



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES  
(Public Document)**

**Ashburton Hall, Ashburton Avenue,  
Paraburdoo**

**21 March 2012**

# MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 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 21 March 2012 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 3:00 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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## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

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

The Shire President declared the meeting open at 3.12 pm.

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

The Shire President welcomed Steele & Jasmin McDermott, Binnie O'Dwyer and members of the public to the public gallery.

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

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

#### 3.2 **APOLOGIES**

Cr D Wright	Pannawonica Ward
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms F Keneally	A/Executive Manager, Operations

#### **Council Decision**

**MOVED: Cr Foster**

**SECONDED: Cr Fernandez**

**That Council accept apologies from Cr Wright, Ms O'Halloran and Ms Keneally.**

**CARRIED 8/0**

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

There was no Leave of Absences for this meeting.

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### 4. QUESTION TIME

#### 4.1 PUBLIC QUESTION TIME

At the Ordinary Meeting of Council held on 21 March 2012 the following public questions were tabled. The questions were taken on notice and a written response will be prepared.

Steele and Jasmin McDermott from Paraburdoo tabled the following questions:

**Q1a. In regards to the Sporting Complex on the main oval we would like to know where and what planning stage are we at.**

**Q1b. Questions around town suggest that Shire is questioning Qantas fares to Paraburdoo. Any truth to that?**

Binnie O'Dwyer – Occupational Therapist tabled the following question:

**Q2a. I would like a correction from previous minutes that it is agreed to have a total of 6 disabled car parks not 5 in the shopping complex at Tom Price.**

**Response:**

Note: The Agenda for the Ordinary Meeting of Council 21 March 2101 was rectified in the Agenda Item 7.1 Confirmation of Minutes of Previous Meeting.

**Q2b. I would like to ask as to when the Paraburdoo car park outside the shops will have the disabled parking updated to current AS2890.**

**Q2c. Is it possible to know who owns the buildings in Tom Price Video store, Hairdresser and private car park?**

Peter Foster tabled the following emailed question on behalf of Michelle Dudfield:

**Q3a. "Thank you for providing the opportunity to contact you directly about community issues/concerns.**

*I am emailing you in relation to the lack of adequate pathways in the central area of town, particularly behind the main oval. I live in Hibiscus St and have two boys under the age of 4. We go for daily walks/bike rides and cannot safely get out of the street and then make our way to the pool, shops or parks as there are no consistent pathways to follow.*

*I would like the Council to strongly consider pathways at the following locations.*

*East Rd and around the corner of Willow Rd (traffic has got significantly busier, particularly with the very large buses going to and from the camp and the RIO busses). The corner is very dangerous.*

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*Along the front of the pool car park (we have to go through the car park)*

*Jacaranda Drive*

*Stadium Rd behind the Moon Palace Chinese car park and alongside the village green area.*

*Thank you in anticipation!"*

Cr Foster tabled the following question on behalf of Michelle Laylan:

- Q4.** *"I have lived in Palm Street for just over 4 years now and in this time I have seen many footpaths put around town, even the road that leads to nowhere has a footpath. I would like to know if there are any plans to extend a footpath along South Street all the way to the end. There are many children who walk/ride to school and they are faced with danger every day with busses, cars and trucks. As a parent I walk with my child to school but when we reach the blind corner it is very daunting as we have to watch what is coming and find ourselves walking on the loose gravel to avoid contact with cars, which is common sense but a footpath would make it so much easier and safer. After that there, there is the Shire's parking bays to cross as well. It does seem that the further you are away from the town centre the less gets done; there is plenty of room for a footpath along the side of the road. Many people run this road in the late afternoon as it leads to the lookout for an extra challenge at that time of day there are buses, people returning home from work and everyone is in a rush, a footpath/cycleway would make the pedestrians, young and old using this road a lot safer"*

Cr Foster tabled the following question from Nahdene Sealey:

- Q5.** *"I would like to bring your attention to the lack of a safe playground area for children who live in Area W.*

*Presently all outdoor free activities for the children of Tom Price are located in Central. The only available place for children to play in Area W is on the North Tom Price PS playgrounds which not only is a liability issue for the school, but is a safety and vandalism risk.*

*Sure there are places available to play in Central. But to put it plainly Central is too far from Area W for a child to be afforded some independence and responsibility safely. These are virtues that can easily and safely developed in our children through the accessibility of a safe playground within their immediate neighbourhood, where they can be monitored in a shared manner among residents.*

*In addition to teaching our children to cross the bridge and roads safely, there is the concern of drivers not paying attention. The current underpass is dark, smelly and uninviting to the average adult let alone a child.*

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*Therefore I propose that Council look into the possibility of a combined project possibly incorporating companies such as Rio Tinto, Lotteries West, FMG, Royalties for Regions and other local businesses and the Shire of Ashburton. There are many alternatives available today to create a fun and safe play environment for the children as per the children in Perth. I understand that Rio Tinto has recently contributed a large amount of funds and manpower to build an alternative playground in Kings Park. Wouldn't it be fantastic if we could create a smaller version of that here in Tom Price, in the space available around the Area W community oval?"*

Cr Foster tabled the following letter on behalf of Anne Gordon:

- Q6.** *"I want to ask you or the Council if a playground or something similar can be added to the Area 'W' oval. My son got a warning at school today that the police will be called if he and his friends play on the school playground again out of school hours. I have spoken to the school and apparently it is trespassing, although in the past (and I have been here for 13 years it has never been a problem. I am not blaming the school, they are having a lot of issues with damage to school property at the moment, but where do the Area 'W' Primary school children go to play?"*

*My children are 8 and 11 and old enough to go to the playground by themselves, but we live in Pindari Place and I don't want my children going over the bridge to the Lyons Park, which I believe is too far away from our house.*

*I have spoken to other parents in this area, and they feel the same way. They have mentioned that all the towns play areas are in the Central area; the Bird Park, Lions Park, Main Oval playground, cricket nets, Swimming pool and the Skate Park.*

*If we wrote a letter to the council and had the Area 'W' families sign it, would that help? Or what do you suggest.*

*I spoke to Michelle McGregor (who also has a child that was warned today) and she told me that the Early Years Group applied to the Shire to put a playground on the grassed area in front of the Civic Centre, but they were denied when the Area 'W' oval redevelopment plan was on the drawing board.*

*I know that kids today should be able to entertain themselves or take a cricket bat and ball to the oval, but the weather here is not very inviting for that type of sport and a covered playground is much more inviting. This is the 21<sup>st</sup> century and electronic toys are in every home. I do not like seeing my kids at home on electronic toys and insist that they go down to the park, but if there is nothing for them to play on, they get bored very quickly and come back home.*

*I feel very strongly about this issue and would like your help and support on this matter. Thankyou."*



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Cr Foster tabled the following question from Jay Elkink:

**Q7. *"I do a lot of driving round this town and have noticed the very sad state of street signs in some areas. This is the older out of the way signs, with the green sticker. They are peeling off the signs and looking very sad and there are some that have actually lost all the stickers (yiluk). So I was wondering if with this town upgrade there is a chance that they could also be looked at"***

Cr Fernandez tabled the following questions:

**Q8a. I was appointed by Council as representative to the P.D.C. Can I be informed on why I have not received any information of when to start or what is the process in this matter?**

**Q8b. Can Shire tell me what is the position of Keith Pearson, as in the Aboriginal Forum he was having a tag as CEO of Ashburton Shire. What is his salary?  
What is his Job description or duties if he is in a contract with the Shire when this is to expire?**

**The previous CEO – Mr Keith Pearson never has an advisor, therefore we do not need or why we need one? Is the CEO (actual) not capable by himself why?**

**Q8c. Why Councillors can not write articles in our newsletter especially if we want to give information to our residents about issues of their interest**

**8d. Can Shire tell me if Council sell a property or land, or approve a project to be developed. What time frame can the Shire give to the applicant to complete the project or to build.**

**If this is not achieved does the Shire claim or close the negotiation? If not why not?**

**8e. Can Shire tell me of any action taken from Shire towards the sealing of the road to Karratha. Can the Shire give me an estimation of the cost they consider realistic of the sealing of the Karratha Tom Price road?**

**8f. Aboriginal T.P. Kids Playgroup - Can Shire approve the installation of 2 water drinking fountains in Lions Park ASAP? I have quotes if required.**

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

At the Ordinary Meeting of Council held on 21 March 2012, the following questions were taken on notice and a written response has been provided.

Neil MacDonald and Melita Raynor from the Tae Kwon Do (Tom Price) tabled the following questions:

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- Q1. End term 4 last year we phoned and emailed Mabel Gough with booking dates and times for 2012. There has been an ongoing agreement since the hall was opened that Taekwondo has Monday and Thursday evenings: a well-known understanding- train year-round.

After Christmas we received an email requesting dates not training ie holidays. Also mentioned double-booked to volleyball for Thursdays until May, no negotiations to be entered into. There was no courtesy call to check if we were planning to train Monday and Thursday. Tried to pass on my number to volleyball organisers to renegotiate time but to no avail.

We were allocated Performing Arts Centre for Thursday nights. full price til May. This area is not suitable because:

- unsafe training area due to smaller sized room and wooden boxes around edge of room therefore cannot use space for sparring.
- can't access all training gear.
- Club has its biggest influx of students Feb-Apr, now training in a space half the size.

Both halls due repairs- where is Club to train then at what cost?

Adult sport / fitness classes are adaptable. Parents and kids need routine and consistency in dates, times and training areas. FIFO roster of Head Instructor has been arranged around training days. In 15 yrs never asked the Shire for anything; providing community service. \$5 session, \$15 family - prices not raised in 15 years. Indigenous and cross-cultural welcome - Gumala support.

Have been made aware that people of influence have pushed for Thursday nights for volleyball. Cadets also forced to use PAC Tuesday evenings – 86 children. Basketball on in main hall!!!

Concerned priorities wrong and year-round ongoing community groups undervalued and under-supported. Need assurance that this won't happen again.

### Response:

The Shire acknowledges that a double booking was made for the time Taekwondo has previously booked the basketball courts on a Thursday evening.

