

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**MINUTES
(Public Document)**

**Council Chambers, Community Recreation
Centre, Tom Price**

18 July 2012

MINUTES - ORDINARY MEETING OF COUNCIL 18 JULY 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 18 July 2012 at Council Chambers, Community Recreation Centre, Tom Price 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 opened the meeting at 1.05 pm.

2. ANNOUNCEMENT OF VISITORS

The Shire President welcomed the 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 L Shields	Tom Price 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

3.2 APOLOGIES

Ms Keneally Executive Manager, Operations.

3.3 APPROVED LEAVE OF ABSENCE

There was no approved Leave of Absence.

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

At the Ordinary Meeting of Council held on 18 July 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

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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.

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."

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?

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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?

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
- 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.

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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.

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).

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.

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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.

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.

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 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?

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 20 June 2012, the following questions were taken on notice and a written response has been provided.

Cr Dias tabled the following question on behalf of Dave Mausfield from Paraburdoo.

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- Q1. The verge of the Coles Express entry is in a very poor state. I believe it is Shire area. Is the shire planning to do some repair or maintenance to the area?**

Response

The verge referred to has been identified as the driveway access into the Shell Service Station at Paraburdoo. Private driveways are the responsibility of the property owner, not the Shire. Camp Road is also the responsibility of Main Roads. The Shire will write to both Main Roads and the property owner requesting that the driveway is attended to.

Cr Foster tabled the following question on behalf of Michelle Dudfield from Tom Price.

- Q2. When will the bicycle racks be installed in the Tom Price Mall? Currently there is nowhere to safely leave and secure your bicycle whilst shopping.**

Response

Bicycle racks were in the concept design for the Town Centre, however, during design development these were removed and replaced with Pedestrian Bollards which are designed for and capable of being used as bicycle racks. This will not be entirely effective; therefore two sets of bicycle racks will now be placed in the Town Centre. This will take up to 8 weeks to complete.

Cr Foster tabled the following question from Steve and Leanne Schneider from Tattoo Fever, Port Hedland.

- Q3. We have a suggestion for Council, and we will also be addressing this issue with other Councils on our travels – all towns need somewhere for travelling businesses to park up.**

- a) Could businesses use the local Drive – In area in Tom Price? This would enable car parking for customers, safety for customers etc.**

Response

The Drive-In movie facility is owned by Pilbara Iron and operated by the Drive-In Movie Committee. Should traders wish to trade in this particular location they would need to ask permission from the Pilbara Iron and Drive - In Movie Committee. Should a trader be granted permission to trade in this area, appropriate licences from the Shire of Ashburton will be required.

- b) Are there toilets/shower facilities in town that business owners could use? Of course it would pay for services system, somewhere to plug into power, use toilets etc.**

Response

Public shower facilities are provided at public toilets Doug Talbot Park at a cost of \$2.00 per shower.

The Visitor Centre opening hours are as follows:

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1st May – 31st October

Monday – Friday: 8:30am – 5:00pm

Saturdays/Sundays/Public Holidays: 8:30am – 12.30pm

1st November – 30th April

Monday to Friday: 9:30am – 3:30pm

Saturdays: 9:00am – 12:00 midday

Sundays/Public Holidays: Closed

There are three public toilet facilities available 24 hours per day in Tom Price. The locations are:

- Doug Talbot Park (next to the Visitors Centre)
- Lions Park (located Central Avenue & North Parade)
- Exeloo (located at the eastern end of the town mall)

Traders are required to provide their own power for their individual trading requirements. Many Traders opt to have an inverter generator for power supply.

- c) **We have extended our stay in Tom Price, however when discussing this with Council staff today they were unaware of any information they should provide to us. I think an Information Pack should be available when applying or paying fees for Traders permit eg local emergency phone numbers, where the public facilities in town are, where the rubbish can be disposed of etc.**

Response

Community Development is currently working on Information Packs for new residents in Tom Price. These welcome packs can be made available to traders. The packs will include local emergency telephone numbers, public facilities and any other relevant information.

All rubbish incurred by a trader must be disposed of at the Tom Price Rubbish Tip or alternative rubbish collection arrangements can be made with the Waste Coordinator.

Cr Foster tabled the following question from Sarah Kemp on behalf of Tom Price & Paraburdoo Business Association.

- Q4. Last week at the Tom Price and Paraburdoo business Association committee meeting Sergeant Dan Anderson from the Tom Price police Station spoke at length with local businesses relating to concerns on recent theft and vandalism incidents that have occurred in the town centre of Tom Price. Can the Shire inform the TPPBA if there is intent to install CCTV into the town centre and if yes what the time frame on this will be?**

Response

The Shire has made an allocation in the 2012/2013 budget to install a limited number of CCTV cameras in identified "hot spots" around both Tom Price and Paraburdoo. The police will be consulted to help identify the areas most in need. In addition, a further budget allocation has been

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made to allow for some community and industry specialist consultation on how to best proceed with this issue. CCTV cameras have a number of limitations and other technologies may present a better long term solution.

Cr Foster tabled the following question from Sarah Kemp on behalf of Tom Price Tidy Town Committee.

Q5. At the Council Meeting of the 16 May 2012 Council resolved 'to consider any variations to its waste Management and Recycling Strategy amongst other priorities, when it receives the Community Plan and then defines its Corporate plan'.

- **Can the Tidy Towns Committee view the current Waste Management and Recycling Strategy referred to in this statement?**
- **What would the timeframe of a review of the current Waste Management and Recycling Strategy be, will there be the opportunity for community input into this strategy and when would it be completed by?**

Rumours persist from numerous sources that claim they have seen the recycling collected at the Tom Price Recycling Pod disposed of with general waste at the rubbish dump. Many people put significant effort into collecting; sorting and dropping off their recycling at the Pod and these rumours are disheartening and discouraging to those that already recycle and to potential new recyclers.

To put these rumours to bed, would it be possible for the Shire to release copies of transport and recycling receipts for recycling taken from the pod to date? An additional suggestion would be using the Inside Ashburton to publish a running tally of recycling completed to date by weight and type.

Response

Council currently relies on the Pilbara Regional Council – "*Regional Waste Management Plan*" – known as the Cardno Report. This is available on the PRC web site – or by searching for "*Pilbara Regional Council Waste Management Plan*".

The report was produced in 2008. It is currently under review. Following that review and the adoption of the Shire's community plan and corporate plan a specific waste management strategy for the shire needs to be developed. This will include a strategy for development and management of the Council Waste sites, and examine the opportunities, the benefits and the costs of recycling various waste streams. It is expected that the strategy will be released for public comment when it is available.

Council's existing Pod drop off recycling systems is well used for recycling. Not all products can be recycled immediately and the handling of the products is conducted at the Tom Price Waste Site. Delivery to the site does not mean that it is disposed of as general waste – unless there is large scale contamination of a particular delivery.

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Some products are stored for long periods until transport arrangements are in place, such as Cardboard and Paper and Plastics, while others are stored indefinitely until an opportunity arises to reuse them in civil products, such as glass. Tyres represent a significant challenge in this region. Oils and metals do however have a reasonable market and recovery of these products is successful.

The Shire will not be able to make receipts for commercial undertakings it makes, however, the volume of transported recycled products in the last two years is

Product	Volume	Date
Cardboard and Paper	10.9 Tonne	06.04.2011
Plastics	1.9 Tonne	14.04.2011
Tyres	3000	04.12.2011
Oils	119,510 Ltrs	06.10.2011 – 06.12.2011
Metals	1049 Tonne	20011 & 2012
Cans	1.5 Tonne	14.04.2011

5. APPLICATIONS FOR LEAVE OF ABSENCE

Application has been received from Cr Linton Rumble for leave of absence for the Ordinary meeting of Council to be held on 19 September, 2012.

Council Decision

MOVED: Cr Fernandez

SECONDED: Cr Wright

That Council accept the application for leave of absence from Cr Linton Rumble for the Ordinary meeting of Council being held on 19 September, 2012.

CARRIED 9/0

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

There were no presentations made to Council.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 20 June 2012

Council Decision

MOVED: Cr Foster

SECONDED: Cr Shields

That the Minutes of the Ordinary Meeting of Council held on 20 June 2012, as previously circulated on 2 July 2012, be confirmed as a true and accurate record with the following correction: the inclusion of Cr Eyre in the Declaration by Members.

Declaration by Members

Crs White, Rumble, Wright, Foster, Shields, Eyre, Dias and Thomas stated that they had given due consideration to all matters contained in the Agenda before the meeting.

CARRIED 9/0

8 ANNOUNCEMENTS MADE BY THE PRESIDING PERSON WITHOUT DISCUSSION

No announcements were made by the Shire President.

9. DECLARATION BY MEMBERS

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

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

10.1 CHIEF EXECUTIVE OFFICER'S LEAVE ARRANGEMENT

MINUTE: 11230

FILE REFERENCE: PE.EM.000.00

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

NAME OF APPLICANT/RESPONDENT: Jeffrey Breen
Chief Executive Officer

DATE REPORT WRITTEN: 29 June 2012

DISCLOSURE OF FINANCIAL INTEREST: The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Chief Executive Officer (CEO) wishes to take leave for the periods of 20 July 2012 to 1 August 2012 (inclusive) and 14 September 2012 to 28 September 2012 (inclusive).

This report is advising Council of the proposed leave for information purposes, and recommends the appointment of an Acting Chief Executive Officer for these periods.

Background

As an employee of Council, the Chief Executive Officer is entitled to annual leave and other approved leave; however the granting of leave is somewhat different to other employees. Generally the Divisional Manager or the Chief Executive Officer as the case may be, will consider applications for leave for all employees.

The Chief Executive Officer's leave is, in essence, approved by the CEO himself, however it is good practice and courteous to inform Council of leave proposals and seek Council's endorsement.

Council also needs to appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position, during these periods.

Comment

The author is of the opinion that there is a sufficiently experienced management team from which it is appropriate to make an appointment of Acting Chief Executive Officer. It is for this reason it is proposed that Frank Ludovico, Executive Manager Corporate Services be appointed to the role of Acting Chief Executive Officer.

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Should these arrangements be acceptable to Council, it is necessary for Frank Ludovico, Executive Manager Corporate Services, to be provided with relevant authority to undertake the role of Acting Chief Executive Officer.

Consultation

Executive Management Team
Shire President

Statutory Environment

Sections 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions, and Section 5.36 relating to employees.

Chief Executive Officer's Employment Contract.

Financial Implications

There are only minor financial implications to Council in respect to the CEO's leave as all leave entitlements are provided for within the Adopted Budget.

Strategic Implications

There are no strategic implications relative to this issue.

Policy Implications

There are no known policy implications relevant to this issue.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Shields

SECONDED: Cr A Eyre

That Council:

1. Note and endorse the Chief Executive Officer's leave arrangements from 20 July 2012 to 1 August 2012 (inclusive) and 14 September 2012 to 28 September 2012 (inclusive).
2. Appoint Frank Ludovico, Executive Manager, Corporate Services, as Acting Chief Executive Officer and delegate all powers of the CEO for the periods 20 July 2012 to 1 August 2012 (inclusive) and 14 September 2012 to 28 September 2012 (inclusive).

CARRIED 9/0

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10.2 CHANGE OF VENUE - ORDINARY MEETING OF COUNCIL 19 SEPTEMBER 2012

MINUTE: 11246

FILE REFERENCE: OR.MT.00.00

AUTHOR'S NAME AND POSITION: Jackie Brayford
CEO & Councillor Support Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 June 2012

DISCLOSURE OF FINANCIAL INTEREST: Not Applicable

PREVIOUS MEETING REFERENCE: Agenda item 10.1 Ordinary Meeting of Council 19 October 2011 Minute No. 11042

Summary

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

Background

In October 2011 Council adopted the meeting schedule for the Ordinary Meeting of Council 2012. This report sets out a proposed change to the schedule for the 19 September 2012 Ordinary Meeting of Council.

The Shire has been advised by Rio Tinto that the facilities and accommodation they usually provide at Pannawonica will not be available due to a planned mine shut down. Therefore the Ordinary Meeting of Council for 19 September 2012 is not able to take place in Pannawonica.

Comment

In determining the dates, times and locations for the Ordinary Meeting of Council for 2012 consideration was given to a number of factors including travel and facilitation of workshops/briefing sessions with Councillors and Executive Managers.

When making travel arrangements for the Council Meeting in Pannawonica the Shire is only able to make a tentative booking for accommodation. This is done in January of each year. Confirmation from Rio Tinto depends on their operational needs and requirements.

Consultation

Chief Executive Officer

MINUTES - ORDINARY MEETING OF COUNCIL 18 JULY 2012

Statutory Environment

Local Government Act 1995 requires Council to hold an Ordinary Meeting of Council not more than three months apart.

Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of Council Meetings.

Strategic Implications

Not Applicable

Policy Implications

Council policy ELM01 – Council and other meetings.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr A Eyre

That Council change the location of the 19 September 2012 Ordinary Meeting of Council from Pannawonica to a venue to be agreed upon between the CEO and Shire President.

CARRIED 9/0

Reason for change:

Council decided that further discussion was required before deciding on a suitable location for the 19 September 2012 Ordinary Meeting of Council.

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10.3 PILBARA DEVELOPMENT COMMISSION BOARD VACANCY

MINUTE: 11231

FILE REFERENCE: OR.IG.02.07

AUTHOR'S NAME AND POSITION: Jackie Brayford
CEO & Councillor Support Officer

NAME OF APPLICANT/RESPONDENT: Pilbara Development Commission

DATE REPORT WRITTEN: 4 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda item 10.3 Ordinary Meeting of Council 19 October 2011. Minute No. 1104

Summary

The Pilbara Development Commission is seeking nominations to fill three Local Government positions on its Board of Management. The Shire can nominate up to two Councillors for the vacant position. These positions are for a term of up to three years from the date of appointment.

Background

A call was made on the 14 September 2011 for nominations to the Pilbara Development Commission Board.

