRIED 8/0

Reason:

To correctly refer to the relevant clauses of the planning scheme as modified by the resolution of Agenda Item 13.5.

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13.7 REVIEW OF SHIRE OF ASHBURTON MUNICIPAL HERITAGE INVENTORY (FOR CONSIDERATION OF ADOPTION FOR ADVERTISING)

MINUTE: 11262

FILE REFERENCE: CS.IN.01.01

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 August 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The current Municipal Heritage Inventory (MHI) was adopted in 1996 and includes 29 sites of significance. and recently a review was undertaken. The Shire has prepared a revised draft MHI, which is considered satisfactory for the purposes of advertising as it meets the fundamental requirements under the Heritage of Western Australia Act.

For this reason it is recommended that it be adopted for community consultation purposes.

However, prior to advertising, it is appropriate for Councillors to identify sites they (individually) consider important, recognising the necessary local input from local government representatives. Any such submissions would be added to the advertised draft with the Councillor as contact. After advertising, the draft MHI and any submissions would be referred back to Council for consideration.

Background

In accordance with section 45 of the Heritage of Western Australia Act 1990 ("the Act") each local government shall review its inventory of heritage places every four years. The current Municipal Heritage Inventory (MHI) was adopted in 1996. Between then and now the Municipal Inventory has not been modified and remains in the same format as it did in 1996, and in comparison to more recent examples of local government inventories is outdated and lacks important information, including the following:

- Updated information on the current condition and integrity of each place, including details of any major alterations or demolitions since the original Municipal Inventory was prepared.
- More detailed comparative analysis of places in the Municipal Inventory.
- Updated statements of significance (based on any relevant information arising from the comparative analysis).
- Council

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- Management categories — assigning a category to each place using the Heritage Council of Western Australia's standard categories.
- Indexing, including listing places by locations and management category.
- Management recommendations.

The current MHI includes 29 sites of significance, however it recommending reviewing 17 more sites of potential interest:

Comment

The Shire has prepared a revised draft MHI, which addresses the following (in summary):

- Updated thematic history and legislative context.
- Updated information and photographs drawing on a variety of sources and site visits. The 1996 photos have been left for comparative purposes.
- More comparative analysis.
- Statements of significance are upgraded where possible.
- Management categories have been applied with one variation on the Heritage Council's categories as noted in the text.
- Nominations received prior to and during preparation of the document have been included at the end of the original list and identified are a small number of further places for consideration.
- Place records have been prepared for each place.
- Three indexing systems have been prepared, being by number, by address and by management category.
- Pagination for the whole document.
- Bibliographies included where possible.
- Digital images of places taken.
- Identifying places that have now gone, and have moved these to categories that indicate that the site has historic interest with no built features, or have alternatively removed the place altogether.

The revised draft MHI reviews the 17 additional sites and determined that 9 more should be added. The 9 additional sites can be reasonably investigated and traced.

The draft revised MHI document is considered satisfactory for the purposes of advertising as it meets the fundamental requirements under the Act (**ATTACHMENT 13.7A**). For this reason it is recommended that it be adopted for community consultation purposes.

ATTACHMENT 13.7A

However, prior to advertising, Councillor Submissions on sites that they (individually) consider important are sought recognizing the necessary local input from local government representatives. Any such submissions would be added to the advertised draft with the Councillor contact. After advertising, the draft MHI and any submissions would be referred back to Council for consideration.

Consultation

Chief Executive Officer

Executive Manager, Technical Services

Executive Manager, Strategic and Economic Development

The intention is that the draft MHI be advertised for a period of 42 days in which time the public and landowners can comment on the document. The advertising period will also be an opportunity for the community to nominate new places for consideration. Any new places considered for

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inclusion in the reviewed MHI (i.e. both before and after advertising) will be required to be referred to the landowner(s) for comment before a decision is made on a place's inclusion in the final MHI.

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

Heritage of Western Australia Act 1990

Financial Implications

The Shire allocated monies in the 2011/12 budget for the assessment, which has been completed.

Strategic Implications

There are no strategic implications relevant to this matter.