The mistake was made partially because we have not used a formalised booking process when taking these bookings. Although there is process whereby community groups are required to contact the Shire and confirm their bookings each year, this has not been adhered to and was a contributing factor in this situation. We do acknowledge that Melita emailed in December to request the Monday and Thursday evenings, but because details were not provided for when the venue was required over the school holiday period, Melita was emailed back requesting this information and the booking was put "on hold" and not entered into the system awaiting this. Volleyball had placed a request in September 2011

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for the room on Thursday and because that space now appeared as "vacant " in the bookings they were confirmed as being able to play at that time.

The mistake was realised in January but it was not possible to change the volleyball booking as volleyball can only be played in the designated venue and the venue was booked on other weeknights by either Taekwondo or Basketball and they declined the offer to play on a weekend night as that was not suitable to the participants.

In recognition of the error, Taekwondo was offered the use of the Area W Civic Centre at half price on Thursdays nights (this venue has a similar floor to the basketball courts at the Recreation Centre, its own kitchen, bathrooms and toilets and is quite large) but declined. They were also offered the use of the drama room at the Recreation Centre which they accepted.

It is not possible to reply to the comment about "people of influence pushing for Thursday nights for volleyball" as the Shire has no knowledge what this statement refers to. The Shire does however, recognise that a more robust system needs to be developed to ensure situations like this are less likely to occur.

The Shire is very supportive of all community and sporting groups, and offers substantial discounts at all its venue for such groups. Some sports, such as basketball, netball and volleyball can only be played in designated venues that are marked up for this purpose, while other activities have the ability to be undertaken in a wide variety of venues. It is planned to hold a meeting of all venue users in April to determine their needs and venue preferences and negotiate what can be made available for each group. As the number of groups using the venues increases it will become more critical to ensure each is allocated a time and venue suitable to their purpose and that these are renewed/requested using a formalised process that has accountability for both the Shire and the user group.

The proposed repairs at the Tom Price Recreation Centre have recently been undertaken and completed without any disruption to Taekwondo classes.

Daniel Munday, V Swans Regional Development Manager, Ashburton Region tabled the following correspondence.

- Q2. "On February 1<sup>st</sup> 2012 V Swans were informed by the Shire of Ashburton that there would be a schedule of costs associated with hiring of the multi-purpose centre in Onslow. While we understand the need of the Shire to garner revenue from the facility, costs of this nature (\$40 per hour + \$12 per hour air conditioning) we believe will add a barrier to participation for many of our program participants. In particular, our Junior and Youth engagement programs and competitions could be affected due to the immediate cost impact and also as the programs are still in a development stage, they need more time to establish opportunities for the**

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competition and programs to work under a user pays scheme that this cost could open impact on.

We do understand that we are a community service provider and do receive funding to allow our staff to reside and work within the community, however we are still a not-for-profit organisation with a focus towards programs that serve community needs, and also have a commitment to support the Ashburton's Shire community programming with our human resources ongoing.

We are writing this letter to ask for your support in working with us to come to some mutual agreement in regards to usage of this facility that will help sustain our programs and continue to provide these valuable community sport and recreation opportunities for the young people of Onslow.

We have an existing MOU with the SofA Community Development team (Onslow) (as of 30/11/11) in which they agreed in principle to "provide some human resources and use of the facilities" to all of our sports programs – to which we hope, in regards to the latter half of the statement, you would honour officially and in return we have committed our expertise in sports development and significant human resource support to their programs.

With many of our programs delivered for the youth of the community, it would affect participation and success of the program significantly if we were to charge the fees necessary to cover the current cost of hire – possibly excluding those who need structured after school activities the most. We would like to keep our community service sport programs accessible to the whole community, which we will only be able to do with your support in our use of the facility.

V Swans and the Shire Community Development have an active relationship in supporting each other's programs. The combination of our expertise in sport (V Swans) and recreation (Community Development) help to deliver quality programs to engage the community. We support, without charge, with human resources between 3 and 5 hours per week of Shire run activities, as well as Shire school holiday programs and all major Shire school holiday programs and all major Shire run community events.

Again, we hope you will extend your support in our use of shire facilities in particular the MPC to continue to encourage active and inclusive sport and recreation to the Indigenous and Non Indigenous community member of Onslow.

Should you waive the fees associated, we could then work with the Shire on a progressive plan to ensure a user pays systems in the medium to long term, firstly for Senior community sporting programs and then work down to our junior programs or perhaps we would be able to seek funding in partnership to offset the costs for specific participation age groups.

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We would also consider an allocation of a specific number of hours (we are in the MPC between 7 – 12 hours in the warmer months, less in the cooler period) in which we are able to use the facility free of charge / reduced charge.

We are open to suggestion and await your reply – we just hope that while making your assessment you consider the nature of our programs and the extent of the service we provide to the community.

Please see below a chart showing our hours of use of indoor facilities currently and our support of other community programs to offset our use.

### V Swans Use of MPC Facility 2012

Program Age Breakdown	Heat (*Shire Supported Program*)	Cool (*Shire Supported Program*)
Junior (Primary Aged)	3-5 hours use (*1 hour*)	1-2 hours use (*1 hour*)
Youth (High School Aged)	2-4 hours use (*2 hours*)	1-2 hours use (*1 hour*)
Senior (Adult)	3-4 hours use (*1 hour*)	2-3 hours use (*1 hour*)

### V Swans Run programs that SofA provides support includes:

- V Swans Young Coaches Program (contributes to Basketball Leadership program)
- Junior Sports programs
- Senior Basketball

### Shire run programs that V Swans supports includes:

- Youth Programs (2-3 hours)
- Aussie Hoops (1 hour)
- Basketball Leadership Program (2-3 hours)
- School Holiday Programs and Events.

### Response:

Agenda Item No. 15.2 has been included in this Agenda regarding requesting support for the reduction of facility hire fees for the Multi-Purpose Centre in Onslow for programs run by VSwans.

Cr Foster tabled the following questions on behalf of Mercedes Fox. .

**Q3a. Dumping of household litter in bush, particularly near Area W old rubbish dump road, gravel road after Cogelup Street. I raised this issue with Mabel during clean up Shire day / week. She wasn't sure who owned this land. The rubbish littered away from main central town is disgusting.**

### Response:

The area concerned is land owned by Rio Tinto. Council will raise these concerns with Rio Tinto, however the Shire's Ranger is aware of the problem and has made several attempts to find the culprits that are dumping rubbish at this site without avail.

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**Q3b. Allambi Way No 35 (I live at 37), people driving down side of house for shortcut, too lazy to use road, is dangerous for children in our houses and who play at times outside. Need large boulders placed to prevent cars.**

**Response:**

Work has since been completed in this area and the Shire has formed a dirt barrier to prevent any vehicle access making this concern resolved.

**Q3c. Discount desex for pets of people on pensions or low incomes. Shire assists Indigenous. What about other non-Indigenous on pensions, etc. Apparently Cecilia deals with this, how well does she advertise the assistance so all relevant people are aware of it and can access the help. What's her contact email?**

**Response:**

When and if a full time vet starts in Tom Price the Shire will look into the possibility of a discounted scheme for those that would suffer hardship in paying the whole of the cost of sterilisation of the dog.

Binnie O'Dwyer – Occupational Therapist tabled the following question.

**Q4. Can I please have information on the design and location with approx ETA of completion for Disabled Parking?**

**Response:**

Designated disable car parking has been scoped into the Coles and Muzzy's car parking areas and design plans of these have been given to Binnie O'Dwyer for comment. The car parks have been designed in accordance with AS/NZS 2890.6:2009.

A total of 6 spaces has been allocated for disabled car parking in the Coles and Muzzy's car park. Temporary line marking has commenced on these car parks and will become permanent once work on both car parks has been completed.

Cr White tabled the following questions on behalf of Sandi Peters.

**Q5a. Boardwalk – Next stage of completion? Material has been on Mr Herbert's block since mid-November. It is 8 week to the start of Easter and Tourist Season.**

**Response:**

Stage 2 will be completed by 30 June 2012 and the final stage will be completed within 2012/2013 Financial Year.

**Q5b. Cemetery Sand Dune – Last September, early October 2011, I put in a 'Request' regarding the re-generation of the sand dune which is now depositing sand over the existing cemetery. To date nothing has been done. When is the Shire likely to do something to rectify this matter.**

**Response:**

The revegetation of the cemetery area has been included in the current upgrade works in the 2011/12 budget. The project will ramp up in the

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autumn when planting is optimal and allows the two season of autumn and winter for the vegetation to establish.

**Q5c. Was there an inquiry done by the appropriate Government Department into the removal of sand from the cemetery. If so, has the Shire got a copy of the report?**

**Response:**

The Shire of Ashburton responded to questions from the Department of Regional Development and Lands regarding the cemetery project. The report was presented to RDL in March 2011. No response has been received from any government agency on this matter.

**Q5d. Was there a mining license issued to mine (remove) the sand from the cemetery.**

**Response:**

No mining licence was required.

**Q5e. Why are the contractors not allowed to associate with the towns people? If the 'friendly' town of Onslow can't accommodate these people, what does that say about the town folk! The town has facilities to help make their stay a little more pleasant but they have been told they are not to have an impact. Who gives the right to say what can and can't happen in this town. We as a town use to make people welcome. What has happened. Perhaps the locals could get employment if we know who the contractors were.**

**Response:**

There has been no directive to not allow contractors to interact or associate with the Onslow Community. The Shire is very keen to continue to build and grow a vibrant intergenerational community that has a diverse economy and cultural base. The Shire has been working with industry to encourage local investment and residential workforce, it is very much the Shire's intent to see the integration of industry into the Onslow way of life. Evidence of this is the recent beach clean up with active participation by Bechtel and Chevron.

Cr White tabled the following correspondence on behalf of Posties Store Onslow.

**Q6. I wish to respond to the Shire of Ashburton minutes re the opportunity to quote for Christmas toys.**

**In response I wish to make the following points:**

- 1. We were never formally approached by SOA for a quote. An informal discussion with Valerie Mazzola (ex shire employee) and myself took place. The discussion was the lack of support by the SOA for local businesses and the Christmas scenario was used as an example.**

**This discussion did not take place in "the early stages of planning for the Onslow Town Christmas party" as stated in the SOA**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

minutes, but just prior to orders being placed with Deals Direct, an internet provider , in mid December.