At the Ordinary Meeting of Council, 19 October 2011 a motion was carried nominating Cr Fernandez for the vacant position on the Pilbara Development Commission. Her nomination was submitted at that time.

The nomination process from 2011 was not finalised due to a structural review at the Pilbara Development Commission, however, all applications that were received in October 2011 will be considered in this round unless the Shire indicates otherwise.

If Council wish to take the opportunity to make an additional or different nomination for the position in accordance with the *Regional Development Commissions Act 1993*, each of four Local Government authorities in the Pilbara is invited to nominate up to two Councillors.

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Comment

Council is requested to forward its nomination together with a completed application form and brief Curriculum Vitae for each of its nominees to the Pilbara Development Commission by 1 August 2012.

Nominee details will then be forwarded to the Minister for Regional Development, the Hon. Brendon Grylls MLA, for his consideration and selection.

Successful candidates will then be advised of their appointment following endorsement by the Western Australian State Cabinet.

Consultation

Chief Executive Officer

Statutory Environment

Regional Development Commissions Act 1993

Financial Implications

There are no financial implications relevant to this issue.

Strategic Implications

It would be appropriate to have representatives of the Shire on Ashburton on the Board of the regional development organisation.

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Cr K White and Cr L Shields were nominated for the vacant position on the Pilbara Development Commission. A ballot was held to determine which Councillor was nominated by Council.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council:

- 1. Nominate Cr Kerry White for the vacant position on the Pilbara Development Commission.**

CARRIED 9/0

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10.4 COUNCILLOR PORTFOLIOS POLICY

MINUTE: 11249

FILE REFERENCE: GOVN1

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9 July 2012

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

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 21 March 2012, Minute No: 11147

Summary

Consultant, Morrison Low completed a Structure Review of Council in July 2011.

Part of the recommendations from the Morrison Low Structure Review Final Report was to institute portfolios for Councillors.

The purpose of the Councillor Portfolio Policy is to improve the overall performance of the Council by providing Councillors with the opportunity to hold a portfolio that they have an interest in and that utilises their knowledge in a particular area.

Councillor Portfolios will:

- Develop and utilise Councillors' knowledge in a particular area.
- More effectively champion particular interests of general concern.
- Progress consideration of issues faster.
- Provide effective representation on relevant community state / federal / industry bodies.

Background

At the Ordinary Meeting of Council on 21 March 2012 council resolved:

"That Council:

1. *Accepts in principle the portfolio process.*
2. *Directs the CEO to develop a Council Policy on portfolios and present it to the April 2102 Ordinary Meeting of Council.*
3. *Nominate the following:*

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<i>Arts & Culture:</i>	<i>Cr Fernandez</i>
<i>Built Environment:</i>	<i>Cr Shields</i>
<i>Community Engagement:</i>	<i>Cr Foster</i>
<i>Community Facilities and Sports & Events:</i>	<i>Cr Dias</i>
<i>Finance:</i>	<i>Cr White</i>
<i>Governance:</i>	<i>Cr White</i>
<i>Natural Environment & Climate Change:</i>	<i>Cr Foster</i>
<i>Social:</i>	<i>Cr Eyre</i>
<i>Transport (Public Transport & Roads):</i>	<i>Cr Foster</i>
<i>Private Works:</i>	<i>Cr Shields</i>
<i>Indigenous Affairs:</i>	<i>Cr Fernandez</i>
<i>Investment & Infrastructure:</i>	<i>Cr White</i>
<i>Tourism:</i>	<i>Cr Thomas</i>

4. *Requests the CEO to assign managers to each Portfolio and advise Councillors when this has been finalised."*

At the Councillor Briefing on 21 March 2012 the Chief Executive Officer (CEO) assigned managers to each Portfolio:

Arts & Culture:	Executive Manager, Community Development
Built Environment:	Executive Manager, Technical Services
Community Engagement:	Executive Manager, Community Development
Community Facilities and Sports & Events:	Executive Manager, Community Development
Finance:	Executive Manager, Corporate Services
Governance:	Executive Manager, Corporate Services
Natural Environment & Climate Change:	Executive Manager, Technical Services
Social:	Chief Executive Officer
Transport (Public Transport & Roads):	Executive Manager, Technical Services
Private Works:	Executive Manager, Operations
Indigenous Affairs:	Chief Executive Officer
Investment & Infrastructure:	Executive Manager, Strategic & Economic Development
Tourism:	Executive Manager, Strategic & Economic Development

Comment

The Councillor Portfolio Policy sets clear guidelines on the Elected Members' role and authority as Portfolio Leaders including:

- Policy Leadership
- External Representation and Relationships
- Communication
- Officer Liaison

ATTACHMENT 10.4A

A key component for each portfolio is the development of an agreement by the Portfolio Leader with the assistance from the assigned Executive Manager. The "*Portfolio Leader's Personal Performance Agreement*" covers:

- Portfolio Leader rights and responsibilities
- Portfolio Leader and the media

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- Portfolio Objective
- Portfolio Advocacy and Responsibility
- Representation
- Key Issues
- Reports
- Ethical Practices
- Performance and Evaluation including Action Sheet

An example of a “*Portfolio Leader’s Personal Performance Agreement*” template is attached.

ATTACHMENT 10.4B

In accordance with the Councillor Portfolios Policy the portfolio will not be active until Council has adopted the “*Portfolio Leader’s Personal Performance Agreement*”.

Consultation

Chief Executive Officer

Statutory Environment

Nil

Financial Implications

No sitting fee shall be paid in connection with an allocated portfolio; however any bona fide expenses shall be reimbursed.

Strategic Implications

Strategic Objective 6 – A Well Managed and Contemporary Corporation.

Policy Implications

New policy if adopted.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr I Dias

That Council lay Agenda Item 10.4 on the table to allow Councillors time to review the allocations of portfolios.

CARRIED 8/1

Reason for change: Laying the item on the table allows Councillors extra time to review the documents relating to portfolios.

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11. CORPORATE SERVICES REPORTS

11.1 REVIEW PROCESS FOR SHIRE OF ASHBURTON'S LOCAL LAWS

MINUTE: 11229

FILE REFERENCE: LE.LL.14.00

AUTHOR'S NAME AND POSITION: Leanne Lind
Project Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 July 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

Summary

Section 3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years. The Act provides that after the last day for submissions the Council is to consider any submissions received and cause a report of the review to be prepared and considered by the Council. The Council must adopt the report on the review at which time it determines whether the Local Laws should be repealed or amended.

Background

The Council meeting on 17 February 2010 resolved as follows:

1. Resolves to undertake a review of its existing local laws; and
2. In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws."

Following the formal adoption by the Council of the outcome of the review, any amendments to the local laws under review must be processed in accordance with S3.12 of the Act.

Comment

Although advertising occurred in May 2010 and May 2011 the process did not continue (it should be noted no submission were received on these occasions).

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The process was restarted again in April 2012 with the invitation for public submissions advertising closing on 18 May 2012. At the close of the submission period, no submissions had been received.

As a result of the review conducted by Council Officers and DL Consulting, it is proposed that the actions outlined in the table below be taken in relation to each local law.

In a separate process run concurrently, the Local Law to Repeal Defunct and Obsolete Local Laws was presented and adopted by Council on 16 May 2012, Minute 11184 and is being progressed.

The May 2012 report made the following comments:

By-Law/Local Law Title	Proposed Action	Reason
Local Law relating to Dogs;	Repeal	<p>Comment: The Dogs Local Law is based on a dated version of the WALGA Local Laws model. Although the content is predominantly similar, it is recommended as part of this review process that the administration develop a proposal for Council to update to the contemporary version with the inclusion of townsite maps and reserve numbers which clearly define the dog exercise areas.</p> <p>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 Shire of Ashburton 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.</p>
Local Law relating to Trading in Public Places;	Repeal	<p>Comment: The present Local Law only addresses trading in public places; the Shire of Ashburton has no Local Law in place regarding thoroughfares and other activities, including:</p> <ul style="list-style-type: none"> - activities in thoroughfares and public places (i.e. general thoroughfare controls, verge treatments, signs, driving on closed thoroughfares); - control of advertising signs in thoroughfares; - obstructing animals, vehicles and shopping trolleys; - roadside conservation; and - trading <p>It is recommended the Local Law Relating to Trading in Public Places be repealed to be replaced with the template Activities in Thoroughfares and Public Places and</p>
Parking Facilities By-laws;	Repeal	<p>Comment: The present Local Law was adopted in 1995 under the former Local Government Act 1960 and as a consequence references outdated terminologies (i.e. Shire Clerk, Road Traffic Act rather than Road traffic Code 2000). It also fails to address the Parking (Disabled) Regulations and there is a need to update the prescribed Offences Schedule to increase penalties. It is therefore recommended as part of this review process that the</p>

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		administration develop a proposal for Council to update to the contemporary version of the Parking and Parking Facilities Local Law to enable the local government to regulate the parking of vehicles within the parking region and to provide for the management and operation of parking facilities occupied by the local government.
By-laws relating to Aerodromes ;	Repeal	Comment: It is recommended the present local law be repealed and replaced with a Local Government Property Local Law. This contemporary and comprehensive model local law shall provide for the regulation, control and management of activities and facilities on all local government-managed property, including aerodromes and swimming pools (see below) Under the proposed Property Local Law, some activities are permitted only under a permit or under a determination of Council and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.
Health Local Laws 1998;	Repeal	Comment: The present Health Local Law was adopted in 1998; it has been reviewed and it is recommended that the administration develop a proposal for Council to repeal and replace with a more contemporary version with provisions that effectively control issues which have the ability to adversely impact on the health and well being of the community. It is noted that the Public Health Bill is likely to be introduced to Parliament in the course of 2012 and the public health provisions contained in the Local Law will require another review to ensure compliance with the new legislation.
Local Laws relating to the Conduct of Proceedings and the Business of Council – Standing Orders;	Repeal	Comment: The present local law is to be repealed and replaced with a more contemporary model which will provide procedures that apply to the conduct of meetings of the Council, its committees and to meetings of electors.
Local law relating to the Management and Control of Cemeteries;	Repeal	Comment: 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 now available and will be presented to Council for adoption.
Local law relating to the Control of Cats;	Repeal	Comment: The Cat Act 2011 received Parliamentary assent on 9 November 2011. This Act will be implemented through a two phases approach; Phase One by 1 November 2012; and Phase Two by 1 November 2013. It is recommended to Council that the Shire of Ashburton not review the Cat Local Law (1996) until the new WALGA Cat Act Model Law is drafted. This will ensure the new Cat Local Law complies with the local law-making head of power of Section 79 of the Cat Act 2011.

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Local law relating to the Management and Control of Public Swimming Pools.	Repeal	Comment: As per the Aerodromes Local Law, it is recommended that the present local law be repealed and replaced with a Local Government Property Local Law. This contemporary and comprehensive model local law shall provide for the regulation, control and management of activities and facilities on all local government-managed property, including aerodromes. Under the proposed Property Local Law, some activities are permitted only under a permit or under a determination of Council and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.
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Consultation

As required by the Act 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.

Council's Officers, WALGA representatives and DL Consulting were also invited to assist in the review of the Local Laws and above recommendations are made in line with their suggestions.

Statutory Environment

Local Government Act 1995
 Cemeteries Act 1986
 Dog Act 1976
 Health Act 1911
 Food Act 2008
 Cat Act 2011

Financial Implications

Advertising costs of approximately \$5000 associated with Statewide advertising.

Strategic Implications

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has an obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

Strategic Plan 2007-2011. "Plan for the Future"

Policy Implications

As a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed during the drafting of the local law amendments.

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Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr D Wright

That Council:

1. Note that no community submissions were received by the close of the submission period on 4pm 18 May 2012 following advertising the review of the local laws.
2. Accept the review report and to take the following action for each local law:

Local Law relating to Dogs	Repeal
Local Law relating to Trading in Public Places	Repeal
Parking Facilities By-laws	Repeal
By-laws relating to Aerodromes	Repeal
Health Local Laws 1998	Repeal
Local Laws relating to the Conduct of Proceedings and the Business of Council – Standing Orders	Repeal
Local law relating to the Management and Control of Cemeteries	Repeal
Local law relating to the Control of Cats	Repeal
Local law relating to the Management and Control of Public Swimming Pools	Repeal
3. Commence the process under Section 3.12 of the Local Government Act 1995 of repealing the Local Laws as per (2) above.

CARRIED BY ABSOLUTE MAJORITY 5/4

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11.2 PROPOSAL TO MAKE THE SHIRE OF ASHBURTON REPEAL LOCAL LAW 2012

MINUTE: 11232

FILE REFERENCE: LE.LL.13.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.2 Ordinary Meeting of Council 16 May 2012
Minute Number 11184

Summary

The purpose of this report is to:

1. Consider the submissions (if any) received on the proposed Shire of Ashburton Repeal Local Law 2012;
2. Give notice to the purpose and effect of the Shire of Ashburton Repeal Local Law 2012;
3. Make the Shire of Ashburton Repeal Local Law 2012;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Repeal Local Law 2012;
6. Authorise the affixing of the Common Seal to this local law.

Background

At its ordinary meeting of 16 May 2012 Council resolved to commence the process to make a Shire of Ashburton Repeal Local Law 2012.

The procedures for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

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An advertisement was placed in the West Australian on 26 May, 2012, with the submission period for public comment closing on 9 July 2012.

ATTACHMENT 11.2

Comment

Council advertised, both locally and state-wide, for public comment on the proposed Repeal Local Law 2012. At the close of the submissions period, no public submissions had been received.

A submission was received from the Department of Local Government on the Repeal Local Law 2012. The comments from the Department of Local Government, set out below, have been incorporated in the final draft of the local law.

1. Citation titles

It is suggested that where a local law is to be repealed, the repeal should refer to the full citation title of the local law as it appears in the Gazette.

For example, it is suggested that clause 3(z) should use the citation title "*Shire of Ashburton Extractive Industries By-law*" as this is the citation title which is given in the actual local law.

2. Repeal local laws generally

Before gazetting the final copy of the repeal local law, it is suggested that the Shire should double-check its records to ensure that:

- citation titles are correct;
- gazette dates are accurate; and
- all relevant amendments are mentioned.