Policy Implications

The revised MHI will provide the policy direction for the Shire.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr I Dias

That Council:

- 1. Acknowledge the reviewed draft Shire of Ashburton Municipal Heritage Inventory (reviewed draft MHI) as provided for in ATTACHMENT 13.7A the Shire Report**
- 2. Invite Councillors to lodge submissions with the Chief Executive Officer by 14 September 2012 on any additional sites that they (individually) consider should be included in the reviewed draft MHI.**
- 3. That after receipt of submissions referred to in 2 above, the reviewed draft MHI be adopted for community consultation purposes and during the consultation period each landowner included in the Municipal Inventory is to be advised in writing of details of the proposed management category of their property and the advantages and possible concessions that may be available to the landowners under the Shire of Ashburton Local Planning Scheme No. 7.**
- 4. That the matter be advertised and that a minimum period of 42 days be allowed for receipt of submissions. On completion of the consultation period the outcomes being referred back to the Council for consideration.**

CARRIED 8/0

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14. OPERATIONS REPORTS

There were no Operations Reports for this meeting.

15. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development reports for this meeting.

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

Council Decision

MOVED: Cr I Dias

SECONDED: Cr D Wright

That Council considers the following New Business of an Urgent Nature:

16.1 DIGITAL TELEVISION SWITCHOVER

18.3 PROBITY AUDIT PROPOSAL

18.4 COMMITTEE TO CONSIDER MATTERS RELATED TO COUNCIL'S CODE OF CONDUCT

CARRIED 6/2

16.1 DIGITAL TELEVISION SWITCHOVER

MINUTE: 11264

FILE REFERENCE: AS.CO.00003.000

AUTHOR'S NAME AND POSITION: Zoe McGowan
Project Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9 August 2012

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

PREVIOUS MEETING REFERENCE: Minute:11132 Ordinary Meeting of Council 15 February 2012

Summary

The Australian Government is implementing digital TV by mid June 2013. This has significant impact on the Shires operated Onslow television service. This report is an update on progress to date.

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Background

The Shire of Ashburton currently operates a self-help retransmission tower which provides analog television services to the Onslow Township.

A self - help transmission tower is where community groups or local councils purchase and maintain the equipment and infrastructure necessary to receive, and locally retransmit a free to air broadcasting services.

Currently Onslow is the only town within the Shire of Ashburton that has a self-help retransmission tower, with the other towns being broadcaster owned and managed. Digital switch over for these towns means that minimal action is required to switch from analog to digital free to air, as the broadcasters have a legal obligation to upgrade any towers and equipment to transmit.

Continuing to be a re-transmission site for digital signal will result in any upgrade to towers and equipment in Onslow being at the Council's cost and ongoing maintenance will need to be factored into future budgets.

The alternate option is to transmit via the VAST satellite service which is a government funded satellite TV service that is available to areas that fall outside of the coverage of a terrestrial network. The administration wanted to ensure that Onslow was eligible if required and has registered Onslow for the Satellite Subsidy Scheme and is still awaiting information or instruction.

Comment

Concern has been raised within the community of the direct costs associated with the VAST system and the Satellite Subsidy Scheme, which residents will incur. With this in mind further investigations have been undertaken by the Shire into other options rather than using the VAST system.

If Onslow was to fall into line with the other towns within the Shire and be "broadcaster owned", this would mean that any upgrades and maintenance costs would be the responsibility of the broadcaster and not the Shire. With Onslow's recent developments and expected population increase over the next 5 years, Win and GWN network have been approached to consider operating our digital TV transmission to ensure a reliable and high quality stream of Digital TV to the Onslow community. The Commercial broadcasters have responded advising that they are only rolling out terrestrial services at the locations that have already been nominated. They acknowledge that there are towns that should have terrestrial digital services, Onslow being one of them, but have advised that they are unable to take any additional towns on to be broadcaster owned.

An assessment of the existing tower is planned to develop a possible way forward. The cost for this to proceed is \$8,360.00. The amount has been budgeted and will be actioned as soon as the 2012/13 annual budget is approved by Council.