2. My understanding is that funding has been provided by Chevron for the Onslow Town Christmas party and that has happened only for the past two Christmas parties, hardly a lengthy period to build a “tradition” as stated in the SOA minutes, let alone comprehensive records detailing each gift etc. If this is so release the manifest for public scrutiny!
3. The minutes also stated “unique and appropriate gift” to each child. As part of Australia Post gift lines for Christmas we had on display MP3 shuffle players. Numerous children stated to me that they received the same MP3 player from the Shire Christmas party, so it is hard to fathom the unique part of this statement.
4. On November 23<sup>rd</sup> 2010, 386 individual parcels were received at Onslow Post Office for the SOA Christmas party. Each of these parcels had to be scanned and recorded which took in excess of seven man hours. Having 13 years experience as a postal licensee, I know that the postal costs of this shipment would be in excess of \$2000.00.

A formal complaint over this misuse and non support of local business was made to Cr Greg Musgrave (Shire President at that time) via email. Despite assurances for Cr Musgrave that it would be investigated we have had no feedback since.

It should also be noted that approx 30% of these 386 parcels were Christmas decorations (as stated by Mr Wayne Male ex Shire employee) such as lights, etc. Surely these decorations could have been sourced locally.

The 2011 shipment was sent via Toll Ipec. Steve Kenney Onslow Toll Ipec agent estimated that the price of this would be \$1000.00 from Perth, and that you could triple that from Sydney.

5. It should be also noted that on both occasions (ie 2010 and 2011) I checked with the manager of Onslow Hardware (a toy provider) and they were not approached to provide a quotation either.
6. The Shire should also be made aware that the provisions of these toys has a detrimental flow on effect in that our toy sales were dramatically effected over the Christmas period (as no doubt the Onslow Hardware were also).
7. As stated in point one, my general grievance with the SOA is that they do not support local business and source the major portion of their consumable out of town. In my discussions with Cr Musgrave he conveyed that it was part of the Shires charter to promote and support the Shire and its local businesses. This has hardly been demonstrated by the Onslow office of SOA.



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To highlight this statement, a number of years ago I was approached by Ms Amanda O'Halloran to provide a quote on a comprehensive list of industrial clothing. After submitting our quote I was informed by Ms O'Halloran that Worksense Karratha were \$50.00 cheaper than our quote and that the clothing would be sourced from Worksense. I pointed out to Ms O'Halloran that our quote included freight to Onslow and that Worksense quote would not.

I was told by Ms O'Halloran that Worksense paid the freight to Onslow.

I know that this was untrue as I see them on the Toll Ipec truck whilst unloading mail and they are clearly marked as receiver to pay freight.

8. A SOA employee was recently in our premises and wearing unusual footwear. I enquired as to where they were purchased. She told me these were purchased from Onslow Karratha Courier Supply at a cover of over \$200.00. When I responded that similar footwear could be purchased at our premises for \$120.00 I was told "it's not my money, why should I care".

It now seems that the cost as stated in point 7 above is no longer significant.

9. I have spoken to Mike Edmondson of Chevron re this issue of lack of support for local businesses with the use of Chevron grants. He commented that this was not the spirit of these grants and that he would approach Chevron management to have special conditions attached to future grants.

In conclusion I must say that I am disappointed in the SOA response to the issue of support of local business, but I am more disappointed with the fact that the Shire has resorted to issuing false statements to justify their actions.

### **Response:**

Thank you for your response to the issue of the purchase of Christmas toys in Onslow. As described in the original response tabled at the February 2012 Council Meeting, Posties was not able to provide a catalogue or list from which toys could be chosen for the children so no formal quotation process was entered into. In your response you refer to the children receiving MP3 players and that they were available as part of your Christmas line which perfectly illustrates the concern expressed about gift being chosen by a third party. The MP3 players were in fact given to the children as part of the Basketball Leadership program earlier in the year so were not included as Christmas gifts in 2011.

The tradition of giving gifts to each child has been in place for at least the last five years, although Chevron have only been involved as a sponsor for the previous couple of years.

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It is not possible to comment on any negative effect that the provision of a Christmas gift may have made to toy sales at Posties, however as only one gift is provided for each child it seems likely that other market forces (such as parents buying gifts through on-line stores) may have had an effect.

The Shire does have a "Buy local" policy and will source its goods and services from local businesses and suppliers where the price difference is 10% or less than what can be achieved from sourcing those goods from outside the Shire.

As previously stated in the initial response tabled at the February 2012 meeting, the Shire is happy to support local business and would be willing to discuss the purchase of future Christmas gifts if Posties are able to provide a catalogue or list from which these gifts can be chosen.

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

No Leave of Absence was received.

### 6. PETITIONS / DEPUTATIONS / PRESENTATIONS

#### 6.1 PETITIONS

There were no petitions presented to Council.

#### 6.2 DEPUTATIONS

There were no deputations presented to Council.

#### 6.3 PRESENTATIONS

There will be no presentations made to Council.

### 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 7.1 ORDINARY MEETING OF COUNCIL HELD ON 15 FEBRUARY 2012

##### Council Decision

**MOVED:** Cr Eyre

**SECONDED:** Cr Fernandez

That the Minutes of the Ordinary Meeting of Council held on 15 February 2012, as previously circulated on 29 February 2012, be confirmed as a true and accurate record.

Council also noted the following correction be made to the Agenda of the Ordinary Meeting of Council held on 21 March 2012 on page 10, Agenda Item 4.1, Public Question No. 4.

Change "A total of 5 spaces has been allocated for disabled car parking in the Coles and Muzzy's car park." to "A total of 6 spaces has been allocated for disabled car parking in the Coles and Muzzy's car park."

**CARRIED 8/0**

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

There were no announcements made by the presiding person without discussion.

**9. DECLARATION BY MEMBERS**

Cr's White, Rumble, Shields, Dias, Thomas, Foster, Fernandez and Eyre 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.

**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.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

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.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 ORDINARY MEETING OF COUNCIL - SCHEDULE OF MEETING DATES, TIMES AND LOCATIONS FOR MAY 2012 TO DECEMBER 2012

**MINUTE:** 11146

**FILE REFERENCE:** OR.MT.00.00

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

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

**DATE REPORT WRITTEN:** 13 March 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.1 Ordinary Meeting of Council 19 October 2011  
Agenda Item 12.02.07 Ordinary Meeting of Council 16 February 2011  
Agenda Item 12.10.68 Ordinary Meeting of Council 20 October 2010

#### **Summary**

Council has asked Staff to review the adopted Schedule of meeting dates, times and locations for 2012.

#### **Background**

In October 2011, Council adopted the meeting schedule for the entire 12 month period from February to December 2012. This report sets out a proposed meeting schedule for the 2012 calendar year.

#### **Comment**

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

Workshops and Briefing Sessions (held before Council Meetings) commenced in March 2011. This has proved to be beneficial to Councillors and staff by:

- Enhancing communication between Councillors and Shire Staff.
- Reflects change in Council operations in line with the development and growth of the Shire.
- Allowing for frank discussion without the restrictions of formal Council Meeting procedures.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

- Providing initial briefings to Councillors on matters within the agenda.
- Providing time for Councillors to undertake professional development. (ie Leadership and Governance).
- Enabling a relaxed forum to contributors to make presentation at Council.
- Allowing for matters to be addressed by Councillors and staff.

The new schedule should allow adequate time for travel, workshops / briefing sessions, public question time and full consideration of the Agenda.

Council Meeting Dates for May 2012 to December 2012 are outlined in the table below.

DATE	LOCATION
Wednesday, 16 May 2012	Meeting Room, Community Recreation Centre, Tom Price
Wednesday, 20 June 2012	Ashburton Hall Ashburton Avenue, Paraburdoo
Wednesday, 18 July 2012	Meeting Room, Community Recreation Centre, Tom Price
Wednesday, 15 August 2012	RM Forrest Memorial Hall, Second Avenue, Onslow
Wednesday, 19 September 2012	Barry Lang Centre, Pannawonica
Wednesday, 17 October 2012	Meeting Room, Community Recreation Centre, Tom Price
Wednesday, 21 November 2012	Ashburton Hall Ashburton Avenue, Paraburdoo
Wednesday, 12 December 2012	RM Forrest Memorial Hall, Second Avenue, Onslow

### Consultation

Chief Executive Officer

### Statutory Environment

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

Section 5.25(g) Local Government Act 1995 indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.

Local Government Admin Regs 12 specifies the Date, Time and Venue of Ordinary Council Meetings for the next 12 months must be advertised once a year.

### Financial Implications

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

### Strategic Implications

There are no strategic implications relevant to this issue.

### Policy Implications

Council Policy ELM01 – Council and other meetings.

### Voting Requirement

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr A Eyre

### That Council:

1. Adopts the Schedule of Meeting dates, times and locations for the period May 2012 to December 2012 as outlined below; and
2. Agree that the Workshop / Briefings be held on the day of the Council Meeting commencing at 9am for Tom Price and Paraburadoo, and 11am for Onslow and Pannawonica.
3. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period May 2012 to December 2012.

DATE	LOCATION	TIME
Wednesday, 16 May 2012	Meeting Room, Community Recreation Centre, Tom Price	1pm
Wednesday, 20 June 2012	Ashburton Hall Ashburton Avenue, Paraburadoo	1pm
Wednesday, 18 July 2012	Meeting Room, Community Recreation Centre, Tom Price	1pm
Wednesday, 15 August 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	1pm
Wednesday, 19 September 2012	Barry Lang Centre, Pannawonica	1pm
Wednesday, 17 October 2012	Meeting Room, Community Recreation Centre, Tom Price	1pm
Wednesday, 21 November 2012	Ashburton Hall Ashburton Avenue, Paraburadoo	1pm
Wednesday, 12 December 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	1pm

4. Resolve to hold the Ordinary Meeting of Council each January.
5. That Council reviews the commencement times of Council Meetings and Workshops/Briefings in December 2102.

**CARRIED 8/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### 10.2 IMPLEMENTATION OF COUNCILLOR PORTFOLIOS

MINUTE: 11147

<b>FILE REFERENCE:</b>	GOVN1
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Assistant CEO
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	13 March 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### 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 expected outcome will be an improvement in the overall performance of the Council.