If any of the above information is incorrect, this may cause a particular repeal to be ineffective.

3. Minor edits

The following minor edits are suggested:

- Citation titles should be in italics; and
- Since the majority of paragraphs in clause 3 are arranged in chronological order of amendment, paragraphs (x) and (y) should be rearranged to ensure consistency.

Consultation

As required by section 3.12 of the Local Government Act 1995, an advertisement was placed in a state-wide newspaper inviting the public to comment on the proposed local law, with submission being open for a period of not less than 6 weeks (42 days), closing on the 9 July 2012.

Statutory Environment

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

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Financial Implications

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

Strategic Implications

Strategic Plan 2007-2011. "Plan for the Future"

Policy Implications

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

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

That Council:

1. Notes the submission for the Department of Local Government in relations to the proposed Shire of Ashburton Repeal Local Law 2012;
2. Resolve to make the Shire of Ashburton Repeal Local Law 2012 as per the Attachment, incorporating amendments outlined by the Department of Local Government, in accordance with section 3.12 of the Local Government Act 1995;
 - a. The purpose of which is to repeal superfluous, defunct and obsolete local laws; and
 - b. The effect is being a more efficient and effect local government by removing outdated local laws from the public record;
3. Publish the Shire of Ashburton Repeal Local Law 2012, as per (2) above, in the Government Gazette and provide copies of the local law to the Minister for Local Government;
4. Forward a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review and;
5. Authorise the affixing of the Common seal of the Shire of Ashburton to the Shire of Ashburton Repeal Local Law 2012.

CARRIED BY ABSOLUTE MAJORITY 7/2

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11.3 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF MAY AND JUNE 2012

MINUTE: 11233

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: 8 July 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.

ATTACHMENT 11.3A

Comment

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

May 2012

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

June 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.

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ATTACHMENT 11.3B

Consultation

Executive Manager Corporate Service
Other Executive Managers
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

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Shields

SECONDED: Cr A Eyre

That Council:

Receive the Financial Reports for May 2012 and Schedule of Accounts for June 2012.

CARRIED 9/0

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11.4 ANNUAL REVIEW OF DELEGATED AUTHORITY REGISTER

MINUTE: 11234

FILE REFERENCE: OR.DA.00.00

AUTHOR'S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable.

DATE REPORT WRITTEN: 9 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.04 Ordinary Meeting of Council
14 December 2011
Agenda Item 12.03.03 Ordinary Meeting of Council
17 March 2009
Agenda Item 12.02.04 Ordinary Meeting of Council
19 February 2008
Agenda Item 12.03.12 Ordinary Meeting of Council
20 March 2007
Agenda Item 12.10.74 Ordinary Meeting of Council
24 October 2006

Summary

The Author has conducted a review of Council's Delegated Authority Register in consultation with the Chief Executive Officer and Executive Managers.

Background

In accordance with the Local Government Act 1995, Part 5, Division 4, Section 5.46, the author has conducted a review of the Council's Delegated Authority Register.

ATTACHMENT 11.4

Changes to the structure of the organization mean that apart from changes in reporting and titles there have been changes in areas of responsibility. The development of new roles has also resulted in the need for updates.

Comment

The following changes are noted to authorities:

DA012 – Legal Proceedings Dog Act 1976	Add Aboriginal Environmental Health Officer
DA015 – Infringement Notices	Add Principal Environmental Health Officer Add Co-ordinator of Building & Health

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DA021 – Issue of Trading Licenses	Add Executive Assistant, Building Services Add Administration Assistant, Planning & Health Add Executive Manager, Strategic and Economic Development Add Executive Assistant, Strategic and Economic Development Add Economic and Land Development Manager
DA022 – Buildings	Add Co-ordinator of Building & Health
DA024 – Temporary Accommodation	Add Co-ordinator of Building & Health
DA038 – Applications to Consume Alcohol	Add Co-ordinator of Building & Health
DA040 – Certificate of LG Licensing	Add Co-ordinator of Building & Health
DA041 – Authority to Enter	Add Co-ordinator of Building & Health
DA044 – Health Act Provisions	Add Co-ordinator of Building & Health
DA046 – Food Act Provisions	Add Co-ordinator of Building & Health Remove Aboriginal Environmental Health Officer
DA047 – Food Act Provisions	Add Co-ordinator of Building & Health Remove Aboriginal Environmental Health Officer
DA048 – CCTV Onslow	Add Facility Officer Changed titles: Project Manager Onslow is now Facility Manager Community Development Coordinator Onslow is now Senior Project Officer, Onslow & Tom Price

Consultation

Chief Executive Officer
Executive Managers

Statutory Environment

Local Government Act 1995, Part 5, Division 4, Section 5.46

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relative to this issue.

Policy Implications

Not Applicable.

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

That Council:

1. **Adopts the Delegated Authorities Register as per ATTACHMENT 11.4.**

CARRIED BY ABSOLUTE MAJORITY 9/0

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11.5 PROPOSED CHRISTMAS/NEW YEAR ARRANGEMENTS 2012/2013

MINUTE: 11235

FILE REFERENCE: OR.CI.01.01

AUTHOR'S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9 July 2012

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

Council is asked to note the closure of Shire Offices for the period of Friday 21 December 2012 to Wednesday 2 January 2013.

Background

In the past Council has been in the practice of closing its offices for the Christmas and New Year period. The report is to inform Council of the proposed closure dates and facilitate advertising office arrangements over the Christmas period to the public.

Office Arrangements:

Approval is sought for the closure of the offices in the various towns of the Shire for the Period Friday 21 December 2012 to Wednesday 2 January 2013. It is also requested that Offices be allowed to close at 2.00pm on Friday 21 December.

Experience over the past years has indicated that there is little requirement for administrative staff assistance over the Christmas/New Year period from the general public. In any event, suitable after hours contact numbers will be made available to the general public.

In previous years staff was given the option of working the normal work days between Christmas and New Year. It is suggested that staff be given the option again this year. Approval to do this would need to be sought from their Manager. Customer service officers could perform other office related duties on those days. Staff that elects to take this time off will be required to take it as Annual Leave or Leave without Pay.

MINUTES - ORDINARY MEETING OF COUNCIL 18 JULY 2012

Rubbish Collections Eastern Sector and Western Sectors:

Bin collections will vary from the normal collection dates; the disruption to the service will be minimal. The timetable is as follows:

TOM PRICE AND PARABURDOO

Household Rubbish Collection

Tuesday 25 th December 2012	NIL Christmas Day
Wednesday 26 th December 2012	Paraburdoo
Thursday 27 th December 2012	Tom Price Central
Friday 28 th December 2012	Tom Price Area W
Tuesday 1 st January 2013	NIL New Years Day
Wednesday 2 nd January 2013	Paraburdoo
Thursday 3 rd January 2013	Tom Price Central
Friday 4 th January 2013	Tom Price Area W

The Tom Price and Paraburdoo Tip Opening Times are as follows:

Monday 24 th December 2012	OPEN
Tuesday 25 th December 2012	CHRISTMAS DAY CLOSED
Wednesday 26 th December 2012	BOXING DAY CLOSED
Thursday 27 th December 2012	OPEN
Friday 28 th December 2012	OPEN
Saturday 29 th December 2012	OPEN
Sunday 30 th December 2012	OPEN
Monday 31 st December 2012	OPEN
Tuesday 1 st January 2013	NEW YEARS DAY CLOSED

ONSLow

Household and Commercial Rubbish Collection

Monday 24 th December 2012	Commercial Rubbish
Tuesday 25 th December 2012	NIL Christmas Day
Wednesday 26 th December 2012	Boxing Day
Thursday 27 th December 2012	Domestic Rubbish
Friday 28 th December 2012	Commercial Rubbish
Monday 31 st December 2012	Commercial Rubbish
Tuesday 1 st January 2013	NIL New Years Day
Wednesday 2 nd January 2013	Domestic Rubbish

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Wednesday 2 nd January 2013	Paraburdoo
Thursday 3 rd January 2013	Tom Price Central
Friday 4 th January 2013	Tom Price Area W

The Tom Price and Paraburdoo Tip Opening Times are as follows:

Monday 24 th December 2012	OPEN
Tuesday 25 th December 2012	CHRISTMAS DAY CLOSED
Wednesday 26 th December 2012	BOXING DAY CLOSED
Thursday 27 th December 2012	OPEN
Friday 28 th December 2012	OPEN
Saturday 29 th December 2012	OPEN
Sunday 30 th December 2012	OPEN
Monday 31 st December 2012	OPEN
Tuesday 1 st January 2013	NEW YEARS DAY CLOSED

ON SLOW

Household and Commercial Rubbish Collection

Monday 24 th December 2012	Commercial Rubbish
Tuesday 25 th December 2012	NIL CHRISTMAS DAY
Wednesday 26 th December 2012	Boxing Day
Thursday 27 th December 2012	Domestic Rubbish
Friday 28 th December 2012	Commercial Rubbish
Monday 31 st December 2012	Commercial Rubbish
Tuesday 1 st January 2013	NIL NEW YEARS DAY
Wednesday 2 nd January 2013	Domestic Rubbish

The Onslow Tip Opening Times are as follows:

Monday 24 th December 2012	OPEN
Tuesday 25 th December 2012	CHRISTMAS DAY CLOSED
Wednesday 26 th December 2012	BOXING DAY CLOSED
Thursday 27 th December 2012	OPEN
Friday 28 th December 2012	OPEN
Monday 31 st December 2012	OPEN
Tuesday 1 st January 2013	NEW YEARS DAY CLOSED

CARRIED 9/0

Cr Rumble left the meeting at 2.40pm

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12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

12.1 OFFER TO LEASE THE OCEAN VIEW CARAVAN PARK, ONSLOW BY TENDER (RFT 13/12)

MINUTE: 11236

FILE REFERENCE: SE.R.04405.000

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

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 8 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 17.2 Ordinary Meeting of Council 16 May 2012
Minute: 11205

Summary

Tender Request RFT13/12 was published on 7 July 2012 seeking offers to lease the Ocean View Caravan Park in Onslow. As the Tender does not close until 30 July 2012 and the current lessee has given notice that he intends to terminate his lease on 3 September 2012. It is proposed that the Chief Executive Officer consult with the Shire President and Councillor Eyre to award the Tender as soon as possible, in order to provide the successful Tenderer with sufficient time to mobilize and ensure a smooth handover with the current operator.

Background

Council was advised at the Ordinary Meeting held on 16 May 2012 that the current lessee, Peter Adams, had requested early termination of his lease on 3 September 2012. Council instructed the CEO to advertise for management of the Caravan Park for a period of six months and to complete a review of the feasibility, commercial opportunities and tenure options of the Caravan Park.

Comment

There are considerable bed shortages in Onslow due to resource development in the area, and the ongoing and professional management of the Ocean View Caravan Park is vital to supporting this need and also the existing tourist sector.

Discussions have been held with various caravan park management providers, tourist facilities and other councils that operate caravan parks to investigate how the best outcome could be obtained from the tender process. It was revealed that offering a six month management contract would be problematic as it would only attract a 'caretaker' type service that does not

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encourage maximum service and operation of the facilities. It would also require considerable supervision and management from the Shire.

Initial investigations into the feasibility and commercial opportunities for the Ocean View Caravan Park have also shown that at least 12-18 months of planning will be required to ensure highest and best use of the land, and approval from the Department of Regional Development and Lands will be required to change any use of the Reserve. A better result would therefore be obtained for the Shire, both financially and in the form of services offered by Caravan Park operators, to offer a two year lease with conditions relating to minimum operating standards.

Based on this information, Tender RFT13/12 has been issued requesting offers to lease the Ocean View Caravan Park for a term of two years commencing 3 September 2012. A further 12 month extension may be offered at the end of this term at the Shire's discretion. The Tender has been weighted with a focus on experience, resources (including use of local services & businesses) and proposed rental fee, as follows:

Description of Qualitative Criteria	Weighting
A) Base rent & booking fee submission	25%
B) Relevant Experience – Describe your experience in completing/supplying similar requirements, tenderers must address – <ul style="list-style-type: none"> • Details of similar works • Details of issues that have arisen and how they were managed • Demonstration of sound judgement and discretion; and • Demonstration of a proven track record of achieving outcomes 	30%
C) Key Personnel skills and experience – Show a developed understanding of the tourism industry and personnel experience of each person working within the park; including – <ul style="list-style-type: none"> • Their role in the performance of the contract • Their current curriculum vitae • Qualifications that may be relevant; and • Membership to any professional or business associations 	15%
D) Tenderer's Resources Show, where necessary, the ability to supply and sustain the necessary – <ul style="list-style-type: none"> • Works • Any contingency measures or back up resources, including personnel, with a focus on emergency situations (for example cyclones) • Opportunity, if any, for local business and suppliers to be engaged 	15%
E) Demonstrated Understanding Show a demonstrated knowledge of – <ul style="list-style-type: none"> • The process for the delivery of the works • Training processes, if required; and • An understanding of the scope of works 	15%

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The Shire of Ashburton 'Buy Local – Regional Price Preference Policy' also applies to the tender, giving preference to those organisations substantially trading from a recognised business address in the Shire of Ashburton. Conditions relating to the minimum operating standards, level of service and upkeep of facilities and requirement for 25% of beds to be available for the tourist sector have been included in the scope.

An Assessment Panel will evaluate all submitted Tenders in accordance with the above criteria and prepare a detailed report for the Chief Executive Officer. It is proposed that the Chief Executive Officer consult with the Shire President and Councillor Eyre to award the Tender as soon as possible, in order to provide the successful Tenderer with sufficient time to mobilize and ensure a smooth handover with the current operator.

Consultation

Chief Executive Officer
Executive Manager, Strategic & Economic Development
City of Busselton
Peter Adams – Ocean View Caravan Park

Statutory Environment

Local Government Act 1995

Financial Implications

The proposed tender to lease the Caravan Park, as opposed to engaging a facilities manager, will provide an income to the Shire in the form of rental return and reduce the demand on Shire resources to oversee the level of service and operations.