Next steps being researched for presentation to Council are:

- Review of existing infrastructure and capacity to accept upgrade which includes review of structural integrity of tower to accept upgrade
- Explore digital TV solutions and associated companies that can facilitate this.

Many companies have packages that support the upgrade however this requires extensive research as many promise outcomes that may not be achievable in such a remote area.

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The Shire is committed to exhaust all options that are available for digital TV service to the Onslow community in order to provide the most reliable, cost-effective service available. Any proposed upgrades will need to be thoroughly investigated to fully understand immediate and long term costs and management, particularly if the service is to remain a self – help transmission site. It is anticipated that a comprehensive review will be presented at the September Council Meeting.

Consultation

Scott Robson National Program Manager, Castle Crown

Shirley Brown Group Business Director, WIN network

Masoud Rasouli Account Manager, Commercial Broadcast Australia

Luke Ryan Digital switch over task force, Department of Broadband, Communications and the Digital Economy.

Amanda O'Halloran Executive Manager, Strategic & Economic Development

Statutory Environment

Radio Communications Act 1992

Tele Communications Act 1997

Broadcasting Services Act 1992

Financial Implications

Immediate costs for assessment on the towers would be \$8,360. Further upgrades to the tower is still being investigated however preliminary numbers have indicated \$150,000 for the equipment and tower with maintenance costs of approximately \$25,000 a year for the next 10 years.

Strategic Implications

Strategic Plan –

1. – Include and Engage our Community: – *“Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability”.*

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

That Council;

1. **Receives the Onslow digital TV upgrade progress report.**
2. **Directs the CEO to report back to the September 2012 Ordinary Meeting of Council following the report of costs for self – help transmission.**

CARRIED 8/0

17. CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council close the meeting to the public at 5.50 pm pursuant to sub section 5.23 (2) (e) of the Local Government Act 1995.

CARRIED 8/0

17.1 CONFIDENTIAL ITEM - ONSLOW WASTE - LIQUID WASTE

MINUTE: 11265

FILE REFERENCE: OR.MT.2

AUTHOR'S NAME AND POSITION: Geoffrey Brayford
Executive Manager, Technical Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 July 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Wright

That Council:

- **Reallocate \$50,000 from the Onslow Refuse Site closure (CO65).**
- **Apply for all necessary permits to receive liquid wastes at Reserve 38337.**
- **Declare a fee for liquid waste disposal at the Onslow Tip at \$0.20/L.**
- **Determine to only accept kitchen wastes from the Onslow township, or any Council controlled facilities.**
- **In order to support the Onslow community in the short term to provide up to \$20,000 for subsidised transport costs.**
- **Request the CEO to report back to council on the progress of this matter at the November 2012 council meeting.**

CARRIED BY ABSOLUTE MAJORITY 7/1

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Reason: Council felt it was appropriate to assist the community with subsidised transport cost to ensure the continuity of business and it wished to monitor the progress of this matter.

Kaylani Cortesi left the meeting at 5.58 pm.
Kaylani Cortesi re-entered the meeting at 6.02 pm.

Rob Paull left the meeting at 6.03 pm.
Rob Paull re-entered the meeting at 6.05 pm.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council close the meeting to the staff at 6.05 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 8/0

Jeffrey Breen, Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Geoffrey Brayford, Rob Paull, Jackie Brayford and Kaylani Cortesi left the meeting at 6.05 pm.

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17.2 CONFIDENTIAL ITEM - CEO PERFORMANCE REVIEW

MINUTE: 11266

FILE REFERENCE: OR.MT.2

AUTHOR'S NAME AND POSITION: Jeffrey Breen
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Jeffrey Breen

DATE REPORT WRITTEN: 6 August 2012

DISCLOSURE OF FINANCIAL INTEREST: The author has a financial interest in this matter as he is the subject of the report.

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 15th December 2010
Ordinary Meeting of Council 16th March 2011
Ordinary Meeting of Council 19th October 2011
Ordinary Meeting of Council 15th February 2012
Agenda Item, Ordinary Meeting of Council 18 April 2012,
Minute No: 11181

Council Decision

MOVED: Cr P Foster SECONDED: Cr L Rumble

That Council adopt the recommendation contained in the "17.2 Confidential Item – CEO Performance" Report.