#### Background

In July 2011 consultant Morrison Low completed a Structure Review of Council which included Governance and Structure Processes. And it suggested the introduction of councillor portfolios.

The portfolio approach aims to:

- Develop and utilise Councillors' knowledge in particular areas.
- More effectively champion particular interests of general concern.
- Progress consideration of issues faster.

Provide effective representation on relevant community and state/federal/industry bodies.

#### ATTACHMENT 10.2

#### Comment

The portfolio role is one of Governance and not the day to day operations and monitoring that are the responsibility of the Council staff. Portfolios are expected to place most emphasis on significant policy, planning and strategy issues affecting the Council and the Community. However, Elected Members do have a role in monitoring and being a point of reference to the public on portfolio issues.



## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

The process involves selecting the portfolios and Councillors who will take those portfolios on. For each portfolio, the Chief Executive Officer will assign a manager as the key point of contact within the organisation. The Councillor will then develop a portfolio performance agreement (with assistance from the assigned manager and other support as may be needed such as from the President or other Councillors). The portfolio agreement will cover:

- specific objectives for each portfolio
- representation – what community groups, state committees, events etc does the Councillor propose to represent the Council on/at and how will he/she ensure a clear mandate for that representation
- championship – how will the Councillor champion the issue around the table
- key issues and how they will be addressed – this will include how the Councillor will work with other elected members, staff, community, media etc and report back to Council

The portfolio will not be activated until Council has adopted the agreement.

A Councillor may hold one (1) or more Portfolios in relation to a particular matter that is of interest to Council.

Elected members holding a particular portfolio may be requested by the Council or Chief Executive Officer to attend various meetings in relation to the portfolio and provide input from the Shire of Ashburton's perspective taking into consideration the Corporate goals and policies of the Council.

Members holding a portfolio will be the contact for the Council on the development or review of policies, plans, and strategies for the activities and functions of that portfolio.

Portfolio holders will be the first point of contact for other Councillors and will participate in consultation with the public on portfolio issues as agreed. They will also keep up to date with portfolio issues and work with the Council on regional and state issues by assisting in the preparation of Council's responses and submissions on these.

Examples of Portfolios are:

- Arts & Culture
- Built Environment
- Community Engagement
- Community Facilities and Sports & Events
- Finance
- Governance
- Natural Environment & Climate Change
- Social
- Transport (Public Transport & Roads)
- Private Works
- Indigenous Affairs
- Investment and Infrastructure
- Tourism

### **Consultation**

Councillors

Chief Executive Officer

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### **Statutory Environment**

Nil

### **Financial Implications**

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

### **Strategic Implications**

Strategic Objective 6 - A Well Managed and Contemporary Corporation.

### **Policy Implications**

A policy will be required to guide the operations of Councillor portfolios.

### **Voting Requirement**

Simple Majority Required

Councillor Rumble left the meeting at 4.02 pm.

A ballot was organised to determine portfolios.

### **Council Decision**

**MOVED: Cr Foster**

**SECONDED: Cr Eyre**

**That Council lay this item on the table to allow staff time to produce ballot papers.**

**CARRIED 7/0**

Councillor Rumble entered the meeting at 4.07 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### 11. CORPORATE SERVICES REPORTS

#### 11.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JANUARY AND FEBRUARY 2012

MINUTE: 11148

FILE REFERENCE: FI.RE.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 March 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

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

#### Background

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

#### Comment

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

##### January 2012

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

**ATTACHMENT 11.1A**

##### February 2012

- Credit Card Statements for Chief Executive Officer, Executive Managers of Engineering Services, Corporate Services, Community Development, Strategic & Economic Development, and Managers of Building Services and Human Resources.

**ATTACHMENT 11.1B**

- Schedule of Accounts paid under delegated authority.

**ATTACHMENT 11.1C**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### Consultation

Executive Manager Corporate Service  
Other Executive managers  
A/Finance Manager  
Finance Officers  
Consultant Accountant

### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

There are no strategic implications relevant to this issue.

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr L Shields**

**SECONDED: Cr C Fernandez**

**That Council receive the Financial Reports for January 2012 and Schedule of Accounts and Credit Card Statements for February 2012.**

**CARRIED 8/0**

Councillor Foster requested that more details be provided for the credit card transactions.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### 11.2 2011/2012 BUDGET REVIEW

**MINUTE:** 11149

**FILE REFERENCE:** FI.BU.11.12

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

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

**DATE REPORT WRITTEN:** 10 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

To present the Budget Review for 2011/2012 in accordance with the Local Government (Financial Management) Regulations 1996.

#### **Background**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to conduct a budget review between 1 January and 31 March each financial year.

Regulations 33(2) and (3) require the results of the review to be submitted to Council within 30 days of the review. Council is then to consider the review to determine whether or not to adopt the review, any part of the review or any recommendations made in the review. If Council does this at this meeting, this will meet the required timeframe.

Regulation 33 A(4) requires a copy of the determination to be provided to the Department of Local Government.

#### **ATTACHMENT 11.2**

#### **Comment**

The Budget Review process was initiated in January 2012 with all Executive Managers being provided workbooks containing details of each account number that came under their responsibility.

The Review was conducted using December 2011 actual figures. The February 2012 actual figures are included in the Review document for comparison purposes and a final re-evaluation of the projections.

Although the Review indicates that the Shire will be at a surplus position at the close of the financial year, it is still very important to maintain financial controls for the remaining portion

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

of this year. A great deal of work has been undertaken to ensure this result and any variances that may pose a significant risk to this outcome are managed.

### Consultation

Internal consultation with Executive Management and Responsible Officers.  
Bob Waddell, Local Government Consultant

### Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 33A –Review of Budget.

### Policy Implications

The Budget Materiality variance adopted in July 2011 of a percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) for the 2011/2012 financial year and this Policy was used in the Budget Review.

### Financial Implications

Detailed above.

### Strategic Implications

2007-2011 Strategic Plan – 6 A Well Managed and Contemporary Corporation  
Optimize performance, Statutory Compliance, Good Governance.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr L Shields**

**SECONDED: Cr A Eyre**

**That Council adopts the 2011/2012 Budget Review and associated Budget variations and directs the Chief Executive Officer to take action on the issues it raises.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

### Council Decision

**MOVED: Cr Foster**

**SECONDED: Cr Eyre**

**That Council adjourned the meeting at 4.32 pm for afternoon tea.**

**CARRIED 8/0**

Councillors White, Rumble, Dias, Thomas, Shields, Foster, Fernandez and Eyre left the meeting at 4.33 pm.

Jeff Breen, Frank Ludovico, Geoff Brayford, Deb Wilkes, Rob Paull, Janyce Smith and Jackie Brayford left the meeting at 4.33 pm.

## **MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012**

Councillors White, Rumble, Dias, Thomas, Foster. Fernandez and Eyre re-entered the room at 4.48 pm.

Jeff Breen, Frank Ludovico, Geoff Brayford, Deb Wilkes, Rob Paull, Janyce Smith and Jackie Brayford re-entered the room at 4.48 pm.

### **Council Decision**

**MOVED: Cr Foster**

**SECONDED: Cr Fernandez**

**That Council reconvened the meeting at 4.48 pm.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### 11.3 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR 2011

**MINUTE:** 11150

**FILE REFERENCE:** OR.IG.02.13

**AUTHOR'S NAME AND POSITION:** Lisa Hannagan  
Administration Manager

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

**DATE REPORT WRITTEN:** 18 January 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.13.13 Ordinary Meeting of Council 16 March 2011  
Agenda Item 12.03.21 Ordinary Meeting of Council 15 March 2010

#### **Summary**

Each Local Government is to carry out a Compliance Audit annual for the period of 1 January 2011 to 31 December 2011.

The return for the year 2011 is present to Council for adoption.

#### **Background**

The 2010 Local Government Compliance Audit Return for the period 1 January 2011 to 31 December 2012 is attached.

#### **ATTACHMENT 11.3**

The Compliance Audit Return is to assist Councils in monitoring their organizational functions. Council is required to note the areas of non-compliance and endorse remedial action.

Please note the Chief Executive Officer and the relevant Executive Managers completed the Return manually and the Return was transcribed onto the Department of Local Government & Regional Development's electronic system by the Administration Manager, Lisa Hannagan.

#### **Comment**

The Return is required to be presented to Council for adoption before its submission to the Department of Local Government and Regional Development.



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### Consultation

Chief Executive Officer  
Executive Managers  
Administration Manager

### Statutory Environment

Section 7.13(i) of the Local Government Act 1995, and  
Regulations 13, 14 & 15 of the Local Government (Audit) Regulations 1996.

### Financial Implications

There are no financial implications relative to this issue.

### Strategic Implications

Shire of Ashburton Strategic Plan (Incorporating Plan for the Future) 2007-2011  
Strategic Objective 6 – A Well Managed and Contemporary Corporation

1. *Statutory Compliance, compliance with Shire of Ashburton procedures and policies.*

### Policy Implications

There is no Council Policy relative to this issue.

### Voting Requirement

Simple Majority Required.

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr C Fernandez

**That Council adopts the compliance return as attached for the period 1 January 2011 to 31 December 2011 and submit a certified copy to the Department of Local Government.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### 10.2 IMPLEMENTATION OF COUNCILLOR PORTFOLIOS

MINUTE: 11147

**FILE REFERENCE:** GOVN1

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

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

**DATE REPORT WRITTEN:** 13 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### 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 expected outcome will be an improvement in the overall performance of the Council.

#### Background

In July 2011 consultant Morrison Low completed a Structure Review of Council which included Governance and Structure Processes. And it suggested the introduction of councillor portfolios.

The portfolio approach aims to:

- Develop and utilise Councillors' knowledge in particular areas.
- More effectively champion particular interests of general concern.
- Progress consideration of issues faster.

Provide effective representation on relevant community and state/federal/industry bodies.

#### ATTACHMENT 10.2

#### Comment

The portfolio role is one of Governance and not the day to day operations and monitoring that are the responsibility of the Council staff. Portfolios are expected to place most emphasis on significant policy, planning and strategy issues affecting the Council and the

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Community. However, Elected Members do have a role in monitoring and being a point of reference to the public on portfolio issues.