Strategic Implications

Strategic Plan 2007-2011: Strategic Objective 1

Business Plan Objective 1 *“Develop Shire of Ashburton’s tourism opportunities and potential, increase number of visitors to the Shire”*

Business Plan Objective 2 *“Review and commercialise Council’s existing tourism reserves eg Ocean View Caravan Park”*

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr A Eyre

SECONDED: Cr D Wright

That Council:

- 1. Authorises the change in Tender to allow a 2 year lease to be offered for Ocean View Caravan Park, Onslow.**
- 2. Delegates authority to the CEO, in consultation with the Shire President and Cr Eyre to award Tender RFT13/12 'Lease of Ocean View Caravan Park' in accordance with the weighting provided.**

VOTE 4/4

Shire President exercised her casting vote

LOST 5/4

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

Cr Rumble re-entered the meeting at 2.45pm.

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13. TECHNICAL SERVICES REPORTS

13.1 DRAFT ONSLOW EXPANSION STAGE ONE DEVELOPMENT PLAN, URBAN DEVELOPMENT ZONE, ONSLOW FOR FINAL ADOPTION

MINUTE: 11247

FILE REFERENCE: ON.WS.571

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

NAME OF APPLICANT/
RESPONDENT: LandCorp / TPG Planning Consultants

DATE REPORT WRITTEN: 7 May 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5, Minute No. 11192 Ordinary Meeting of Council 16 May 2012

Summary

The Onslow Townsite Strategy (2011) prepared in 2011 by the Shire of Ashburton and Department of Planning, identifies a potential population of 3,500 people by 2021, fuelled by the growth of the resources sector in the north-west of WA.

At the Ordinary meeting of 16 May 2012, Council adopted the draft LandCorp development plan for land located to the south of the existing Onslow townsite and connected to the town via Watson Drive for advertising. The draft plan called '*Onslow Expansion Stage One Development Plan*' (*'Development Plan'*) provided a new access to the town from Onslow Road to the north of Eagle Nest Road, as well as an extension of Eagle Nest Road to intersect with Watson Drive, and continue to McGrath Avenue. A 9ha site for Chevron's operational workers village is included, along with a range of normal residential lots.

Advertising of the draft *Development Plan* (for 21 days) has concluded and 10 submissions were received, all of which are from State agencies. The resolution of Council was that where there were no adverse comments received during advertising, the draft *Development Plan* be adopted and the WAPC be requested to endorse. Although no adverse comments were received there are matters that require Council's consideration, especially with respect to the Chevron site.

Although the draft *Development Plan* references the development criteria for the Chevron site, it is recommended that the criteria be further clarified to ensure that the future

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development of the site be reflective of the planning and community needs for Onslow and not result in the equivalent of a 'gated private community'. The importance of defining such matters at this early stage is vital as it is possible that other operators from the ANSIA could seek similar development arrangements for operational staff.

It is recommended that the final *Development Plan* be modified to reflect the Schedule of submissions and as outlined in the Report.

Background

The Onslow Townsite Strategy (2011) prepared in 2011 by the Shire of Ashburton and Department of Planning, identifies a potential population of 3,500 people by 2021, fuelled by the growth of the resources sector in the north-west of WA. This places significant demand on the current infrastructure, services and housing in Onslow, which currently caters for just over 500 people.

LandCorp has undertaken an assessment of the opportunities to provide additional land development potential for Onslow. The expansion of Onslow is to be undertaken in a staged manner, to ensure that lots are developed and released as soon as possible to meet demand, as well as meet the State's commitment to provide an urban village to cater for Chevron's operational workforce associated with the ANSIA. The expansion of Onslow creates an opportunity to demonstrate where good planning and expeditious infrastructure delivery can work to mitigate the impacts that arise when you mix land shortages with significant housing demand.

'Onslow Expansion Stage One Development Plan'

At the Ordinary meeting of 16 May 2012, Council adopted the draft LandCorp development plan for land located to the south of the existing Onslow townsite and connected to the town via Watson Drive for advertising as follows:

"That Council:

- 1. Resolve that pursuant to Clause 6.4 of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), a Development Plan is required for land generally located to the south of the existing Onslow townsite and connected to the town via Watson Drive.*
- 2. Adopts draft 'Onslow Townsite Expansion Stage 1 Development Plan' as prepared by TPG town planning consultants (for LandCorp) and modified to the satisfaction of the Chief Executive Officer for the purpose of advertising for 21 days in accordance with subclauses 5.7.3 and 5.7.4 of the Scheme.*
- 3. Subject to no adverse comments being received during the advertising period, Council adopt draft 'Onslow Townsite Expansion Stage 1 Development Plan' in accordance with provisions of the Scheme and request the Western Australian Planning Commission to endorse the development plan as the basis for approval of subdivision applications within the areas covered by the plan.*
- 4. Should any adverse comments be received during advertising of draft 'Onslow Townsite Expansion Stage 1 Development Plan' the Chief Executive Officer be requested to prepare a further report on the matter."*

The draft plan called '*Onslow Townsite Expansion Development Plan Stage 1*' ('*Development Plan*') comprises approximately 31.9 hectares of Unallocated Crown Land and forms a south-eastern extension of the current Onslow townsite. Specifically,

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the development plan area is located to the south of the existing townsite and connected to the town via Watson Drive.

There will also be a new access to the town from Onslow Road to the north of Eagle Nest Road, as well as an extension of Eagle Nest Road to intersect with Watson Drive, and continue to McGrath Avenue.

The subject site will provide two new connections from Onslow Road and facilitate the development of a range of residential lots, including one superlot for the future Chevron Operations Village.

Specifically, the following attributes of the draft development plan are further discussed:

Chevron Operations Village

The intention of the Chevron Operational Village site is to provide a specific area that allows high-density accommodation for operational workers that is integrated with the surrounding residential area. This precinct will complement the surrounding built form and create a seamless transition into surrounding Precincts.

The draft development plan shows that development within the Precinct is proposed will provide for pedestrian friendly streetscapes with passive surveillance of the public domain. Chevron has advised that the operational village will ultimately accommodate approximately 560 employees (up from 420 as reflected in the original draft), will incorporate a range of localised commercial activities such as a health campus, restaurant/bar and convenience store.

Although these facilities are to be located within Chevron's site, it is the Shire's expectation that the commercial activities will be located such that they will be accessible to the wider Onslow community, if required. However, Chevron (along with the State's 'lead agency', the Department of State Development) have not shown any enthusiasm for such arrangements. The draft *Development Plan* includes the provision that Chevron will require the preparation of a 'Detailed Area Plan' before considering any planning approval can issue.

Proposed Road Layout

The proposed development plan area currently has access via McGrath Avenue and Watson Drive to the north, and Eagle Nest Road to the east. McGrath Avenue is proposed to be extended to meet Eagle Nest Road. The existing road reserve width of 20m is intended to be continued, until it intersects with a new road. From here, the road reserve becomes wider to establish a boulevard, in order to meet the drainage requirements and where the road reserve widens to 35m until it intersects with Onslow Road.

Water Supply

The Onslow Water Supply Scheme is currently operating close to full capacity. While meeting all current service obligations, the Water Corporation at this stage cannot guarantee the availability of water services for additional connections. Initially, additional bores, a booster pump station and upgrading of the transfer pipeline is proposed to increase the capacity by approximately 60% by servicing an additional 200 services (460 people) up from the current 370 services with such works expecting to be completed by September 2013.

However, Water Corporation will also likely require a new tank and booster pump station to be commissioned prior to providing all or a portion of the additional 200 services which is programmed for completion by mid 2014. An alternative source will

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need to be investigated to ultimately service the expected growth. The current State Development Agreement with Chevron is understood to make provision for a desalination plant to be located at the ANSIA. The plant will initially have a capacity of 2ML/day to cater for a population increase to 2016 with the flexibility of a further upgrade to 4ML/day to support growth the 2022, and is expected to be operational by October 2014.

Waste Water/Effluent Disposal

Water Corporation manages the wastewater system which currently serves Onslow. There is capacity to support nominal population growth, however, current flow forecasts indicate that the current treatment capacity will be exceeded in 2013, and the disposal capacity exceeded in 2016. The Water Corporation indicates that an expansion to the pond system will be required, which will need to be operational by 2016. Two additional infiltration basins are also required and will need to be operational by 2013, with a further basin required by 2016. Further expansion of the pond system and infiltration basins will be required by 2022 should anticipated population growth be realised. Consideration needs to be given to the possibility of additional land requirements and extension of odour buffers when planning for expansion and/or relocation of wastewater treatment facilities.

Stage 1 does not intrude into the buffer shown on the plan, but the buffer does extend into part of the overall development plan area.

Power Supply

The initial upgrade to the town's power supply is proposed to include the construction of a new 9MW station within the ANSIA to support growth to 2016 and expandable to suit growth thereafter. The initial upgrade will also require a new gas lateral, new transmission lines to the townsite and a new zone substation within the existing Water Corporation site. The new power plant is expected to be operational by October 2014.

Public Open Space

Three areas of public open space (POS) have been identified in the development plan:

- two within the residential area, which are between approximately 2,500m²; and
- 3,000m² in area, as well as a portion located to the south of the Chevron site, which is approximately 6,900m².

The two pockets of POS within the residential area are intended to be used as passive open spaces to cater for the adjoining residents.

The portion of POS south of the Chevron site also has the function of assisting in the drainage of the immediate area, as well as establishing the first link in an ecological corridor that will run east-west through the centre of the overall development plan area.

Comment

As a planning tool that provides a limited strategic direction for Onslow, the *Development Plan* is appropriate for the task of defining the road layout, lot arrangements and general design parameters for the initial extension of Onslow.

Advertising of the draft Development Plan (for 21 days) has concluded and 10 submissions were received.

The Chevron and Water Corp Submission is attached in full as **ATTACHMENT 13.1A**.

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ATTACHMENT 13.1A

All of the other Submissions are from State agencies. A summary of submissions is provided as **ATTACHMENT 13.1 B**.

ATTACHMENT 13.1B

The Development Plan is provided as **ATTACHMENT 13.1C**. The development plans were provided as an Attachment to the Council Meeting of the 16 May 2012.

ATTACHMENT 13.1C

The resolution of Council was where no adverse comments are received during advertising, the draft Development Plan be adopted and the WAPC be requested to endorse. Although no adverse comments were received there are matters raised that requires Council's consideration, especially with respect to the Chevron site. Although the draft *Development Plan* references the development criteria for the Chevron site (Section 4.1.2), it is recommended that the criteria be further clarified to ensure that the future development of the site be reflective of the planning and community needs for Onslow and not result in the equivalent of a 'gated private community'. The importance of defining such matters at this early stage is vital as it is possible that other operators from the ANSIA could seek similar development arrangements for operational staff.

It is reasonable to express that there is a concern as to the practical means of ensuring the Chevron operational workforce site will not be developed as a 'gated community'.

Discussions with Chevron representatives have reflected a clear desire to develop the site in isolation to Onslow. The Shire has continuously advised that it can see no reason why the site should not be developed in a similar open manner to RTIO's operational developments at Tom Price and Paraburdoo. The apparent desire of Chevron Australia to have a gated, secured community covering the 9ha site may be more a reflection it's corporate operations in countries where operational staff security is likely to be more of a concern. It is questioned the need for a gated secured community in Onslow and throws into doubt Chevron's commitment to integrate with the community.

It is noted that the Western Australian Planning Commission (WAPC) has addressed 'gated communities' in several policy documents with the most prominent being "*Liveable Neighbourhoods a Western Australian Government sustainable cities initiative*" planning policy. In regard to residential developments, *Livable Neighbourhoods* states as follows:

"Element R19

Residential developments should not be provided in gated street formats. Where lifestyle, retirement or other special-interest developments are proposed, these should aim to maximise development on public streets, with good linkages to surrounding urban areas. Potentially suitable sites for such developments may be identified on structure plans, together with provisions to specifically ensure that these developments do not disrupt the overall walkable urban structure."

Clearly, State planning policy also reflects the Shire's absolute desire to ensure that all residential development "...*should not be provided in gated street formats*". In this regard, the criteria of the *Development Plan* should be modified to include reference to *Livable Neighbourhoods* and to clearly address Shire and Council opposition to Chevron developing a 'gated community'.

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Council should be aware that development of the 'Chevron site' will commence with Chevron lodging a 'Detailed Area Plan' although it is likely that Chevron will seek to lodge a planning application to coincide with the draft 'Detailed Area Plan'. The planning application will exceed \$7m and therefore be determined by the Pilbara Joint Development Assessment Panel. The Development Plan requires that a 'Detailed Area Plan' be determined before approval of a planning application. It is at this point in time where the Shire, Council and community will be party to Chevron's development intent. As applicant to the 'Detailed Area Plan' Chevron would have an appeal right to the State Administrative Tribunal should the Shire and Council resolve in a manner not acceptable to Chevron.

Conclusions

The resolution of Council on 16 May 2012 was that where there were no adverse comments received during advertising, the draft *Development Plan* be adopted and the WAPC be requested to endorse. Although no adverse comments were received there are matters that require Council's consideration, especially with respect to the Chevron site.

The submissions generally offer no objection but some modifications are sought that generally reflects the interests of the respective agency. As noted in this report, modifications to the criteria associated with the use and development of the 'Chevron site' (Section 4.1.2) is necessary to ensure that the future development of the site be reflective of the planning and community needs for Onslow and not result in the equivalent of a 'gated private community'.

It is recommended that *Development Plan* be adopted for final approval as recommended for modification.

Consultation

Chief Executive Officer
Executive Manager, Engineering Services
Executive Manager
LandCorp

The consultation process to prepare a development plan for the expansion of Onslow essentially began with the preparation of the Onslow Townsite Strategy (OTS). The OTS has formed the basis for the expansion area and objectives of the project. The consultation for the OTS was undertaken in 1999 and 2000 as part of the preparation of the Onslow Structure Plan.