CARRIED 8/0

Council Decision

MOVED: Cr I Dias SECONDED: Cr D Wright

That Council re-open the meeting to the staff at 6.20 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 8/0

Jeffrey Breen, Frank Ludovico, Amanda O'Halloran, Deb Wilkes, Rob Paull, Jackie Brayford and Kaylani Cortesi re-entered the meeting at 6.20 pm.

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17.3 CONFIDENTIAL - OCEAN VIEW CARAVAN PARK - MANAGEMENT PLAN AND OCCUPANCY DIRECTIVE

MINUTE: 11267

FILE REFERENCE: SE.R.04405.000
OR.MT.2

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager, Strategic and Economic Development

**NAME OF APPLICANT/
RESPONDENT:**

DATE REPORT WRITTEN: 6 August 2012

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

PREVIOUS MEETING REFERENCE: 16 May 2012 – Minute 11205; 20 June 2012 – Minute 11220 & 18 June 2012 – Minute 11236.

Council Decision

MOVED: Cr D Wright **SECONDED:** Cr L Rumble

That Council approves

1. the Ocean View Caravan Park occupancy plan which states –
 - i. 40 Permanents all year round.
 - ii. 45 tourist bays held for the “peak tourist” months of June, July and August
 - iii. 15 bays that are for casual hire.
 - iv. all non-permanent bays being available to the resource sector or local business outside of the above listed “peak tourist” months.
2. acknowledges receipt of the draft business plan.
3. approves the allocated budget as attached and incorporated into the 2012/2013 Annual Budget.
4. approves the proposed Fees and Charges of the Caravan Park and agrees that they be incorporated into the 2012/2013 Annual Budget.
5. approves the redevelopment of the managers residence up to the value of \$150,000.00.
6. acknowledges that due to timing constraints and difficulty assessing costs and engaging staff any projected budgetary numbers may be subject to significant variation.
7. Council acknowledges that this will have a significant impost on projects in future Council budgets.

CARRIED BY ABSOLUTE MAJORITY 6/2
Crs White, Rumble, Fernandez, Dias, Thomas and Wright voted for the motion.
Crs Foster and Eyre voted against the motion.

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Geoffrey Brayford re-entered the meeting at 6.22 pm.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Thomas

That Council re-open the meeting to the public at 6.45 pm pursuant to sub section 5.23 (2) (e) of the Local Government Act 1995.

CARRIED 8/0

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18. COUNCILLOR AGENDA ITEMS

18.1 TOURIST SIGNAGE - TOM PRICE - PARABURDOO ROAD & KARAJINI ROAD

MINUTE: 11252

COUNCILLOR'S NAME: Councillor Thomas

DATE REPORT WRITTEN: 5 July 2012

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

Issue

The Visitor information signage on the Tom Price - Paraburadoo Road and Karajini Road are old and outdated, and in part an embarrassment to the Community. Many phone numbers no longer exist.

The facilities are on Main Roads, and in the normal course of events they would be the responsibility of the MRWA . The Shire (together with businesses) may have had a role in the creation of the signage and currently empties the rubbish bins at these sites because it is efficient to do so, but it is not generally a Shire responsibility.

MRWA do not accept any responsibility for the upkeep of the structures or the signage.

The proposal seeks to address the uncertain responsibilities to bring this area up to a modern standard and improve the appearance on the approach to Tom Price.

The proposal is for the Shire to remove the signage from the structures, after which Main Roads will accept full responsibility for the entire area as a rest area and define a long term approach to the embellishment and maintenance of the area.

Reason

To remove uncertainty over responsibility, ownership and upkeep for the Tom Price tourist site.

Councillor Recommendation

That Council:

1. subject to Main Roads confirmation of this arrangement, agree to remove the signage from the Tom Price and Karajini Tourist Bays and thereafter Main Roads WA will be responsible for the development and upkeep of both areas.
2. allocate \$5000 for the removal of the signage from the tourist lay-bys in the 2012-2013 budget.