The process involves selecting the portfolios and Councillors who will take those portfolios on. For each portfolio, the Chief Executive Officer will assign a manager as the key point of contact within the organisation. The Councillor will then develop a portfolio performance agreement (with assistance from the assigned manager and other support as may be needed such as from the President or other Councillors). The portfolio agreement will cover:

- specific objectives for each portfolio
- representation – what community groups, state committees, events etc does the Councillor propose to represent the Council on/at and how will he/she ensure a clear mandate for that representation
- championship – how will the Councillor champion the issue around the table
- key issues and how they will be addressed – this will include how the Councillor will work with other elected members, staff, community, media etc and report back to Council

The portfolio will not be activated until Council has adopted the agreement.

A Councillor may hold one (1) or more Portfolios in relation to a particular matter that is of interest to Council.

Elected members holding a particular portfolio may be requested by the Council or Chief Executive Officer to attend various meetings in relation to the portfolio and provide input from the Shire of Ashburton's perspective taking into consideration the Corporate goals and policies of the Council.

Members holding a portfolio will be the contact for the Council on the development or review of policies, plans, and strategies for the activities and functions of that portfolio.

Portfolio holders will be the first point of contact for other Councillors and will participate in consultation with the public on portfolio issues as agreed. They will also keep up to date with portfolio issues and work with the Council on regional and state issues by assisting in the preparation of Council's responses and submissions on these.

Examples of Portfolios are:

- Arts & Culture
- Built Environment
- Community Engagement
- Community Facilities and Sports & Events
- Finance
- Governance
- Natural Environment & Climate Change
- Social
- Transport (Public Transport & Roads)
- Private Works
- Indigenous Affairs
- Investment and Infrastructure
- Tourism

### **Consultation**

Councillors

Chief Executive Officer

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### **Statutory Environment**

Nil

### **Financial Implications**

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

### **Strategic Implications**

Strategic Objective 6 - A Well Managed and Contemporary Corporation.

### **Policy Implications**

A policy will be required to guide the operations of Councillor portfolios.

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr Fernandez**

**SECONDED: Cr Dias**

**That Council raise this item from the table.**

**CARRIED 7/0**

Councillor Shields re-entered the meeting at 4.49 pm.

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Council was advised of the results of the ballot.

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr P Foster

**That Council:**

1. **Accepts in principle the portfolio process ATTACHMENT 10.2.**
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:**

<b>Arts &amp; Culture:</b>	<b>Cr Fernandez</b>
<b>Built Environment:</b>	<b>Cr Shields</b>
<b>Community Engagement:</b>	<b>Cr Foster</b>
<b>Community Facilities and Sports &amp; Events:</b>	<b>Cr Dias</b>
<b>Finance:</b>	<b>Cr White</b>
<b>Governance:</b>	<b>Cr White</b>
<b>Natural Environment &amp; Climate Change:</b>	<b>Cr Foster</b>
<b>Social:</b>	<b>Cr Eyre</b>
<b>Transport (Public Transport &amp; Roads):</b>	<b>Cr Foster</b>
<b>Private Works:</b>	<b>Cr Shields</b>
<b>Indigenous Affairs:</b>	<b>Cr Fernandez</b>
<b>Investment &amp; Infrastructure:</b>	<b>Cr White</b>
<b>Tourism:</b>	<b>Cr Thomas</b>
4. **Requests the CEO to assign managers to each Portfolio and advise Councillors when this has been finalised.**

**CARRIED 8/0**

## 12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

### 12.1 RISK MANAGEMENT POLICY

MINUTE: 11151

<b>FILE REFERENCE:</b>	CORP5
<b>AUTHOR'S NAME AND POSITION:</b>	Amanda O'Halloran Executive Manager, Strategic and Economic Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 March 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Council is required to implement a Risk Management process and ensure that due consideration is given and evident throughout all strategic and business planning. Further to the workshop presentation Councillors received in December 2011 an appropriate yet simple Risk Management Strategy is therefore presented in this report.

#### Background

As part of the recently gazetted Local Government Act Integrated Planning Regulations, risk management is required to be demonstrated as part of the development and implementation planning and decision making for all strategic development and major projects to meet the needs and aspirations of the community.

As risk management is about addressing the effect of uncertainty on objectives, it is critical that an organisation follow the best practice principles of the international standard for risk management AS/NZS/ISO 3100: 2009. This involves implementing a robust framework, system and processes, underpinned by determining the risk appetite and tolerance of the organisation and ensuring cultural change approach to ensure effectiveness and sustainability.

This allows for the achievement of strategic and operational objectives while minimising the potential for harm or loss.

#### Comment

The Shire of Ashburton is currently experiencing great growth and change, with periods of significant staff turnover, which without sound systems and processes could lead to increased risks in the management of major projects and organisational growth.

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The introduction of a policy for a risk management framework to mandate risk assessments, develop treatment plans to address resourcing gaps or high risks, and report accordingly will give Council assurance that operation decisions are being made with the best possible information available.

In relation to the major projects and high risk strategic activities, the Council will be better placed to make informed decisions and regularly monitor the progress and outcomes.

The risk appetite and tolerance levels provide a common set of guidelines relating to the level of risk assessed against key criteria that are determined and approved by Council and communicated to all officers.

A risk assessment matrix tool will be provided to all Elected Members and Officers as part of the risk management implementation program that will assist in determine the potential consequences of the risk and the likelihood of it occurring. A copy of this tool attachment 12.1a is provided in the accompanying documents.

### ATTACHMENT 12.1A

All risks perceived to be critical or extreme will be required to have a risk management plan established with appropriate treatments developed to mitigate or remove the risk.

If the residual risk after treatments are applied remains critical it must be brought to the attention of the Council for further discussion, decision making or monitoring as appropriate.

Risk management will become a key performance indicator for all levels of the organisation, and form part of the induction process and staff performance appraisals.

#### **Consultation**

Chief Executive Officer  
Margaret Hemsley RiskID

#### **Statutory Environment**

S5.56 (1) of the *Local Government Act (1995)* A “plan for the future” - and Regulations S5.56 (2) require an integrated risk management approach.

#### **Financial Implications**

Nil

#### **Strategic Implications**

Strategic Plan –

##### **6. A Well Managed and Contemporary Corporation**

1. Implement strategy to optimise leadership, performance and staff retention
4. Statutory Compliance, compliance with Shire of Ashburton procedures and policies.

#### **Policy Implications**

New Policy to be endorsed and implemented.

### ATTACHMENT 12.1B

#### **Voting Requirement**

Simple Majority Required

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**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr C Fernandez**

That Council adopts the Risk Management Policy as per attached. **ATTACHMENT 12.1B**

**CARRIED 8/0**



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### **Declaration of Interest**

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 12.2 in accordance with Section 5.60A of the Local Government Act. The interest being she is on the committee of the Onslow Sports Club.

Councillor White left the meeting at 4.58 pm.

The Deputy President took the chair at 4.58 pm.

### **12.2 AMALGAMATION OF ONSLOW SPORTS CLUB AND ONSLOW BOWLING LEASES**

**MINUTE:** 11152

**FILE REFERENCE:** RE.TH.R.30686

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

**NAME OF APPLICANT/RESPONDENT:** Onslow Sports Club

**DATE REPORT WRITTEN:** 5 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

### **Summary**

Onslow Sports Club and the Onslow Bowling Club have amalgamated and are requesting that Onslow Sports Club take over the Onslow Bowling Club Lease.

### **Background**

Onslow Sports Club and the Onslow Bowling Club have amalgamated and are requesting that Onslow Sports Club take over the Onslow Bowling Club Lease.

**ATTACHMENT 12.2**

### **Comment**

Onslow Sports Club is keen to reinvigorate the bowling green and offer bowling opportunities to members of the Sports Club. Shire Staff are keen to see the Bowling Green utilised and have supported the Sports Club with the amalgamation process on request. It is proposed that the Onslow Sports Club take over the existing Bowling Club Lease and renegotiate a new lease at the expiry of their current lease – 31 August 2015.

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### Consultation

Dean Hathaway – President, Onslow Sports Club  
Executive Manager, Community Development

### Statutory Environment

Under Section 3.58 of the Local Government Act 1995 (LGA) the disposition on property (including leasing) can only occur if it is undertaken as sale by private treaty or a sale by tender or a sale by auction.

However under Regulation 30(2)(b) Local Government (Functions and General) Regulations 1996 organisations with “the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature” are exempt from the provisions of Section 3.58 LGA.

### Financial Implications

Nil – Onslow Sports Club taking over the lease negates the need for Council to take back the community asset and incur costs to maintain.

### Strategic Implications

Strategic Plan 2007 – 2011 – 2. Include and Engage our community

### Policy Implications

Not Applicable

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr L Thomas**

**SECONDED: Cr C Fernandez**

**That Council approves the Onslow Sports Club request to take over the Onslow Bowling Club Lease as per the terms of the current Lease.**

**CARRIED 7/0**

Councillor White re-entered the meeting at 4.59 pm.

The Shire President took the chair at 4.59 pm.

### 13. TECHNICAL SERVICES REPORTS

#### **Declaration of Interest**

Prior to consideration of this Agenda Item Crs Foster, Rumble and Dias declared an interest in Agenda Item 13.1 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster's partner is employed by Rio Tinto and part of his employment conditions is that he is provided with a home owned by Rio Tinto, Cr Rumble owns shares in Rio Tinto and Cr Dias is an employee of Rio Tinto and has shares in the company.

Crs Foster, Dias and Rumble left the meeting at 5.00 pm.

#### **Council Decision**

**MOVED:** Cr Eyre

**SECONDED:** Cr Shields

**That Council allow Crs Foster, Dias and Rumble to discuss this item but not vote.**

**CARRIED 5/0**

Crs Foster, Dias and Rumble entered the meeting at 5.01 pm.