In August 1999 a discussion paper was prepared, and released. This raised a number of issues relating to the Onslow townsite and surrounds. The release of the discussion paper was followed by a public meeting in Onslow. This meeting was attended by about 20 residents of the town, as well as members of the study team. One letter was received in response to the discussion paper. A second public meeting was held in January 2000.

Members of the Onslow community were given a briefing on the industrial land use planning being undertaken by the then Department of Resources Development (DRD), and information was provided by the Shire of Ashburton on how the structure plan process would relate to the preparation of TPS7.

In 2010, LandCorp assembled a project team to collate information on portions of government land that may be suitable for development to meet anticipated growth. The concept of expanding Onslow was a significant component of the June 2011 'Enquiry by Design' ('Charette').

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Advertising of the draft *Development Plan* (for 21 days) has concluded and 10 submissions were received, all of which are from State agencies

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Under the Scheme, the subject area is zoned as '*Urban Development*', with the stated objective of being:

".....This zone is intended for future urban land, encompassing residential, community, commercial or industrial uses, open space and other reserves. Development is to proceed in accordance with a 'Development Plan'.."

Clause 6.4 of the Scheme provides that:

"Local Government may prepare, or require the preparation of, a Development Plan prior to considering subdivision or development proposals for:

(a) Urban Development zone;"

A development plan is defined under the Scheme as follows:

"... plans which are required to be prepared prior to the consideration of planning or subdivision applications which address the schematic layout of proposed development and lot boundaries in addition to various other matters as may be required by the Scheme and includes local structure plans, outline or comprehensive development plans."

A development plan must be in accordance with Appendix 7 of the Scheme which sets out the matters to be addressed in such plans and must be advertised for public comment.

Financial Implications

Nil

Strategic Implications

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

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

Policy Implications

Adoption of a Development Plan for this area will provide the policy direction for Council in relation to development of the land.

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Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

That Council:

1. Adopts the 'Schedule of Submissions' (ATTACHMENT 13.1 B) prepared in response to the advertising draft '*Onslow Townsite Expansion Stage 1 Development Plan*' and specifically noting that Attachment 'A' to Chevron Australia Pty Ltd's submission is not supported.
2. Adopts the '*Onslow Townsite Expansion Stage 1 Development Plan*' for final approval pursuant to the requirements of Clause 6.4 and Appendix 7 of the Shire of Ashburton Local Planning Scheme ('Scheme') subject to the *Development Plan* being modified in accordance with 'Schedule of Submissions' (ATTACHMENT 13.1B) and as outlined in this report.
3. Refer the adopted '*Onslow Townsite Expansion Stage 1 Development Plan*' to the Western Australian Planning Commission with a request for endorsement as a framework for the future subdivision, land use and development of Onslow.
4. Request the Chief Executive Officer to write to Chevron Australia Pty Ltd outlining Council's decision with respect to the adopted '*Onslow Townsite Expansion Stage 1 Development Plan*' and calling on Chevron to commit to integrating its operational workforce site in Onslow so as to ensure that the future development of the site is reflective of the planning and community needs for Onslow and not result in a 'gated private community'.

CARRIED 9/0

Reason for Change: Item 4 was inserted to clarify Council's preference on the development (Attachment A in the Chevron Australia submission) of the site.

Jeff Breen left the meeting at 2.40pm.

Amanda O'Halloran left the meeting at 2.47pm.

Jeff Breen re-entered the meeting at 2.47pm.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council adjourn for afternoon tea at 2.50pm

CARRIED 9/0

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

That Council reconvene from afternoon tea at 3.18pm.

CARRIED 9/0

Amanda O'Halloran re-entered the meeting at 3.18pm.

13.2 THEVENARD ISLAND - REQUEST TO USE FOR TRANSIENT WORKFORCE ACCOMMODATION

MINUTE: 11251

FILE REFERENCE: IS.THVD.000

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

NAME OF APPLICANT/RESPONDENT: Mackerel Islands Pty Ltd

DATE REPORT WRITTEN: 7 June 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Mackerel Islands Pty Ltd holds the lease on Thevenard and Direction Islands for tourist purposes and seeks the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development. A five year period links the construction of Wheatstone and the port.

The Island is reserved under the Shire of Ashburton Local Planning Scheme No. 7 as '*Conservation, Recreation and Nature Landscape*' and planning approval is required from the Shire for the 'transient workforce accommodation' use. An incomplete application for planning approval has been lodged by Mackerel Islands Pty Ltd but cannot be considered until the application form is signed on behalf of the State of Western Australia. The purpose of this report is to advise Council of the proposal and to seek direction as to the manner in which Council wishes to consider the application.

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Background

Situated 83 kilometres south west of Barrow Island and 25 kilometres from the mainland, Thevenard Island is leased by the State for 21 years to Mackerel Islands Pty Ltd. It is understood that this company has held leases on Thevenard and Direction Islands since 1968.

Mackerel Islands Pty Ltd operates tourist facilities comprising 15 self contained beachfront cabins, 30 double rooms at Club Thevenard, a general store, licensed restaurant, licensed tavern and recreation facilities including games room, swimming pool and dive shop.

Proposal

Mackerel Islands Pty Ltd seeks the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development.

ATTACHMENT 13.2

An incomplete application for planning approval has been lodged by Mackerel Islands Pty Ltd but cannot be considered until the application form is signed on behalf of the State of Western Australia.

In support of the application, Geoff Loxton from Property Development Solutions on behalf of Mackerel Islands Pty Ltd advises in part:

"In summary, we seek approval for Transient Workforce Accommodation to be an approved use for existing facilities on the lease controlled by Mackerel Islands Pty Ltd on Thevenard Island, for a period limited to 5 years. Thereafter, the use is to revert to Tourism in accordance with the lease terms.

This proposal will ensure the financial viability of Mackerel Islands Pty Ltd during the Wheatstone construction phase, and allow it to re-launch an exciting tourism product on completion of the construction phase, that will assist to promote Onslow and the region as a viable tourism destination.

Importantly, reverting to tourism after a finite period will ensure the continuation of a successful local tourism operation and provide economic diversity that is not reliant on the resources industry and will provide opportunities for local employment, recreation and associated local tourism products."

A senior officer from the State Lands Services has advised the Shire that the Island is leased land under the Land Administration Act (not vested) and the application for planning approval cannot be signed by the land owner (i.e. the State of Western Australia) until advice has been received from the Minister for Lands.

Comment

The Island is reserved under the Scheme as 'Conservation, Recreation and Nature Landscape' and planning approval is required from the Shire for the 'transient workforce accommodation' as it is a 'change of use'. State Lands Services has copied the Shire in to emails with Mr Loxton whereby he has been advised of State Lands Services requirements along the following lines:

- Key approvals are required and issues need to be resolved to enable a report to be prepared for the consideration of the Minister for Lands.

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- State Lands Services is waiting for a number of approvals including the Department of State Development, information from Chevron on their dredging programme, approval of the Shire and comments from Tourism WA.
- Discussions with key stakeholders have raised similar issues RDL mentioned during the meeting including:
 - securing local government support;
 - ensuring that the proposed development of the island occurs or is substantively underway during this period,(if the proposed change in purpose is approved); and
 - the ability to continue to allow tourists onto Thevenard Island during this period.

Mr Loxton is unable to pursue the application for planning approval until the State has signed the application for as owner. Mr Loxton is aware of this situation, as is State Lands Services. It is appropriate that once the application form has been correctly been prepared, that Council authorise the Chief Executive Officer to widely advertise the proposal and to refer the matter back to Council after the conclusion of advertising.

It is noted that in the written advice on behalf of Mackerel Islands Pty Ltd infers that the use for the Island for transient workforce accommodation will lead to substantial improvements to the Island facilities and consequently, result in long term improved tourist facilities.

However this advice is short on detail and it is reasonable for Council to seek specific undertakings from Mackerel Islands Pty Ltd as to how it can assure the community that income from the transient workforce arrangements will be invested in the island facilities (e.g. through trust accounts etc).

It is likely that the loss of Thevenard Island for tourism use could negatively impact a range of persons, companies and operatives dependent on fishing, nature and recreation purposes for over a five year period. Mackerel Islands Pty Ltd has not provided a clear timetable of when the Island would return to tourist use.

Importantly, to the Shire's knowledge, Chevron Australia has never promoted the use of Thevenard Island for accommodation purposes in any consultation document associated with Wheatstone's rezoning, or Workforce Management Plan, or ANSIA Structure Plan, or Wheatstone Development Plan, or any Planning Application or environmental assessment. It would be appropriate for the Shire to query Chevron as to the need for Thevenard Island for accommodation, before referring the matter back to Council.

Conclusions

The proposed application for the 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation associated with the construction period of the Wheatstone LNG plant and port development is still incomplete and cannot be considered until the land owner signs the application. Once it is signed, the application should be widely advertised (in the West Australian newspaper, Pilbara News newspaper.

In the meantime, it is appropriate that correspondence be sent as follows:

Mackerel Islands Pty Ltd

- detail how it can assure the community that incomes from the transient workforce arrangements will be invested in the island facilities (e.g. through trust accounts etc); and
- a clear timetable of when the Island would return to tourist use.

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Chevron Australia

- Ask Chevron to explain why it:
- Needs Thevenard Island for accommodation purposes?
- has never raised in earlier planning an environmental documents Thevenard island for accommodation purposes?
- Ask Chevron if the accommodation will result in less accommodation facilities at the ANSIA, requesting that Chevron confirm the final number of accommodation rooms at the ANSIA?

Consultation

Chief Executive Officer

Executive Manager, Technical Services

Executive Manager, Strategic and Economic Development

State Lands Services

Department of Environment and Conservation

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Conservation, Recreation and Nature Landscape'. Clauses relevant to the reserve and the Scheme are as follows:

"3.2.5 The "Conservation, Recreation and Natural Landscapes" reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.

3.2.6 The Local Government may prepare or require to be prepared an assessment of environmental values of the "Conservation, Recreation and Natural Landscapes" reserves prior to considering a planning application on this reserve."

The Shire is in contact with the Department of Environment and Conservation to determine the need to refer the application to it for comment.

Financial Implications

None anticipated

Strategic Implications

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

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

Policy Implications

None anticipated

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

That Council:

- 1. Acknowledges the application for planning approval from Mackerel Islands Pty**

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Ltd seeking 'temporary' (five year) use of facilities on Thevenard Island for transient workforce accommodation, noting that until the application is signed on behalf of the State of Western Australia, that the application is 'deficient' and cannot be considered.

2. Requests the Chief Executive Officer to:
 - (a) Write to Mackerel Islands Pty Ltd:
 - advising that until the application is signed by the 'land owner', the application is 'deficient' and cannot be considered;
 - requesting details how it can assure the community that incomes from the transient workforce arrangements will be invested in the island facilities (e.g. through trust accounts etc); and
 - requesting a clear timetable of when Thevenard Island would return to tourist use.
 - (b) Write to Chevron Australia Pty Ltd requesting advice on:
 - Why it needs Thevenard Island for accommodation purposes?
 - Why it has never been raised in earlier planning environmental documents?
 - Whether accommodation on Thevenard Island will result in less accommodation facilities at the ANSIA?
 - The final number of accommodation rooms at the ANSIA?
3. Once the application is signed on behalf of the State of Western Australia and a response is received in relation to 2 above, that the Chief Executive Officer be requested to:
 - (a) advertise the application for a minimum 14 day period (once) in the West Australian newspaper, Pilbara News newspaper and the Onslow Telegraph newspaper;
 - (b) refer the application to any agency or persons the Chief Executive Officer sees fit; and
 - (c) refer the application along with any submissions to the next available Council meeting for determination.
 - (d) to the next available Council meeting for determination.
4. Request the CEO write to the RDL advising that the decision in relation to 1 – 3 above should not be considered as supporting the application and Council has strong reservations with losing tourist accommodation on Thevenard Island.

CARRIED 9/0

Reason for change: Item 4 was inserted so RDL was aware that Council has strong reservations with losing tourist accommodation on Thevenard Island.

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13.3 AUTHORISED OFFICERS

MINUTE: 11237

FILE REFERENCE: RS.BC.01.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.10.05 Ordinary Meeting of Council 16 October 2007
Agenda Item 14.02.01 Ordinary Meeting of Council 19 February 2008
Agenda Item 15.05.09 Ordinary Meeting of Council May 2010

Summary

The resignation and subsequent employment of a new Ranger requires changes to the Authorised Officer's Delegations under various Acts, Regulations and Local Laws.

Background

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

Comment

Mr Ian Chance, the former Shire of Ashburton Ranger based in Onslow has left the employment of the Shire and Mr Brent Stein has been appointed to the position. In order for Mr Brent Stein to fulfill his duties as Ranger he needs to be appointed an Authorised Officer for the following Acts and Regulations and Local Laws:

- *Dog Act 1976*
- *Animal Welfare Act 2002*
- *Litter Act 1979*
- *Bush Fires Act 1954*
- *Control of Vehicles (Off Road Areas) Act 1979*
- *Caravan and Camping Act 1995*
- *Cat Act 2011*

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- *Local Government Miscellaneous Provisions Act 1960*
- *Local Government Act 1995*
- *Local Law Parking Facilities*
- *Local Law Dogs*
- *Local Law Trading in Public Places*
- *Local Law Health*
- *Local Law Aerodromes*
- *Local Law Cats*

Consultation

Not Applicable.

Statutory Environment

- Dog Act 1976
- Animal Welfare Act 2002
- Litter Act 1979
- Bush Fires Act 1954
- Control of Vehicles (Off Road Areas) Act 1979
- Caravan and Camping Act 1995
- Cat Act 2011
- Local Government Miscellaneous Provisions Act 1960
- Local Government Act 1995

Shire of Ashburton Local Laws

- Local Law Trading in Public Places
- Local Law Health
- Local Law Aerodromes
- Local Law Dogs
- Local Law Parking Facilities
- Local Law Cats

Financial Implications

Advertising for position cost.

Strategic Implications

Strategic Plan 2007- 2011 – Strategic Objective 5: Community Safety and Security.