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RESPONDING OFFICER

FILE REFERENCE:	CS.IN.02.06 PS.SG.00.00
AUTHOR'S NAME AND POSITION:	Geoffrey Brayford Executive Manager, Technical Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	15 July 2012
PREVIOUS MEETING REFERENCE:	Not Applicable

Background

No further background.

Comment

If this proposal is able to remove an uncertainty concerning ownership and allow the area to be properly developed and maintained then the small investment to remove the signage will be worth the benefit that will follow.

Shire officers have been unable to make contact with the Main Roads officers, with whom Councillor Thomas has negotiated this arrangement. Until such time that Main Roads can confirm this arrangement in writing the Shire should be cautious about proceeding to spend the money to remove the signs.

Additional Comment

Not Applicable

Consultation

Prior to any definitive action the businesses that have signage on the structure will need to be notified. The need to contact these businesses should not detract from the objective of this resolution.

Additional Consultation

Not Applicable

Policy Implications

Clarity as to the role and responsibility between Main Roads and the Shire of these sites.

Financial Implications

Currently unallocated cost of sign removal and disposal estimated at \$5,000.

Strategic Implications

Improved appearance of the current tourism signage on the approach to Tom Price.

Procedural Comment

Not Applicable

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Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr I Dias

SECONDED: Cr C Fernandez

That Council:

1. Subject to Main Roads confirmation of this arrangement, agree to remove the signage from the Tom Price and Karajini Tourist Bays and thereafter Main Roads WA will be responsible for the development and upkeep of both areas.
2. Allocate \$5000 for the removal of the signage from the tourist lay-bys in the 2012-2013 budget.

CARRIED 8/0

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18.2 PARABURDOO POLICE STATION

MINUTE: 11268

COUNCILLOR'S NAME: Cr Peter Foster

DATE REPORT WRITTEN: 7 August 2012

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

Issue

Paraburdoo Policing.

Reason

Paraburdoo Police Station is often unmanned which leaves the community vulnerable.

Councillor Recommendation

That Council instructs the CEO to write to the Minister for Police querying Police levels in Paraburdoo and seeks a guarantee that the Paraburdoo Police Station is adequately staffed.

RESPONDING OFFICER

FILE REFERENCE: PA.AS.0600

AUTHOR'S NAME AND POSITION: Jeffrey Breen
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

DATE REPORT WRITTEN: 7 August 2012

**PREVIOUS MEETING
REFERENCE:**

Background

Cr Foster and others have expressed concern that the Paraburdoo Police Station is often unmanned. This has been more evident in recent months.

Comment

The Paraburdoo Police Station was unmanned for 3 weeks during July 2012.

The Station serves a town population of 2000, FIFO workers, work camps, nearby Bellary, pastoral stations and responds to road accidents, etc.

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Tom Price Police are expected to respond to any issues that arise with a delay of at least 40 minutes assuming that Tom Price police are immediately available.

Given the nature of our towns, shift workers, potential accidents, etc this situation is not acceptable and Paraburdoo needs and deserves a constant Police presence.

Consultation

Cr Foster

Financial Implications

Nil

Strategic Implications

A strategic goal of Council is to ensure community safety.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

That Council directs the CEO to write to the Minister of Police querying Police staff numbers in Paraburdoo and seek a guarantee that adequate Police staff are assigned to Paraburdoo.

CARRIED 8/0

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18.3 NEW BUSINESS - PROBITY AUDIT PROPOSAL

MINUTE: 11269

COUNCILLOR'S NAME: Cr Kerry White
Shire President

DATE REPORT WRITTEN: 9 August 2012

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

Issue

In view of the number of projects being managed by the Shire and the amount of project funding involved, an independent assessment of Council's tender and purchasing policies, processes, and related delegated authority to act should be undertaken to ensure that Council is meeting compliance requirements.

Reason

Councillor Recommendation

That Council requests the Department of Local Government to conduct a Probity Audit as soon as possible to examine Council's tender and purchasing policies, processes, delegated authority and other associated functions.