#### **13.1 DESIGN CONCEPT PROPOSAL FOR THE REDEVELOPMENT OF NINTIRRI NEIGHBOURHOOD CENTRE AND TOM PRICE YOUTH CENTRE**

**MINUTE:** 11153

**FILE REFERENCE:** TP.CX.0002.000

**AUTHOR'S NAME AND POSITION:** Sharon Morley  
Executive Assistant, Technical Services

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

**DATE REPORT WRITTEN:** 7 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not applicable.

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### Summary

In partnership, Rio Tinto, Nintirri Centre Inc and the Shire of Ashburton engaged consultants Creating Communities to investigate community needs for a new revitalised Women's Health Centre, Youth Centre and Childcare Centre in Tom Price, and to subsequently provide a strategy for how such identified needs could be accommodated.

The final draft of the report is attached for Council's consideration.

It is recommended that the content of the report be accepted by Council and the Chief Executive Officer be directed to progress this item.

### Background

In January 2011 the Shire of Ashburton and Rio Tinto entered into partnership to revitalise the town centres of Tom Price and Paraburdoo, with support from the Western Australia Government and other stakeholders.

In August 2011, Creating Communities were engaged to undertake a series of community consultations in Tom Price for this project. These consultations were undertaken to identify the relevant groups in town and to assess their current and future needs for the facilities, including perceived needs for shared use of the facility with other groups and other potential community needs that a proposed new facility may be able to accommodate including the possibility of office space for rental income.

As a part of the process, Creating Communities visited Tom Price and met with numerous community groups and key stakeholders of the facilities for the purpose of gathering input and feedback to identify a community vision and aspirations for new buildings.

### Comment

The attached report is an overview of the findings which states that the current facilities are ageing and in need of upgrading. In addition it recognises that there is a lack of general office space and accommodation for staff.

### ATTACHMENT 13.1

The report includes a number of recommendations that reflect the perception of what the community and key stakeholders see as the Centres' purpose and functionality for the services and programmes provided by each Centre. It also identifies key issues and opportunities relating to improvement in development of the Centers.

### Consultation

Community of Tom Price  
Key Stake holders  
Online Survey  
Chief Executive Officer  
Executive Manager Community Development  
Relevant Shire Officers  
Creating Communities

### Statutory Environment

Planning and Building Permits are required from the Shire and will be applied for in accordance with regulations depending on the overall approval.

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### Financial Implications

Significant expenditure for the new facilities will require significant external funding.

### Strategic Implications

This is consistent with the strategic focus for the 2007 – 2011 Strategic Plan “Quality Lifestyle and Social Well-Being.”

### Policy Implications

Councils Asset Management Policy AMP1 states “The Shire also acknowledges through this policy that the acquisition of a new asset will take into account the full cost of acquisition, operation, maintenance, renewals and disposal over its life cycle. Accordingly, the future cost impact of new infrastructure assets must be fully considered as part of any new infrastructure asset investment.”

The actions in this report need to be prioritised and asset management plans prepared in order to comply with Councils policy.

### Voting Requirement

Simply Majority Required

### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr L Shields**

#### That Council:

- 1. Receives the report entitled ““Redevelopment of Nintirri Neighbourhood Centre and Tom Price Youth Centre Concept Design Brief.”**
- 2. Request the Chief Executive Officer to develop building concept plans and a business plan (including ownership, capital cost, operations costs, funding and Council responsibilities) for the proposed redevelopment of the Nintirri Neighbourhood Centre and Tom Price Youth Centre for consideration by Council.**

**CARRIED 5/0**

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### Declaration of Interest

Prior to consideration of this Agenda Item Crs Foster, Rumble and Dias declared an interest in Agenda Item 13.2 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster's partner is employed by Rio Tinto and part of his employment conditions is that he is provided with a home owned by Rio Tinto, Cr Rumble owns shares in Rio Tinto and Cr Dias is an employee of Rio Tinto and has shares in the company.

Councillors Foster, Dias and Rumble left the meeting at 5.09 pm.

### **13.2 REQUEST TO MODIFY PLANNING APPROVAL CONDITION - 140 PERSON TRANSIENT WORKERS ACCOMMODATION FACILITY ON LOT 54, SOUTHERN CORNER OF PANNAWONICA ROAD AND DEEPDALE ROAD, PANNAWONICA**

**MINUTE:** 11138

**FILE REFERENCE:** PN.DP.54

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

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

**DATE REPORT WRITTEN:** 10 March 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda item 13.11.45 Ordinary Meeting of Council  
18 November 2008

### **Summary**

At the Council meeting of 18 November 2008, Planning Approval was issued for a 140 person transient workers accommodation facility on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica. This proposal essentially added an additional 80 rooms on to the 60 bed consent issued by Council at its meeting of 18 March, 2008. At the time, RTIO advised that the expanded facility is required to meet worker arrangements for Pannawonica and the camp will be to a maximum of 140 persons in 2009. It was intended that the camp would be scaled down to a total of 80 rooms until the end of the project in 2010.

Condition (c) of the planning approval stated that 60 nominated rooms and all rooms are required to be removed by March 2010 and May 2012 respectively.

RTIO advise that due to ongoing construction works proposed at Pannawonica, Mesa A and J mines, the rooms have remained in place. RTIO request that the condition be removed or alternatively it be amended to allow the units to remain until 2015.

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It is recommended that Condition c) be amended to allow the retention of the units until 31 December 2015.

### Background

Council issued planning approval for a 60 person Transient Workers Accommodation Facility on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica at the March 2008 Council meeting.

At the Council meeting of 18 November 2008, Planning Approval was issued for a 140 person transient workers accommodation facility on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica.

This proposal essentially added an additional 80 rooms on to the 60 bed consent issued by Council at its meeting of 18 March, 2008. At the time, RTIO advised that the expanded facility is required to meet works arrangements for Pannawonica and the camp will be to a maximum of 140 persons in 2009. It was intended that the camp would be scaled down to a total of 80 rooms until the end of the project in 2010.

Condition (c) of the planning approval stated:

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

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

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

It should be noted that a search of Shire’s records could not locate the agreements as referred to in Condition c).

### Proposal

RTIO advise that due to ongoing construction works proposed at Pannawonica for the Wandoo Housing Project the rooms have remained in place. RTIO advise:

*“Condition (c) of the planning approval stated that 60 nominated rooms and all rooms are required to be removed by March 2010 and May 2012 respectively.*

*Due to ongoing construction works proposed at Pannawonica for the Wandoo Housing Project (Project) the rooms have remained in place. It is envisaged that the Project works will continue until December 2012. However, due to other various infrastructure projects and ongoing activities in the Robe Valley area including works within the Mesa A and J mine sites it is expected that these rooms will continue to remain on site.*

*The Company requests Council to amend condition (c) of the 140 TWA planning approval by removing the condition. If in the event Council decides that an expiry date should be imposed on the planning approval amendment, the Company anticipates these rooms will be required at least until 2015.”*

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### **Comment**

The land is zoned "Rural" under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). Under the Scheme, 'transient workers accommodation' on the subject Lot is a permissible use.

At the November 2008 Council meeting, RTIO advised that the proposed 'transient workforce accommodation' was to provide accommodation for those workers who are to be employed to upgrade facilities and services in Pannawonica as well as building future camps. Accordingly, it was understood that the proposed facility is intended to operate more as a 'construction' camp. Specifically, the Applicant advised as follows:

*"The Expanded Construction Camp is required due to the current sequencing of the works on the Project to meet community, Shire and business commitments.*

*This camp will be required from March 2009 until March 2010, at which time 60 rooms will be removed from the site. The remaining 20 rooms comprising the Expanded Construction Camp will be retained until the completion of the project in May 2012, at which time these 20 rooms will be removed along with the original 60 rooms for which planning approval was granted in April 2008."*

Accordingly, the requirement of the Planning Approval to remove the rooms reflected the advice of RTIO at the time.

It is open to Council to modify, or remove or retain Condition c). If it resolved to retain the Condition, Council would also need to direct the Shire as to what enforcement action should be undertaken to have the units removed.

As the accommodation continues to relate to ongoing construction works proposed at Pannawonica, Mesa A and J mine, it is recommended that the units be retained. Should Council consider that a condition addressing the removal of the units should be retained, it is appropriate that it is modified to allow any further contingency until the end of 2015. Should this be acceptable to Council, it is considered more efficient to have the condition modified to delete reference to an 'agreement' and to simply have the approval expire at a given date.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No. 7.

Clause 5.15 of the Scheme states: "*upon written application being made by an owner of land the Local Government may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed*".

### **Financial Implications**

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



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### Strategic Implications

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

### Policy Implications

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

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr L Thomas

#### That Council:

1. In relation to condition c) of Planning Approval issued by Council on 18 November 2008 for a 140 person transient workers accommodation facility with ancillary structures (including the 60 person facility approved by Council at its meeting on 18 March 2008), on Lot 54, Southern Corner of Pannawonica Road and Deepdale Road, Pannawonica, amends the Planning Approval as follows:

Condition c) - reworded to state:

*“This Planning Approval lapses on 31 December 2015 and the structure and rooms shall be removed from the site on or before this date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.”*

**CARRIED BY ABSOLUTE MAJORITY 5/0**

Frank Ludovico left the meeting at 5.11 pm.

Councillors Foster, Dias and Rumble re-entered the meeting at 5.13 pm.

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### Declaration of Interest

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

Crs Foster, Dias and Rumble left the meeting at 5.13 pm.

### Council Decision

MOVED: Cr Eyre

SECONDED: Cr Thomas

That Council allow Crs Foster, Dias and Rumble to discuss this item but not vote.

CARRIED 5/0

Crs Foster, Dias and Rumble re-entered the meeting at 5.14 pm.

### 13.3 DRAFT LOCAL PLANNING POLICY - ROCKLEA PALMS, PARABURDOO CONCEPT PLAN FOR FINAL APPROVAL

MINUTE: 11139

FILE REFERENCE: PA.RC.61

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 12 March 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.2, MINUTE: 11139 Ordinary Meeting of Council 15 February 2012  
Agenda Item 13.3 Ordinary Meeting of Council 17 August 2011  
Agenda Item 13.07.54 Ordinary Meeting of Council 20 July 2011  
Agenda Item 15.10.20 Ordinary Meeting of 20 October, 2010

### Summary

At the Council of 15 February 2012 meeting, Council resolved to adopt *Local Planning Policy - 'Rocklea Palms Paraburdoo Concept Plan'* for advertising. The draft local planning policy (LPP) seeks to facilitate the development of additional transient workforce accommodation and associated facilities to complement the existing accommodation on the site, in order to provide for additional employees required as part of RTIO's existing Greater Paraburdoo operations. The draft LPP addresses the following:

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- existing development to be retained;
- new accommodation buildings;
- vehicular access and car parking;
- pedestrian network and pathways;
- open space, landscaping and vegetation retention; and
- upgrade and extension works to communal facilities.