Policy Implications

There are no Policy Implications relevant to this matter.

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr I Dias

SECONDED: Cr C Fernandez

That Council:

1. **Revokes the appointment of Ian Dudley Chance as an Authorised Officer of the Shire of Ashburton.**

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2. Appoint Brent Mark Stein as an Authorised Officer for the following Acts, Regulations and Local Laws

- Dog Act 1976
- Animal Welfare Act 2002
- Litter Act 1979
- Bush Fires Act 1954
- Control of Vehicles (Off Road Areas) Act 1979
- Caravan and Camping Act 1995
- Cat Act 2011
- Local Government Miscellaneous Provisions Act 1960
- Local Government Act 1995

Shire of Ashburton Local Laws

- Local Law Trading in Public Places
- Local Law Health
- Local Law Aerodromes
- Local Law Dogs
- Local Law Parking Facilities
- Local Law Cats

3. Advertise the appointment in accordance with each Act, Regulation and Local Law as required.

CARRIED BY ABSOLUTE MAJORITY 9/0

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13.4 ONSLOW POST OFFICE LOADING ZONE

MINUTE: 11238

FILE REFERENCE: ON.SE.0324.00

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

**NAME OF APPLICANT/
RESPONDENT:** Onslow Post Office

DATE REPORT WRITTEN: 9 July 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The operators of the Onslow Post Office have requested the provision of a loading zone in front of their premises to enable the efficient and safe delivery and pick up of mail. If, as is often reported to be the case, there is no parking available the vehicle must double park, or park in the driveway, or park remote from the site. A dedicated loading zone for post vehicles has been requested, and is recommended for approval.

Background

There is no dedicated loading zone in front of the Onslow Post Office in Second Avenue.

The operators often find that all road side parking is taken and the post delivery vehicle has no choice but to double park, park in their own driveway, or park remotely. Since over 2 m3 of mail is often delivered or picked up this is not only a delivery inefficiency, but challenges the preservation of appropriate security for mail articles.

The operators have requested a permanent loading zone of front of the premises.

Comment

Loading zones are necessary items for the delivery of goods in shopping centres, or individual shops. There is always a delicate balance between providing loading zones and customer parking and many councils rely on the shop keepers to understand and interpret the balance when making their requests for parking alterations.

In the case at hand the post office is the only shop in the immediate vicinity. There is no reason not to grant this request given that the only people affected by the change on parking would be customers of the post office.

The loading zone could extend from driveway to driveway and would take up two existing parking spaces.

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Consultation

Nil – Application by the post office operator.

Statutory Environment

Council is empowered to provide, change or alter statutory parking signage within its towns.

Financial Implications

Minor – approximately \$500 to procure and install signs.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr I Dias

That Council install a “Loading Zone” in front of the Post Office in Second Avenue, Onslow.

CARRIED 9/0

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13.5 PROPOSED DEVELOPMENT APPLICATION - ERECTION OF A SITE OFFICE, LOT 84 ANZAC COURT, PARABURDOO (36M2 TRANSPORTABLE OFFICE BUILDING)

MINUTE: 11239

FILE REFERENCE: RE.AZ.R.40483

AUTHOR'S NAME AND POSITION: Michael O'Neill
Project Engineer

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 5 July 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire is seeking Council consent to lodge a Planning Application to erect and use a 36m² transportable building for up to 4 staff associated with town revitalisation of Paraburdoon and associated projects. The purpose of the extension is to create a working site office. The building will be located on the grassed area next to the current Shire office. Sufficient parking is provided in the adjacent parking lot.

The Application is located on reserve no. 40483 and the land is reserved for public recreation and would need to be advertised before the application can be determined. Should there be no objections it is recommended that the Chief Executive Officer be authorised to issue planning approval for the proposed office for a 3 year period and subject to standard planning conditions.

Background

The Shire is currently experiencing a period of growth. This growth has contributed to an increased number of projects throughout the Shire including the upgrade of Paraburdoon town centre.

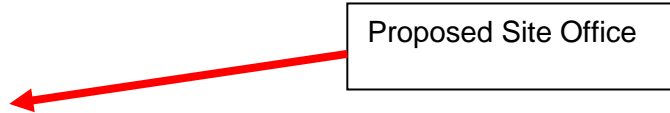
This site office is set to accommodate up to 4 new staff members who are going to address staff shortages in project specific fields including the upgrade of Paraburdoon town centre.

Proposal

The Application is to erect and use a 36m² transportable building for an office for up to 4 staff associated with the upgrade of Paraburdoon town centre. As was noted above, the purpose of

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the extension is to provide a work area for site staff. The building will be located as shown on the following plan.



Comment

The proposed structure is a prefabricated transportable. This transportable building is considered to be the most effective means of accommodating these new staff close to their projects for the required length of the projects.

Conclusions

The plans provided to Council are conceptual however, it is appropriate to condition any Approval to require submission of finalised plans and elevations for endorsement at Building Licence. The conditions recommended reflect those that would be anticipated for any commercial development of a similar standard and impact.

Consultation

Chief Executive Officer
Executive Manager, Technical Services

As the land is reserved for public recreation, it is considered necessary to advertise the proposal in accordance with the Shire's Planning Scheme for not less than 14 days.

Statutory Environment

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

The land is zoned *Public Recreation* under the Scheme. Clause 3.2 and 6.15 of the Shire of Ashburton Local Planning Scheme No.7 state as follows:

“3.2 USE AND DEVELOPMENT OF RESERVES

3.2.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use

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of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.

- 3.2.2 *Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.*
- 3.2.3 *The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government.*
- 3.2.4 *The requirement for planning approval in subclause 3.2.3 may be extinguished if development is in accordance with a Local Government endorsed agreement between operators of infrastructure within the reserve.*
- 3.2.5 *The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.*
- 3.2.6 *The Local Government may prepare or require to be prepared an assessment of environmental values of the “Conservation, Recreation and Natural Landscapes” reserves prior to considering a planning application on this reserve.*
- 3.2.7 *In the case of land reserved under the Scheme for the purpose of a public authority, the Local Government is to consult that authority before making its determination.*

6.15 Transportable Structures

6.15.1 *When considering planning applications which include transportable buildings and structures Local Government shall have regard for:*

- (a) whether the structure is to be permanent or temporary,*
- (b) the location and design of the structure in relation to surrounding structures and other physical features,*
- (c) the footings or other methods of stabilising the structure, and*
- (d) proposed landscaping to be associated with the structure.*

6.15.2 *Local Government may specify a period to which planning approval applies and the requirements for removal of structures which are intended to be temporary.*

6.15.3 *Local Government may require modifications, additions or landscaping to be undertaken as part of the placement of transportable structures.”*

It is considered that as proposed that the proposed temporary site office is for the ultimate benefit of the public recreation reserve.

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Financial Implications

The cost of the office will be covered by the project costs related to the Paraburdoo upgrades.

Strategic Implications

This is for temporary office accommodation and has no long term strategic implications.

Policy Implications

There are no policy implications that relate to this matter.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr Shields

SECONDED: Cr Dias

That Council:

- 1. Authorise the Chief Executive Officer to lodge an application for planning approval to install and use a 36m2 transportable building for the purpose of a site office on Lot 84 Anzac Court.**
- 2. Request the Chief Executive Officer to advertise the application for a minimum of 14 days and should there be no objections received, authorise the Chief Executive Officer to determine the application in accordance with the relevant provisions of the Scheme. Any such approval would be for not more than 3 years.**
- 3. Should any objections be received, the Chief Executive Officer be requested to refer the matter back to Council for determination.**

CARRIED BY ABSOLUTE MAJORITY 9/0

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14. OPERATIONS REPORTS

There were no Operations reports for this meeting.

15. COMMUNITY DEVELOPMENT REPORTS

15.1 POOL OPENING HOURS AND DATES

MINUTE: 11240

FILE REFERENCE: CS.CS.04.02

AUTHOR'S NAME AND POSITION: Mabel Gough
Facilities Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 July 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Currently both the Vic Hayton Memorial Swimming Pool Tom Price and the Paraburdoo Swimming Pool are open to the public from October 1st to April 30th each year.

Recently a number of requests have been received, especially in Paraburdoo, to extend the opening season and/or daily opening hours of the pools.

Extension of the pool hours will allow for a greater level of amenity to the community, but as the current pool managers can work up to 2600 hours in a year (a regular fulltime employee works 2080 hours) this is not possible without the employment of a third pool manager.

Background

Currently the Vic Hayton Memorial Swimming Pool, Tom Price and the Paraburdoo Swimming Pool are opened during the following times:

Day	Opening times AM		Total Hours
	Morning	Afternoon	
Sunday	8am – 12 noon	12 noon – 6pm	10 hours
Monday	8am – 12 noon	2 pm – 8pm	10 hours
Tuesday	Closed		0
Wednesday	8am – 12 noon	2 pm – 8pm	10 hours

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Thursday	8am – 12 noon	2 pm – 8pm	10 hours
Friday	8am – 12 noon	2 pm – 8pm	10 hours
Saturday	8am – 12 noon	12noon- 6 pm	10 hours
			60 hours

In addition to the opening and closing times above, the pool managers also need to spend approximately 30 minutes each morning and afternoon (before and after opening times) preparing the pool. This includes tasks such as:

- Installing or removing pool blankets
- Office procedures
- Sanitising the toilets blocks
- Removing leaves and lint from the filters

Although the pools are closed on Tuesday the Pool Managers are still required to undertake maintenance (such as water sampling) in accordance with Department of Health requirements, and at certain times of the year are also requested to work on the Tuesday for in-term and vacation swimming, and private functions. They also need extra time to clean up after heavy winds, storms or cyclones. With the pools currently being open for 30 weeks of the year, this can equate to 2300 work hours for the managers, with a further 300 hours being required for standard maintenance during the winter months. Given the already long work hours, the requirement to undertake tasks on their “day off” is likely to contribute to worker fatigue.

Comment

The pools are currently open to the public for approximately 7 months of the year, and at a recent Council meeting (May 2012) an agenda was tabled discussing changes to the entry fees. In that report figures were tabled to show the pools currently cost Council over \$700,000 per year to operate.

During the months the pools are open, the cost of chemicals, utilities (power and water) and salaries are the principal costs incurred to run the pools. During the months the pools are closed, the cost of the chemicals and utilities does not drop significantly leaving salaries as the only significant saving. Because maintenance is still required during the months the pools is closed, and the Shire only has two fulltime pool managers, each manager is required to work a number of additional hours to carry out this function, and on average, another 300 hours (or almost fulltime 8 weeks) are worked by each pool manager over the “winter” months carrying out maintenance.

In 2012, an additional casual pool manager (Kenny Morton) was available and was able to carry out some of the winter maintenance, reducing some of the workload on the substantive managers as well as relieving when the fulltime pool managers were unwell. However, this is not available as a long term solution as Kenny is seeking fulltime employment either within the Shire of Ashburton or elsewhere.

The option of a third fulltime permanent pool manager to act as a “relieving manager” is attractive and has number of benefits to the Shire. A relieving pool manager will allow for longer opening hours each day, for example 8.00am – 8.00pm as the substantive managers could work for 5 full days and the “relieving manager” could work for 2, allowing each pool to be open 7 days. The relieving manager could also be used if one of the substantive managers was temporarily unavailable (eg on sick leave). In early 2012 an external relief manager was required for two weeks and the cost was in the vicinity of \$12,000.

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A number of options exist for Council's consideration.

Option 1

Leave the opening hours and length of open season as it is (as shown in the table above) Continue to employ 2 full time pool managers (1 per pool) and manage any unexpected leave with external relief managers or by temporarily closing the facility.

Option 2

Open season to remain as is (October 1st to April 30th) but change the opening hours to 6.00am – 10.00am and 2.00pm - 8.00pm on the week days above (Monday, Wednesday, Thursday and Friday). This would allow the pool to be open earlier for lap swimmers (as previously requested) but would mean the pool are closed for 4 hours in the middle of the day.

Option 3

Open the pool 8.00am – 8.00pm every day during the current open season.

This option would require the employment of a third pool manager to work as a relief manager across both pools. If the substantive manager worked 8.00 – 8.00 for 5 days (plus time for set up and closed down), and the relieving manager worked 2 days at each pool each week, the substantive managers would work 65 hours a week (5 days x 13hours per day = 65 hours a week), while the relief manager would work 52 hours a week (4 days x 13 hours = 52 hours per week).

An alternative to this option could be to open to pools from 6.00am – noon and then again from 2.00 – 8.00pm on weekdays. This would allow for requests from lap swimmers to be accommodated.

Using this option the relief manager would also undertake a larger share of the off season maintenance, so although this option would require some additional salary expenses, it would not equate to an entire full-time salary as the current pool managers would work less hours.

In addition, requests by the Paraburdoo Swimming Club to open for their training in September could be far more easily accommodated. Given the work hours detailed above it is extremely difficult for the current managers to work the additional times to allow the Swim Club to train (and as the pool is a Class 1 aquatic facility under Department of Health Act a fully qualified pool manager must be present whenever the pool is open). With this option the relieving pool manager could open the pool for discrete times to allow just the Swim Club to train.

Option 4

Leave daily opening hours as they are but open the Paraburdoo pool 1 month earlier - September 1st – each year to allow the Swim Squad to train

To open for an extra 4 weeks only would mean an extra 250 hours per pool (4 weeks at the opening hours above plus 1 hour per day for set up and closing routines). This would not be sufficient to employ a third manager so would need to be added to the regular hours worked by the current pool manager. If the pool was only opened for just the times the Swim Squad was training, that would still equate to approximately 40 hours and this would also not be sufficient to justify employing a third pool manager.

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While this option can allow for the extra time requested for the Paraburdoo Swim Club to train, it does not address the issues of the current pool managers working long hours and not being able to have a day off.

Options 1 and 2 require hours in excess of a regular workload but are manageable (70 hours week for 7 months with no break) when allocated over a year, but option 4 (which would require a 70 hour week being worked for 8 months with no break) would place considerable stress and strain on an employee and could lead to health and wellbeing complications. Option 3 is the recommended option as that allows for longer opening hours with increased capacity to respond to community needs, greater flexibility with staffing and addresses issues of worker fatigue.