RESPONDING OFFICER

FILE REFERENCE: LE.LE.00.00

AUTHOR'S NAME AND POSITION: Jeffrey Breen
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Cr Kerry White
Shire President

DATE REPORT WRITTEN: 12 August 2012

PREVIOUS MEETING REFERENCE: Nil

DISCLOSURE OF FINANCIAL INTEREST: The author has an interest in this matter as CEO of the Shire of Ashburton with responsibility for the operations of all aspects of the administration

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Background

In an email from the Shire President, Cr Kerry White to the Responding Officer on 9th August 2012 (7.53pm), Cr White alleges that complaints with respect to the manner in which the Shire conducts its tendering and contracting businesses have been made.

Cr White has requested a late item for Council's consideration requesting the Department of Local Government to conduct a Probity Audit.

Comment

On Monday 6 August 2012 the RO and Shire President conducted a regular weekly catch up meeting via phone.

A number of items were discussed from a list of issues emailed to Cr White on 2 August 2012. At that meeting, Cr White made no mention of alleged complaints regarding tendering and contracting practices nor had this been raised with the RO at any time previously.

On Thursday, 9 August 2012 (7.53pm) by email Cr White instructed the RO to prepare two late agenda items, one being Probity Audit Proposal.

ATTACHMENT 18.3A

Coincidentally, the RO had contacted the Department of Local Government (DLG) earlier the same day and a response from Ms Jenni Law of the Department was received at 10.55 am.

The RO and Ms Law discussed how the Department may be able to assist Council through training, etc and what programs could be offered.

During the course of the conversation Ms Law suggested a Probity Audit may be of assistance. She explained that a Probity Audit was more like a health check to assist council's with their operations and to highlight any possible areas of non-compliance.

The audit would cover a wide range of Council activities as outlined in the framework attached.

Ms Law also advised that Council would be required to request the DLG to conduct the audit if it wished this action to occur. She also advised that the audit could be commenced and conducted within a matter of weeks.

The RO received a copy of the Probity Compliance Framework Draft from the DLG which is attached for information.

ATTACHMENT 18.3B

On Friday, 10 August 2012 the RO responded by email to Cr White's instructions to include a late item "Probity Audit Proposal" by welcoming the proposal but suggesting that a full audit should be conducted as per the DLG Probity Compliance Framework Draft.

ATTACHMENT 18.3C

No response to this suggestion has been received from the Shire President at the time of writing but the RO believes that it is important from a transparency point of view to embrace the gamut of the compliance audit and not restrict the DLG to a narrow component of it.

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Consultation

Cr White

Ms Jenni Law, Department of Local Government

Financial Implications

Nil

Strategic Implications

Objective 6 – A well managed and contemporary corporation

Business Plan Objective 4 – Statutory compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

That Council directs the CEO to request the Department of Local Government to conduct a Probity Compliance Audit in accordance with its Probity Compliance Framework as soon as possible.

CARRIED 8/0

Reason: The Probity Compliance Framework considers a greater range of issues than contained in the Councillor Recommendation.

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Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 18.4 declaring her interest as Proximity pursuant to Section 5.60B of the Local Government Act 1995.

Cr Eyre declared an interest in Agenda Item 18.4 stating impartiality pursuant to Regulation 11 of the Local Government Act (Rules of Conduct) Regulation 2007.

Crs White and Eyre left the meeting at 7.03 pm.
Cr L Rumble took the Chair.

Geoffrey Brayford left the meeting at 7.05 pm.

Jackie Brayford left the meeting at 7.10 pm.
Jackie Brayford re-entered the meeting at 7.12 pm.

Kaylani Cortesi left the meeting at 7.15 pm.
Geoffrey Brayford re-enters the meeting at 7.15 pm.

18.4 NEW BUSINESS - COMMITTEE TO CONSIDER MATTERS RELATED TO COUNCIL'S CODE OF CONDUCT

MINUTE: 11270

COUNCILLOR'S NAME: Cr Kerry White
Shire President

DATE REPORT WRITTEN: 9 August 2012

DISCLOSURE OF FINANCIAL INTEREST: The author has an interest affecting her impartiality in this matter.