Council's resolution to advertise the draft LPP was on the basis that it be referred back to Council for consideration should there be any objections received. Advertising has taken place and one submission of objection has been received essentially based on the concerns that the overflow parking area abuts the Paraburdoo Hotel which could cause an impact on the amenity for existing and future accommodation users of the Hotel. The objection is supported and it is considered that the adopted LPP be amended to delete parking abutting the Hotel and for a notation to be placed stating that any land use shall take into account the proximity of Hotel accommodation.

On this basis, it is recommended that an amended "*Local Planning Policy - 'Rocklea Palms Paraburdoo Concept Plan'*" be adopted in accordance with the Planning Scheme.

### **Background**

Rocklea Palms is located on the western portion of Lot 61 Rocklea Road, on the corner of Ashburton Avenue. The subject site is bound by existing residential development to the east, the Paraburdoo Shopping Centre to the north, the Paraburdoo Hotel to the south and the Hospital and residential buildings to the west. Portion of Lot 61 Rocklea Road consists of various existing buildings including a Mess and reception, function centre and pool, and 11 existing Transient Workforce Accommodation blocks and associated ablution facilities.

The site is the main location for Transient Workforce Accommodation within Greater Paraburdoo, providing both long term and FIFO accommodation to RTIO personnel, with 327 units presently available (and a further 84 recently developed). The majority of the Lot 61 is zoned 'Residential' under the Shire of Ashburton Local Planning Scheme No. 7 (Scheme) with an 'R50' density allocated under the Residential Design Codes. A small portion of the north eastern part of the site is zoned 'Commercial and Civic'.

The objective of the 'Residential' zone under the Scheme is to '*provide for residential development at a range of densities as indicated on the Scheme Maps*'. A range of residential and other complimentary uses are able to be considered under the zoning table within the Scheme. The use class which is pertinent to this draft Local Planning Policy is 'Transient Workforce Accommodation' which is defined under the Scheme as '*dwelling intended for the temporary accommodation of transient workers and may be designed to allow transition for another use or may be designed as a permanent facility for transient workers, and includes a contractors camp and dongas*'. '

At the Council of 15 February 2012 meeting, Council resolved to adopt *Local Planning Policy - 'Rocklea Palms Paraburdoo Concept Plan'* for advertising. The draft local planning policy seeks to facilitate the development of additional transient workforce accommodation and associated facilities to complement the existing accommodation on the site, in order to provide for additional employees required as part of RTIO's existing Greater Paraburdoo operations. The main elements of draft '*Local Planning Policy - Rocklea Palms Paraburdoo Concept Plan*' includes:

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- Streetscape – development is required to be sensitive to the environmental context in which it is being placed.
- Building design – developments of five or more dwellings should provide a range of dwelling sizes, designs and types. Modular construction will be accepted subject to high quality design, however, dongas will not be approved.
- Setbacks – where multi-storey development is sought it shall be ‘stepped’ from single storey to multiple levels for a distance of not less than 10m from the 4m front setback.
- 4m front setback is to be landscaped and not used for parking, unless endorsed by Council.
- Enclosed fencing to be set back to 4m.
- Building Height – R-Codes building height requirements shall apply. The Shire anticipates that a maximum of 2 storeys will be sought.
- Open Space – both communal and private open space will be required to be provided for the development.
- Car parking areas are proposed to be distributed throughout the site into 5 separate areas in order to limit the visual impact from the street. The majority of car parking areas have been designed to accommodate vehicles entering and exiting a bay in a forward gear to ensure that vehicle reversing signals are not used, and therefore minimise disruption to adjacent accommodation blocks.

It should be noted that RTIO has lodged an application for Planning Approval reflecting the draft ‘*Local Planning Policy - Rocklea Palms Paraburdoo Concept Plan*’. This was advertised concurrently with the draft *Local Planning Policy* and will be determined under delegation in line with the adopted *Local Planning Policy*.

### Comment

Council’s resolution to advertise the draft ‘*Local Planning Policy - Rocklea Palms Paraburdoo Concept Plan*’ was on the basis that it be referred back to Council for consideration should there be any objections received.

Pursuant to the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’), the revised Policy was referred to land owners in the Tom Price Centre as well as two notices in the Pilbara News. It was also displayed on Council notice boards in Tom Price, Paraburdoo, Onslow and Pannawonica as well as the Shire’s Website.

One submission of objection has been received essentially based on the concerns that the overflow parking area on Lot 623 which abuts the Paraburdoo Hotel which could cause an impact on the amenity for existing and future accommodation users of the Hotel. The submission is reproduced (in its entirety) in Schedule 1 to this Report.

### ATTACHMENT 13.3A

The objection is supported and it is considered that the adopted ‘*Local Planning Policy - Rocklea Palms Paraburdoo Concept Plan*’ be amended to delete parking abutting the Hotel.

### ATTACHMENT 13.3B

### Consultation

Chief Executive Officer  
Executive Manager, Technical Services

Clause 2.3.1 of the Shire of Ashburton Local Planning Scheme No.7 requires that draft Local Planning Policies be advertised for community consultation for a minimum of 21 days.

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### Statutory Environment

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

### Financial Implications

None anticipated as Council can recoup the cost of pursuing the draft LPP and subsequent planning applications from RTIO.

### Strategic Implications

Should draft "*Town Strategy Partnership Town Strategy Plan Communities of Tom Price, Paraburdoo and Pannawonica 2012 – 2016*" be adopted, it will provide a strategic direction for Paraburdoo.

### Policy Implications

Should draft '*Local Planning Policy - Rocklea Palms Paraburdoo Concept Plan*' be adopted for final approval, it will provide a policy direction for the site.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr L Thomas

#### That Council:

1. **Adopt '*Local Planning Policy - Rocklea Palms Paraburdoo Concept Plan*' as amended (ATTACHMENT 13.3B) as a Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme').**
2. **Give public notice of Council's decision as is required by the Scheme**
3. **Advise the author of the submission of Council's decision.**

**CARRIED 5/0**

Frank Ludovico re-entered the meeting at 5.15 pm.

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### Declaration of Interest

Prior to consideration of this Agenda Item Cr Fernandez declared an interest in Agenda Item 13.4 in accordance with Section 5.60A of the Local Government Act. The interest being that she is an employee of IBN Corporation.

Councillor Fernandez left the meeting at 5.22 pm.

### **13.4 APPLICATION FOR PLANNING APPROVAL - ABLUTION FACILITY FRONTING THE EXISTING OFFICES AT LOT 975 CENTRAL ROAD, TOM PRICE**

**MINUTE:** 11140

**FILE REFERENCE:** TP.CX.0000.000

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

**NAME OF APPLICANT/RESPONDENT:** IBN Group

**DATE REPORT WRITTEN:** 10 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

### **Summary**

Lot 973 Central Road, Tom Price is occupied by an office and car park that was established when Tom Price was a closed town. The Shire has no record of planning approval for the existing development hence it is concluded that the office has existing use rights. The building has recently been purchased by the IBN Group who require an ablution facility for office staff.

Due to the layout of the building and siting on the lot, IBN seek to have the facilities abutting the existing car park and fronting Central Road. The proposal is supported provided that the ablution units are clad and painted in a uniform fashion to the existing building and that constructed pathways are provided for continuity and disabled access.

It is recommended that the Application be approved based on specific conditions.

### **Background**

Lot 973 Central Road, Tom Price is occupied by an office and car park that was established when Tom Price was a closed town. The Shire has no record of planning approval for the existing development hence it is concluded that the office has existing use rights.

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### Proposal

The building has recently been purchased by the IBN Group who require an ablution facility for office staff. Due to the layout of the building and siting on the lot, IBN seek to have the facilities abutting the existing car park and fronting Central Road.

The contractor for IBN Group has provided conceptual plans showing the layout along with elevations and photos of the proposed ablutions facility.

### ATTACHMENT 13.4A

Photos of the site and existing building are provided as **ATTACHMENT 13.4B**.

### Comment

The proposed ablution facility is supported provided that it is clad and painted in a uniform fashion to the existing building and that constructed pathways are provided for continuity and disabled access. It is considered likely that the positioning of the facility will not result in the loss of any car parking. The issue of access has been discussed with the Applicant's contractor and Shire's engineering staff. It is estimated that to retrofit the street paving for disabled access for Lot 973 would cost in the vicinity of \$18,000.

The Shire's engineers have also suggested that rather than having paving running beside the facility that kerbing would be acceptable and enable the existing number of car parking spaces to be retained. This would require a kerb distance of (say) 300mm to ensure that the facility is separated from cars. The paving can be undertaken by the land owner or by arrangement with the Shire at the cost of the land owner.

### Consultation

Executive Manager, Technical Services

### Statutory Environment

Shire of Ashburton Town 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

Approval of the Application would need to address the Shire's '*Local Planning Policy - Design Guidelines for the Tom Price Town Centre*'. The conditions recommended would ensure compliance with the Policy.

### Voting Requirement

Simple Majority Required

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### Council Decision

**MOVED:** Cr A Eyre

**SECONDED:** Cr P Foster

1. That Council issue Planning Approval for an ablution unit attached to the existing offices at Lot 973 Central Road, Tom Price, Shire of Ashburton generally in accordance with the submitted plans and the following conditions:
  - a) Pursuant to the Building Licence for the development should be obtained prior to 21 March 2014. This Planning Consent lapses if a building licence for the development has not been obtained by 21 March 2014. Further to this, if the development is not substantially commenced in accordance with the Building Licence by 21 March 2014 then this Planning Consent lapses at that date.
  - b) Prior to the use of the ablutions unit, the design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Doors to the facility are not to face the car park. Details to be submitted with building licence application.
  - c) Within one (1) calendar month of the erection of the ablutions unit, pathways within the site shall be developed for disabled access in accordance with relevant standards and which will include the establishment of kerbing between the facility and car park to ensure that the facility is adequately separated from vehicles. Details to be submitted with building licence application.
  - d) All parking and manoeuvring areas to be bitumen sealed, concrete or brick paved to the satisfaction of the Shire of Ashburton. Details to be submitted with building licence application.
  - e) One (1) disabled parking bay, located convenient to the building entrance and with a minimum width of 3.6 metres, to be provided to the satisfaction of the Shire of Ashburton. Details to be submitted with building licence application.
  - f) Prior to the use of the ablutions unit, the development shall be connected to a reticulated water supply and sewerage system to the satisfaction of Pilbara Iron Infrastructure.
  - g) The ablutions unit shall be designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with building licence application.