Consultation

Chief Executive Officer
Executive Manager, Community Development
Facilities Manager
Pool Managers

Statutory Environment

Nil

Financial Implications

Option 1 – nil

Option 2 – nil

Option 3 – an additional \$45,000 plus housing and other associated costs

Option 4 – an additional \$19,000

Strategic Implications

Strategic Objective 2.5 *Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability.*

Policy Implications

Options 1, 2, and 4 would all require new agreements to be negotiated with Pool Managers as the hours of work allocated to these positions is outside the current Enterprise Bargaining Scheme that covers all Shire employees.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

That Council:

- 1. Extend the opening hours for the Shire of Ashburton pools to 8.00am – 8.00pm every day from October 1st to April 30th each year and acknowledge that the employment of a third pool manager, and provision of associated housing, is required to do this.**

CARRIED BY ABSOLUTE MAJORITY 8/1

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

Staff brought forward the following late items for consideration by Council:

- 16.1 Draft Community Strategic Plan
- 16.2 Tom Price RFDS Air Strip
- 16.3 Tom Price Tourist Signage, Tom Price – Paraburdoo Road
- 16.4 Onslow Caravan Park Overflow
- 16.5 Request to Support 'Home Business' in Group Housing Development, Lot 604 Rocklea Road/ You Yi Lane
- 16.6 Request to Modify Planning Approval Condition – Dry Mess, Offices, Storage and Ablutions on Lot 54 Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica
- 16.7 Delegated Authority – Awarding of tender RFT 02/12 Provision of Facilities Management Services for Workers Camp

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

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

- 16.4 Onslow Caravan Park Overflow**
- 16.5 Request to Support 'Home Business' in Group Housing Development, Lot 604 Rocklea Road/ You Yi Lane**
- 16.7 Delegated Authority – Awarding of tender RFT 02/12 Provision of Facilities Management Services for Workers Camp**
- 17.1 CONFIDENTIAL ITEM – CEO Contract**

CARRIED 7/2

16.4 ONSLOW CARAVAN PARK OVERFLOW

MINUTE: 11241

COUNCILLOR'S NAME: Councillor Eyre

DATE REPORT WRITTEN: 5 July 2012

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

Issue

Onslow Caravan Parks have in previous years reached capacity, and arrangements are required to allow short term accommodation for travellers with caravans who have come into the town, been unable to secure a caravan bay, and are not able to move onto another town during daylight hours.

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Reason

Onslow is more than 80kms from the highway, and is 120kms from the Nanutarra Roadhouse and 304kms from Karratha. There is a risk that has been realised in previous years, that travellers seeking accommodation in Caravan Parks will enter the town, be unable to secure such accommodation, and then, because of the distances involved, be unable to safely travel to alternative locations during daylight hours.

If a dedicated area could be made available for this purpose, travellers could access it overnight then travel, the following day, to another location.

Councillor Recommendation

That a safe, dedicated area is made available, during peak tourist season, for travellers with caravans unable to secure overnight accommodation in any of the town caravan parks.

RESPONDING OFFICER

FILE REFERENCE:	CS.IN.02.00
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	13 July 2012
PREVIOUS MEETING REFERENCE:	Not Applicable

Background

Councillor Eyre has requested the issue of overflow spaces for the Onslow Caravan Parks be investigated.

Comment

Onslow Caravan Parks are often at capacity during peak tourist season, and the current housing/accommodation shortage in the town is expected to exacerbate this situation both now and in the next few seasons.

The Shire of Exmouth has a similar policy and in 2011 an informal arrangement was made, utilising similar guidelines to Exmouth, to allow overflow parking from the Onslow Caravan Parks to stay, for up to three days, in the parking area of the Onslow Oval.

This arrangement had mixed success; mainly due to the travellers using the nearby public ablution block which was not adequate for this purpose.

Recognising that there is a demonstrated need for such a service, it is recommended that Council provide in-principle support, subject to some conditions.

1. Rapid changes with the development in the Onslow area make it difficult to establish one location that will be suitable across several years. It is therefore suggested the

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proposed location will need to be re-evaluated each year and if necessary, an alternative identified.

2. Recognising that public ablution blocks in Onslow are not suitable to the purpose of providing facilities for caravan overflow areas, any and all caravans utilising this service must be fully self-contained and all waste product must be stored on the vehicle until it can be suitably disposed of.
3. Bookings for the overflow area will be managed by the Ocean View Caravan Park and will only be available when there are no available bays remaining in any of the town caravan parks
4. A Memorandum of Understanding and set of guidelines will be developed that will detailed the operations and administration of the bookings, including length of stay (which is proposed as overnight only), cost of stay, method of policing, and checklists and rules for travellers staying in the overflow area.

In 2012 the most suitable area for the overflow is likely to be the parking area of the outdoor basketball courts. The oval has become more heavily utilised in recent months, and the parking area is no longer suitable for use as an overflow caravan parking area.

Consultation

CEO

Shire of Ashburton Project Manager

Financial Implications

Nil

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

That Council gives in-principal approval to the concept of a caravan overflow area in Onslow.

CARRIED 8/1

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16.5 REQUEST TO SUPPORT 'HOME BUSINESS' IN GROUP HOUSING DEVELOPMENT, LOT 604 ROCKLEA ROAD/ YOU YI LANE, PARABURDOO

MINUTE: 11243

FILE REFERENCE: PA.RC.0604

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

NAME OF APPLICANT/RESPONDENT: Better Builders (WA) Pty Ltd
Shire of Ashburton

DATE REPORT WRITTEN: 16 July 2012

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

PREVIOUS MEETING REFERENCE: Agenda item 11.4 Minute: 11032 Ordinary Meeting of Council 21 September 2011

Summary

At the Council meeting of 21 September 2011 Council resolved to support the concept of the residential development for 21 group housing units at Lot 604 Rocklea Road/You Yi Paraburadoo subject to compliance with the Residential Design Codes and the relevant provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Planning Approval was subsequently issued for the 21 group housing units in March 2012.

The developer has requested Council support for the concept of 'home businesses within the units (once they are built). A 'home business proposal' can only be carried out in an existing dwelling. However, Council could advise the developer that in principle, it is prepared to support applications for 'home business' within the complex, should an occupier or owner of the unit seek such an approval.

Background

Lot 604 Rocklea Road/You Yi Lane, Paraburadoo has an area of 5301m², is owned by the Shire and occupied by a building (previously used as a veterinary clinic) but under contract of sale. At the Council meeting of 21 September 2011 Council resolved to support the concept of the residential development for 21 group housing units on the site subject to compliance with the Residential Design Codes and the relevant provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Planning Approval was subsequently issued for the group housing units 21 in March 2012.

Proposal

The developer has requested Council support for the concept of 'home businesses within the units (once they are built).

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Comment

A 'home business proposal' can only be carried out in an existing dwelling. The definition of 'home business' is:

"...a business, service or profession carried out in a dwelling or on land around a dwelling which:
(a) does not employ more than two people not members of the occupier's household;
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;
(c) does not occupy an area greater than 50m²;
(d) does not retail the retail sale, display or hire of goods of any nature,
(e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
(f) does not involve the use of an essential service of greater capacity than normally required in the zone"

The above provisions are essentially 'performance' requirements relating to the operation of a business from home. These requirements are something that only the specific operator can guarantee will be carried out within the dwelling. In addition, such approvals are often issued to the specific person or company and for a limited time.

Until the units are developed, the Shire cannot give planning approval for 'home business'. However, Council could advise the developer that in principle, it is prepared to support applications for 'home business' within the complex, should an occupier or owner of the unit seek such an approval.

Consultation

Chief Executive Officer

Statutory Environment

Shire of Ashburton Local Planning Scheme No. 7

Financial Implications

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

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 D Wright

SECONDED: Cr L Shields

That Council:

- 1. Advise the developer of 21 group housing units at Lot 604 Rocklea Road/You Yi Paraburdoo (Better Builders (WA) Pty Ltd) that:**
 - Until the units are developed, planning approval for 'home business' cannot be granted.**

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- In principle, Council is prepared to support applications for 'home business' within the complex, should an occupier or owner of the unit seek such an approval.

CARRIED 9/0

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16.7 DELEGATED AUTHORITY - AWARDING OF TENDER RFT 02/12 PROVISION OF FACILITIES MANAGEMENT SERVICES FOR WORKERS CAMP

MINUTE: 11244

FILE REFERENCE: LO.ASBN.00016

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 17 July 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire has advertised RFT02/12 for the provision of facilities management services for the temporary construction camp at Onslow Airport. Tenders closed on 16 July 2012 and eight submissions have been received. Four of these have been short-listed as preferred candidates. Delegated authority for the CEO to award the tender is sought as the camp is under construction and the successful tenderer will be required to mobilise as soon as possible.

Background

Request for Tender 02/12 for the Provision of Facilities Management Services for Workers Camp was advertised on Saturday 30 June 2012 and closed on Monday 16 July 2012. The services are required to manage the temporary construction camp for the Onslow Aerodrome Project.

Construction of the camp has now commenced and it is vital that a reputable service be appointed to manage the facility as soon as possible to enable contractors to be mobilised to site. Seven submissions have been received and assessment has commenced against the following criteria:

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Criteria	Weighting
<p>Experience and position in the industry Include a summary (one to two pages) of your position within the industry, membership of relevant trade association/s and previous experience with supplying to State and/or Local Government agencies and in particular relevant experience in the management of remote workers camps.</p>	30%
<p>Key Personnel and Equipment Include a summary of proposed personnel, their qualifications, relevant experience and equipment to be allocated to the proposed contract and outline in the form of schedule how the timelines for delivery will be met.</p>	30%
<p>Occupational Health and Safety Management Tenderers are to complete the questionnaire as attached.</p>	10%
<p>Tendered Rate</p>	30%

Comment

Submissions have been received from:

1. Catering Industries
2. Aspen Parks
3. DCL Services
4. Cater Care Services
5. ESS Thalanyji
6. Credo
7. R2R
8. Discovery Parks

Initial assessment of the tender submissions have indicated four proposals that appear to represent a combination of best value for money, level of service offered, experience and other qualitative criteria. These have been submitted by Catering Industries, Cater Care Services, ESS Thalanyji and Credo Group. Unfortunately there has been insufficient time to complete the assessment in full for presentation to Council at this meeting so it is proposed that the four Tenderers nominated above are short-listed and the CEO is delegated authority to award the Tender upon the completion of the assessment.

Consultation

Nil

Statutory Environment

Section 5.43(b) Local Government Act 1995 – the Council can delegate to the CEO the power to determine a tender within limits.

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Financial Implications

The camp is required to be operational before staff and contractors can be mobilised to commence construction of the new airstrip. The aerodrome upgrade is funded by Chevron and it is essential that works are commenced and undertaken in a timely manner by the Shire.

Strategic Implications

Shire's Strategic Plan 2007-2011:

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

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Shields

SECONDED: Cr D Wright

That Council:

- 1. Authorise the CEO to determine and award tender RFT02/12 Provision of Facilities to one of the four tenderers nominated for short-listing**
- 2 Request the CEO to place a copy of the tender evaluations in the Councillor Information Bulletin.**

CARRIED BY ABSOLUTE MAJORITY 8/1

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18. COUNCILLOR AGENDA ITEMS

18.1 LIONS PARK ADDITIONAL FACILITIES

MINUTE: 11245

COUNCILLOR'S NAME: Councillor Fernandez

DATE REPORT WRITTEN: 5 July 2012

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

Issue

Lions Park at Tom Price is in need of additional public facilities.

Reason

To provide a higher level of customer services at Lions Park.

Councillor Recommendation

That Council include an additional \$15,000 in the draft 2012 /2013 Capital Works Budget for BBQ and two drinking fountains.

RESPONDING OFFICER

FILE REFERENCE: RE.CX.R.44839

AUTHOR'S NAME AND POSITION: Deb Wilkes
Executive Manager, Community Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 July 2012

PREVIOUS MEETING REFERENCE: Not Applicable

Background

Councillor Fernandez has requested that capital funds are allocated for additional public facilities at Lions Park.

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Comment

The Tom Price Lions Park currently has two BBQ's that are frequently used by families and small groups. This level of amenity is equivalent to, or higher than, what is offered at most other reserves within the Shire of Ashburton.

No allocation for a water fountain has been included in the draft budget for 2012/2013, but the following capital expenditure items, which have been discussed on several occasions by the Councillors', are allocated

CER 198 Remove sand fall areas and replace with Softfall	\$80,000
CER 201 Improve Lighting	\$15,000
CER 098 Replace fencing	<u>\$ 4,000</u>
<u>TOTAL</u>	\$99,000

As almost \$100,000 has already been allocated to the Lions Park in the 2012/2013 budget, but the installation of a drinking fountain could be regarded as a priority, this could be achieved by reallocating the proposed funds for the fencing repairs to the drinking fountain.

Consultation

Not Applicable

Policy Implications

Not Applicable

Financial Implications

Not Applicable

Strategic Implications

Strategic Objective 2.5 *"Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability"*

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr I Dias **SECONDED:** Cr C Fernandez

That Council reallocate the \$4000 proposed for fencing repairs at the Tom Price Lions Park to the installation of a water fountain at that facility.

CARRIED 5/4

Cr C Fernandez left the meeting at 4.34pm.

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Declaration of Interest

Prior to consideration of this Agenda Item Cr L Shields declared an interest in Agenda Item 18.2 in accordance with Section 5.60A of the Local Government Act. The interest being she is an employee of Lestok Tours.

Cr Shields left the meeting at 4.34pm.

18.2 TOM PRICE AIRPORT BUS STOP

MINUTE: 11248

COUNCILLOR'S NAME: Councillor Fernandez

DATE REPORT WRITTEN: 5 July 2012

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

Issue

There are no benches or shelter for passengers at the Tom Price airport bus stop. This is a request for Council to consider providing funds to improve passenger facilities by providing for temporary benches and a bus shelter at Tom Price.