Issue

In view of my concern related to a letter written by Cr Eyre and published in the ONSLOW TIMES by Councillor Eyre in her position as Editor, I propose that a Committee of Council be formed to consider this matter in relation to Council's Code of Conduct.

Councillor Recommendation

That Council appoints a Committee of Council to consider the letter written and published by Cr Eyre in relation to a possible breach of Council's Code of Conduct.

Members Being.

.....

.....

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RESPONDING OFFICER

FILE REFERENCE: LE.LE.00.00

AUTHOR'S NAME AND POSITION: Jeffrey Breen
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Cr Kerry White
Shire President

DATE REPORT WRITTEN: 12 August 2012

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Background

In an email from the Shire President, Cr Kerry White to the Responding Officer on 9th August 2012 (7.53pm), Cr White has requested a late item for Council's consideration regarding a letter published in the Onslow Times by Cr Ann Eyre in her position as editor.

ATTACHMENT 18.4

Comment

On Thursday, 9 August 2012 (7.53pm) by email Cr White instructed the RO to prepare two late agenda items, one being the with respect to a letter written by Cr Ann Eyre as President, Onslow Visitor's Centre and published in the Onslow Times.

ATTACHMENT 18.4A

This letter was published in late July 2012 whilst the RO was on leave. The Shire President requested the Acting CEO, Frank Ludovico, to act on the matter.

Mr Ludovico contacted the Department of Local Government and the response from David Morris, Acting Manager of the Governance Unit (through Ms Jenni Law) was, *"he is of the view that this is not a matter that should be referred to the standards panel. The matter being comment (sic) on is in public domain and whilst Ann Eyre is a Councillor, she is clearly identifying herself in the article as speaking on behalf of the visitors centre."*

ATTACHMENT 18.4B

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Cr White's recommendation is based on the Shire of Ashburton Governance Policy, ELM04, Code of Conduct for Councilors and Staff.

ATTACHMENT 18.4C

Shire of Ashburton Governance Policy, ELM04, Code of Conduct for Councilors and Staff.

The Policy Purpose is;

"To outline a code of conduct for Councilors and staff to observe as required by section 5.103 of the Local Government Act 1995."

The full policy is attached for Councillor's information but the sections below seem to be the most relevant in this case.

Clause 5 of this policy would seem to be the most appropriate in dealing with this matter. Clause 5 states;

5. CONDUCT OF COUNCILLORS AND STAFF

5.1 Personal Behaviour

(a) Councilors and staff will:

- i. Act and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- ii. Perform their duties impartially and in the best interests of the Council and the community uninfluenced by fear or favour;
- iii. Act in good faith (ie. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community;
- iv. Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- v. Always act in accordance with their obligation of fidelity to the Council.

(b) Councilors will represent and promote the interests of the Council, while recognising their special duty to their own constituents.

5.6 Corporate Obligations

(a) Communication and Public Relations

- iii. As a representative of the community, Councilors need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Councilors should acknowledge that:
 - a. As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
 - b. Information of a confidential nature ought not to be communicated until it is no longer treated as confidential;

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- c. Information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity, writing, by a designated officer of the Council; and
- d. Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

The Code of Conduct ELM02 provides a set of guidelines for appropriate behaviour by Councillors and staff.

The Code does not provide for remedy if the guidelines are transgressed. There is no stated process for dealing with alleged breaches of the code within Policy ELM 04.

The Local Government (Rules of Conduct) Regulations 2007

Part 5 of the Local Government Act 1995 also deals with conduct of certain officials.

The Local Government (Rules of Conduct) Regulations 2007 provide a disciplinary framework to deal with individual misconduct by local government council members.

The rules of conduct cover the following key areas:

- a) standards of general behaviour
- b) use of information
- c) securing unauthorised advantages or disadvantages
- d) disclosing certain interests (not financial) and
- e) restriction on receiving, and disclosure of, certain gifts.

Contraventions of these rules are a minor breach which can be referred to the local government Standards Panel.