Reason

To improve passenger services at the Tom Price airport bus stop.

Councillor Recommendation

That Council officers prepare cost estimates to include the provision of temporary benches and shelter at the Tom Price airport bus stop in the 2012/2013 draft budget.

RESPONDING OFFICER

FILE REFERENCE: OR.CM.10.09

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 July 2012

PREVIOUS MEETING REFERENCE: Not Applicable

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Background

The Tom Price airport bus appears not to have had a permanent home for many years. Prior to the town centre upgrade project the airport bus picked up and dropped off outside the Chandler McLeod office. This site was moved to the adjacent car park behind the Chinese restaurant during construction of the Town Centre works (refer attached drawing). It is still in this location. It is understood that this is where Councillor Fernandez is seeking the temporary facilities.

This is not necessary, as there are a number of permanent locations that the bus stop can be positioned. None the less it is timely for Council to formally consider the position of the bus stop.

Comment

The town centre upgrade made provisions for the bus stop to be relocated into an area adjacent to, but behind, the existing Tom Price Bakery. There are benches and shelter adjacent to this area, but not directly in front of the stopping area. It is not clear whether consultation took place in completing the design.

Now that the town centre is practically complete arrangements can be made to move the bus stop from its temporary position to the area nominated in the design. Prior to doing so however the opportunity of allocating the airport bus stop to a shared use with the existing bus parking area in-front of the tourist Centre has been considered.

There are a number of reasons for considering this location as a permanent spot for the Airport bus.

- Passengers are dropped off at the Tourist Centre which may improve their first impressions of Tom Price for new visitors.
- Car parking is available either in the community centre parking, or across the road at the Coles Car park.
- There are existing shade structures, benches, tables and a water fountain, although not large in number they seem to be sufficient for the tour buses and ought to suffice for the airport bus. If necessary additional seats could be retrofitted at some point in the future.
- It will free up some of Muzzy's car park for parking of longer vehicles, where the bus stop was proposed.
- There is room for two busses in the Tourist Centre bus stop. Most will be under control of the same operator.

The adverse consequences of this position are:

- It is further from Windawarri, which may be the main destination of the passengers. Whilst this may be an impost it is not an unbearable one.
- There may be rare instances where the Tourist bus stop is full. This can be overcome through the bus using the community centre car park, if necessary.
- There may be limited opportunity to offload freight, but this is virtually the same at each of the alternative stops. Freight should, arguably, not be unloaded at the passenger bus stop.

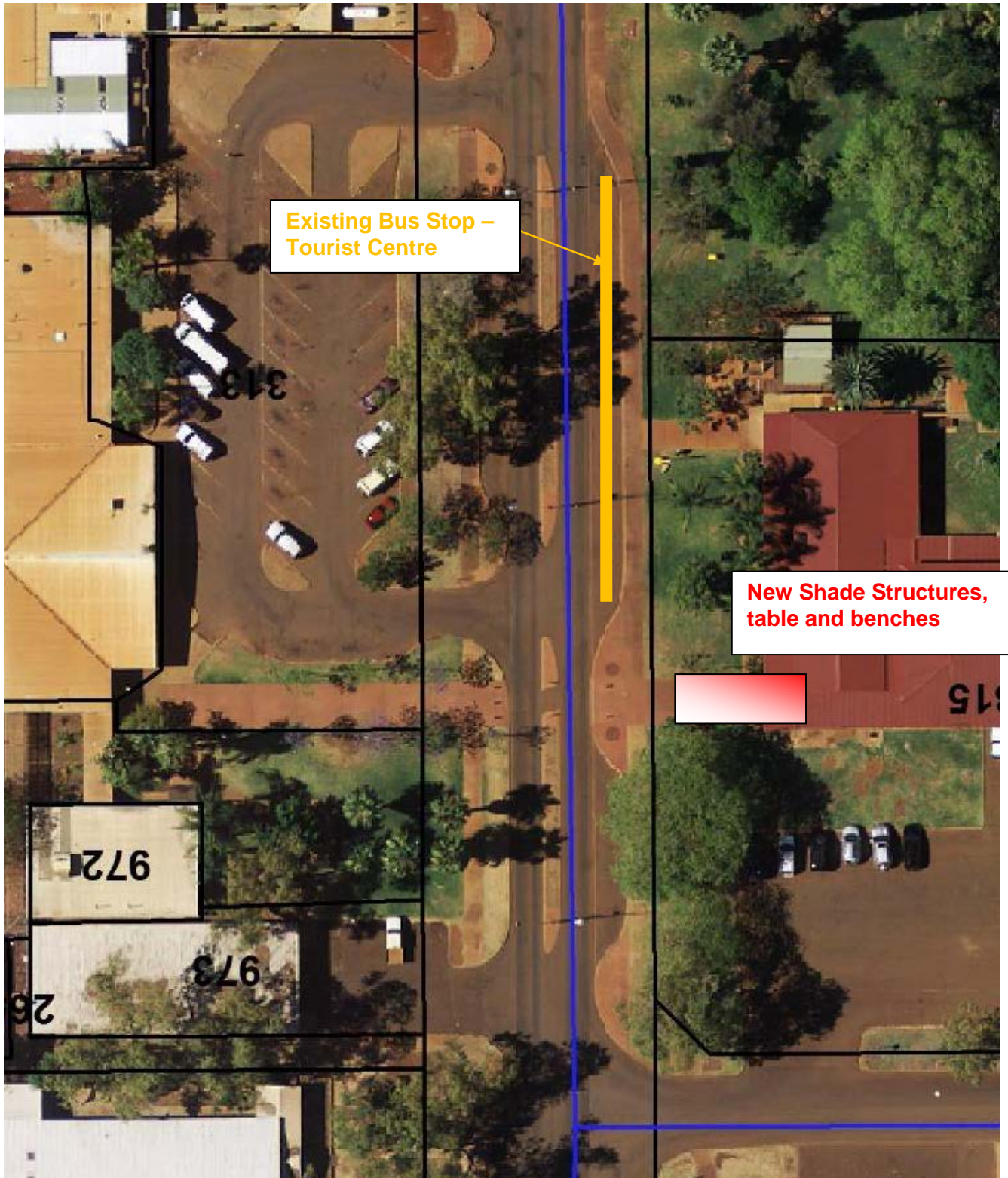
The tourist centre bus stop has been discussed with Lestok tours. They do not prefer it because the shade structure is not directly opposite the bus stop and unloading freight will not be possible.

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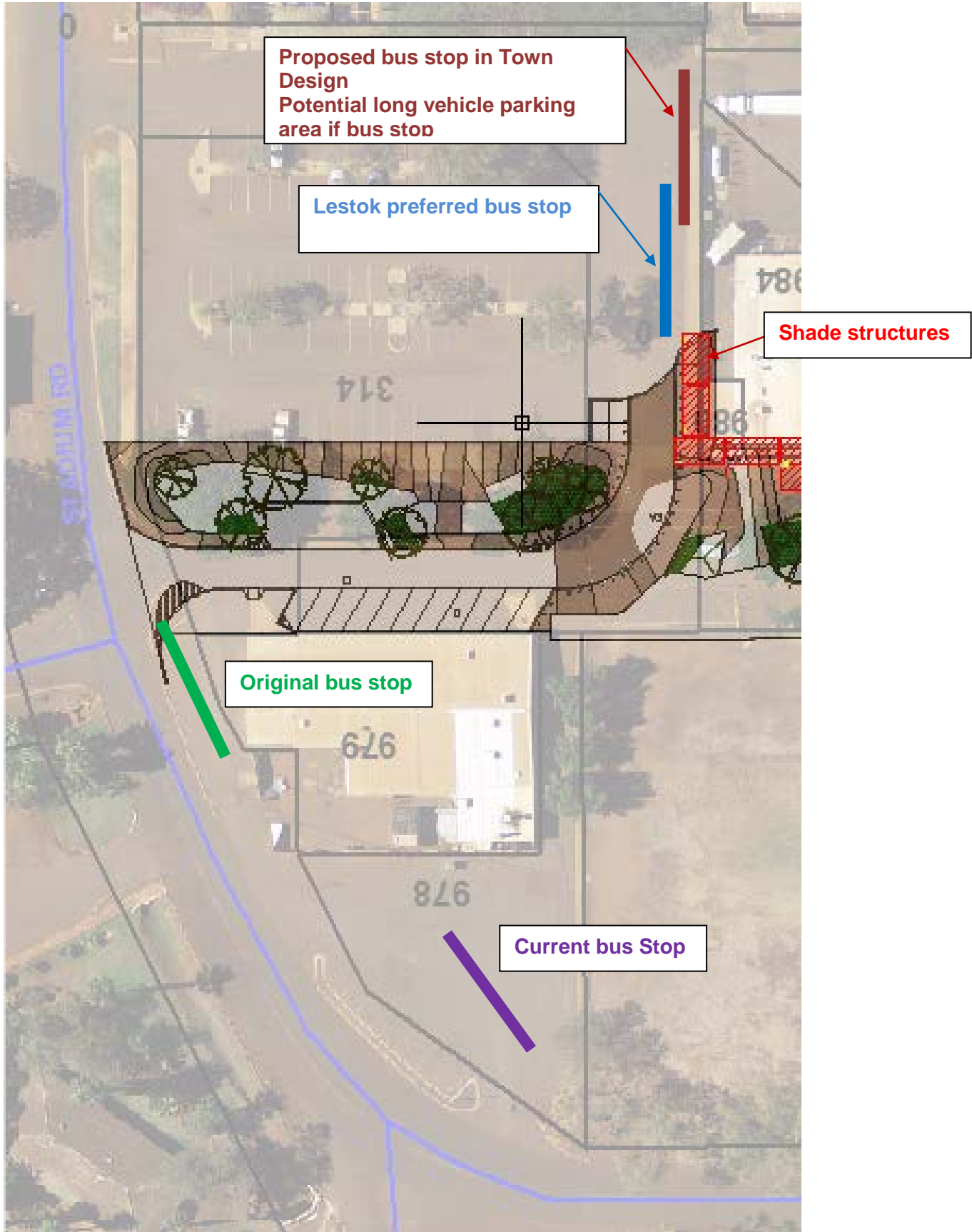
Lestok provided an alternate suggestion to park immediately in front of the canopy and bench seats in the town centre design adjacent to the bakery. There is marginal room to undertake this parking activity, but it also carries with it a road congestion and road safety issue.

Whilst it is possible to park the bus and for cars to pass (only just) it would defeat the design if cars were reluctant to pass the parked bus and therefore were compelled to exit the car park through the Muzzy's hardware entrance, even if only for a period of 10 minutes while the bus unloaded passengers and luggage. Were a car to attempt to pass the stopped bus it would have limited sight distance to any pedestrian crossing in front of the bus through the town centre (from the Bakery to the Exeloo toilet). Pedestrians crossing the road would be obscured from a driver and it would be poor traffic management practice.

Since a number of bus stop alternatives exist without the need to construct temporary facilities, Councillor Fernandez's recommendation is not required. An alternate decision is available to nominate the location of the Airport bus stop.



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Conclusion

To avoid any conflict with other buses using the Tourist Centre it is considered best to utilise the position originally contemplated in the town centre design.

Consultation

Lestok Bus Services
Morgwn Jones, Tom Price Ranger
Michael O'Neill, Project Engineer

Policy Implications

Nil

Financial Implications

There are no additional financial implications since the town centre project included provision for the Airport bus stop.

Strategic Implications

Tourism development
Public safety

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr A Eyre

That Council:

- 1. Agree to airport bus stop remaining in its current location.**
- 2. Conduct further discussions with Lestok occur to negotiate a permanent location.**

CARRIED 6/1

Reason for change: Council felt that further negotiations with Lestok were necessary to find a permanent location for the bus stop.

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Council Decision

MOVED: Cr

SECONDED: Cr

That Council adjourn for a break at 4.49pm.

CARRIED 4/2

Council Decision

MOVED: Cr I Dias

SECONDED: Cr D Wright

That Council reconvene after a break at 5.05pm.

CARRIED 8/0

Cr Shields re-entered the meeting at 4.49pm.

Council Decision

MOVED: Cr I Dias

SECONDED: Cr P Foster

That Council close the meeting to the public and staff at 5.06pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 8/0

Jeff Breen, Amanda O'Halloran, Geoff Brayford, Deb Wilkes, Frank Ludovico, Jackie Brayford and members of the public gallery left the meeting at 5.06pm

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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17.1 CONFIDENTIAL - NEW BUSINESS OF AN URGENT NATURE - CEO CONTRACT

MINUTE: 11250

FILE REFERENCE: OR.MT.2

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

NAME OF APPLICANT/RESPONDENT: Jeffrey Breen

DATE REPORT WRITTEN: 13 July 2012

DISCLOSURE OF FINANCIAL INTEREST: The author has interest in this agenda item being one party to the contract.

PREVIOUS MEETING REFERENCE: Agenda Item 17.1, Ordinary Meeting of Council 18 April 2012, Minute No: 11180
Agenda Item 17.2, Ordinary Meeting of Council 21 March 2012, Minute No: 11158
Agenda Item 16.03.05, Ordinary Meeting of Council 16 March 2011
Agenda Item 16.12.15 Ordinary Meeting of Council 15 December 2010
Agenda Item 16.07.08, Ordinary Meeting of council 13 July 2010

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr A Eyre **SECONDED:** Cr D Wright

That Council adopt the amended recommendation contained in the “17.1 Confidential – New Business of an Urgent Nature – CEO Contract” Report.

CARRIED BY ABSOLUTE MAJORITY 7/1

Reason for change: Council believe the changes reflect the requirement of the Local Government Act and current contract.

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr I Dias

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

CARRIED 8/0

19. PILBARA REGIONAL COUNCIL REPORT

There were no Pilbara Regional Council reports presented to Council.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 15 August 2012, at the RM Forrest Memorial Hall, Onslow commencing at 1.00pm.

21. CLOSURE OF MEETING

The Shire President closed the meeting at 6.06pm.