These Rules of Conduct Regulations can be summarised as follows:

Regulation 4 is a breach of a Local Law which relates to councillors conduct and their behaviour towards others at council and committee meetings.

Regulation 6 is the improper disclosure of information, which can involve information about confidential items or the disclosure of confidential documents. This means that a person who is a council member must not disclose;

information that the council member obtained from a confidential document; or

information that the council member acquired at a closed meeting unless that information was taken from a non-confidential document.

Regulation 7 deals with the circumstances of an elected member who improperly uses their position as a council member with the intention of benefiting themselves or other people, whether it be directly or indirectly, or if they improperly use their office with the intention of causing damage to a local government or any person.

Regulation 8 is the misuse of Local Government resources for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll or for any other purpose unless authorised under the Act, or authorised by the council or CEO.

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Regulation 9 restricts elected members from becoming involved in operational matters of the local government unless authorised by the council or CEO. This Regulation is aimed at preventing elected members from interfering in the administrative duties performed by staff. However, this regulation does not apply to anything that a council member does as part of the deliberations/decisions at a council or committee meeting.

Regulation 10 says that a council member must not attempt to direct or influence, through threat or promise of a reward, the conduct of a local government employee, nor may they make statements derogatory to a local government employee.

Regulation 11 deals with elected members failing to disclose an impartiality interest during a council or committee meeting.

Regulation 12 a breach of this regulation involves an elected member accepting a prohibited gift or a failing to disclose receiving a notifiable gift from a person who is undertaking, seeking to undertake or is intending to undertake an activity that will involve a decision by the elected members local government.

“A prohibited gift to a council member means;

- a) A gift worth \$300 or more; or*
- b) A gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months and are in total worth \$300 or more.*

A Notifiable gift to an elected member means;

- a) A gift worth between \$50 and \$300; or*
- b) A gift that is one of 2 or more gifts given to the council member by the same person within a period of 6 months that are in total worth between \$50 and \$300.”*

Committees of Council

Establishment and operation of a committee of Council is governed by the Local Government Act 1995 Part 5, Division 2, Subdivision 2.

Clause 5.8 states “a local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government of the local government that can be delegated to committees.”

This needs to be done by absolute majority.

Whilst a committee may be established to consider the letter written by Cr Eyre it would appear to have little power other than to deliver a finding on a possible breach of Council's Code of Conduct.

Statutory Environment

Local Government Act 1996 Part 5 Division 9 - Conduct of certain officials

Local Government Act 1996 Part 5 Division 2, Subdivision 2 – Committees and their meetings

Local Government (Rules of Conduct) Regulations 2007

Consultation

Cr White

Ms Jenni Law, Department of Local Government

Executive Manager Corporate Services, Frank Ludovico

Financial Implications

Nil

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Strategic Implications

Objective 6 – A well managed and contemporary corporation
Business Plan Objective 4 – Statutory compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

- 1. That Council appoints a Committee of Council including an independent person (subject to their agreement) to consider the letter written and published by Cr Eyre in relation to a possible breach of Council's Code of Conduct.**

Members Being: Cr Fernandez

Cr Rumble

Cr Foster

And the Independent person.

- 2. Council directs the CEO to authorise and facilitate a meeting to discuss the code of conduct of Councillors and to formulate an appropriate training/mentoring program for Councillors.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Rob Paull left the meeting at 7.20 pm.

Kaylani Cortesi re-entered the meeting at 7.25 pm.

Rob Paul re-entered the meeting at 7.29 pm.

Geoffrey Brayford re-entered the meeting at 7.30 pm.

Crs White and Eyre re-entered the meeting at 7.33pm.

Cr White resumed the Chair.

18.5 PARABURDOO COMMUNITY HUB

Cr Dias foreshadowed a motion:

“The Council request the Chief Executive Officer to report back to 19 September 2012 Council Meeting on the progress on the Paraburdoo Community Hub”.

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19. PILBARA REGIONAL COUNCIL REPORT

There were no reports to Council from the Pilbara Regional Council.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 September 2012, at the RM Forrest memorial Hall, Second Avenue, Onslow, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President closed the meeting at 7.38 pm.