Advise the applicant as follows:

- i. With respect to Condition c), the Shire can undertake that the necessary paving and kerbing works at the land owner's expense. In this regard the land owner should contact the Shire's Executive manager for Engineering Services on 91884444.
- ii. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as



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amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building licence.

- iii. The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
- iv. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- v. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- vi. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website [www.environment.wa.gov.au](http://www.environment.wa.gov.au).
- vii. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

LOST 0/7

### Council Decision

MOVED: Cr Foster

SECONDED: Cr Shields

That Council lay this item on the table.

CARRIED 7/0

Councillor Fernandez re-entered the meeting at 5.41 pm.

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### 13.5 DRAFT PILBARA PLANNING AND INFRASTRUCTURE FRAMEWORK

**MINUTE:** 11141

**FILE REFERENCE:** OR.IG.03.05

**AUTHOR'S NAME AND POSITION:** Rob Paull

**NAME OF APPLICANT/RESPONDENT:** Western Australian Planning Commission

**DATE REPORT WRITTEN:** 11 March 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.04.22 Ordinary Meeting of Council 20 April 2011

#### **Summary**

At the Council meeting of April 2011, Council considered the draft Pilbara Planning and Infrastructure Framework ('Framework') prepared by the Western Australian Planning Commission (WAPC) and which sought to define a strategic direction for the future development of the Pilbara region, over the next 25 years. The Shire Report to Council addressed the main issues associated with the Framework as it affected the Shire. Council resolved to request the Chief Executive Officer (CEO) to prepare a submission to the draft Framework based on the matters identified in this Report. This was undertaken and now the WAPC has produced the 'final' Framework.

The Shire has reviewed the 'final' Framework and it would seem that the majority of issues raised by the Shire/Council have not been addressed. The final Framework will be a vital strategic planning document for the Shire and the Pilbara as the following from the final Framework (page 131) states:

*"The Framework will inform the review of the State Planning Strategy, which is currently underway and guide the preparation of local planning strategies and local planning schemes across the Pilbara. When preparing local planning strategies and schemes, local governments should have regard to the objectives and actions outlined in the Framework. Decisions or recommendations of the Pilbara Regional Planning Committee and the WAPC will be guided by the Framework."*

It is recommended that the CEO be requested to write to the Minister for Planning seeking advice as to why the Shire submission was generally not addressed in the 'final' Framework report.

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### Background

In February 2011, the Western Australian Planning Commission (WAPC) prepared and released for public comment the draft *Pilbara Planning and Infrastructure Framework* ('*Framework*') which seeks to define a strategic direction for the future development of the Pilbara region, over the next 25 years. The *Framework* concludes that:

*"...by 2035, the region will have a resident population of more than 140 000, based on a more diverse economy that has capitalised on its competitive advantages. As part of the Pilbara Cities vision, the Pilbara will have two cities: Karratha and Port Hedland, each with a population of 50 000. These would be supported by the Newman sub-regional centre with a population of 15 000 and the major towns of Tom Price, Onslow and Wickham."*

At the Council meeting of April 2011, Council considered the draft *Framework* in a Report that addressed the main issues associated with the *Framework* as it affected the Shire. Council resolved to request the CEO to prepare a submission to the draft *Framework* based on the matters identified in this Report. A copy of the correspondence from the Shire to the WAPC is included as **ATTACHMENT 13.5**.

### Comment

The WAPC has produced the 'final' *Framework* which has been reviewed by the Shire and it would seem that the majority of issues raised by the Shire/Council have not been addressed. A copy of the 'final' *Framework* has been provided to Councillors under separate cover. The following table describe the issues raised by the Shire in the draft *Framework* and how (if at all) they have been addressed in the final *Framework*.

<b><i>Issue raised by the Shire in the draft Framework</i></b>	<b><i>How the final Framework addresses the Shire's concerns</i></b>
The designation of Onslow and Tom Price in the Settlement Strategy and the apparent differences in the use of ABS statistics and data collection for some towns compared to other towns.	No apparent change from the draft <i>Framework</i>
<p><b><i>Onslow:</i></b> The draft <i>Framework</i> established an inconsistency and appears to down play the important issue of water supply for Onslow. Page iv of the draft <i>Framework</i> stated that new water sources include:</p> <ul style="list-style-type: none"> <li><i>"Expanding the Cane River borefields, developing the Birdrong aquifer or identifying another source to service future town and industrial demand for Onslow."</i></li> </ul> <p>However, <i>Table 1: Utility infrastructure priorities – 2015</i> simply stated:</p> <p><i>"... identifies new water source – Cane River borefields, Birdrong aquifer or an alternative – to service Onslow."</i></p> <p>The Shire informed the WAPC of Water</p>	No change from the draft <i>Framework</i>

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<p>Corp's advice to Council (21 June 2010) stated that:</p> <p style="padding-left: 40px;"><i>"..... until the upgrade has been completed, the Corporation is unable to approve any additional connections to the drinking water supply scheme."</i></p> <p>Given the Corporations advice, the Shire recommended that the final <i>Framework</i> should identify that as a matter of urgency the water supply for Onslow must be upgraded, as it will significantly inhibit the growth of the town.</p>	
<p>In relation to health, no upgrade of the Onslow hospital has been identified which is a matter that must be addressed in the <i>Framework</i>.</p>	<p>Reference in Table to 5.2 '<i>Service hub future hospital needs</i>' has been modified to read:</p> <p>'Major redevelopment proposed'</p>
<p>The draft <i>Framework</i> acknowledged the social and development impacts the Wheatstone and the Ashburton Strategic Industrial Area (ANSIA) will have on Onslow. Importantly however, the basis for much of the assumptions and comment within the <i>Framework</i> can be summed up in the opening sentence on page 27:</p> <p style="padding-left: 40px;"><i>"Onslow's future is largely dependent on the construction of processing facilities for off-shore hydrocarbons at the proposed Ashburton North Strategic Industrial Area."</i></p> <p>The Shire advised that this was simply not the case and should be reviewed by the WAPC. The Shire also suggested that should the growth be as extensive as addressed in the <i>Framework</i> and other government documentation, it is possible that the settlement strategy associated with the <i>Framework</i> could result in a sub-regional status for Onslow rather than a 'town' status.</p>	<p>No change from the draft <i>Framework</i></p>
<p><b>Tom Price:</b></p> <p>As noted, there appears to be a discrepancy in the use of ABS statistics and populations estimates in relation to Tom Price.</p> <p>Page iv of the draft <i>Framework</i> observed:</p> <p style="padding-left: 40px;"><i>"In addition, it is envisaged that Newman will expand as a sub-regional centre, and</i></p>	<p>No change from the draft <i>Framework</i></p>

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<p><i>other centres, such as Onslow, will also expand and have new roles.”</i></p> <p>Whilst the Shire sought not to comment on the establishment of Newman as a ‘sub-regional centre’, it suggested that settlement hierarchy associated with Tom Price should also be reviewed by the WAPC.</p> <p>The rationale for Tom Price being a ‘sub-regional centre’ was based on the omission in the draft <i>Framework</i> to acknowledge the establishment of operational workforce camps in close proximity to Tom Price. Such camps significantly affect the role and function of ‘towns’. The growth potential of Tom Price beyond that directed in the draft <i>Framework</i>, but within less than 100 kilometres of Tom Price, both RTIO and FMG are seeking to establish operational camps that could house in excess of 5000 persons. In addition, the Shire pointed out that the role and function of Tom Price was very similar to that of Newman.</p>	
<p><b><i>Transient Workforce Accommodation camps:</i></b></p> <p>The Shire advised the WAPC that the draft <i>Framework</i> omitted to address and provide any comment or direction in relation to the establishment of Transient Workforce camps approved under the Mining Act. The Shire advised that this omission could seriously impact the overall development and function of towns and cities within the Pilbara (and beyond).</p> <p>In this regard, the WAPC within the final <i>Framework</i> should commit to establishing a lead role in addressing the planning function and statutory deficiencies associated with the Mining Act.</p>	<p>No change from the draft <i>Framework</i></p>
<p><b><i>Monitoring and Review:</i></b></p> <p>The Shire noted that the draft <i>Framework</i> stated:</p> <p><i>“It is intended that the Framework will be a living document regularly reviewed, updated and improved.”</i> (page 127).</p> <p>The commitment of the WAPC to undertake such a review was not questioned, however other statewide</p>	<p>No change from the draft <i>Framework</i></p>

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<p>priorities may ensue unless formal review obligations are defined in the document.</p>	
<p><b>Status of the Framework:</b>          The WAPC advised that the Framework will be endorsed by the WAPC as a regional strategy under the State Planning Framework. Its role will be as follows:</p> <p><i>“The Framework will guide the decision-making of relevant government agencies in the areas of:</i></p> <ul style="list-style-type: none"> <li>• <i>Planning – by providing the overarching policy framework within which local governments will prepare their local planning strategies and schemes.</i></li> <li>• <i>Infrastructure – by informing the Infrastructure Coordinating Committee of the WA Planning Commission when assigning priorities to infrastructure funding and development.</i></li> <li>• <i>Economic development – by informing the Pilbara Cities Office and other agencies in attracting investment to the region.”</i></li> </ul> <p>However, it won't be endorsed by State Cabinet and will not have any direct influence over state agencies. For example, although the draft <i>Framework</i> has included a new road between Millstream and Tom Price as key road transport priority, it isn't on the Main Roads priority list. The Shire pointed out that the inclusion of this in the Framework will not raise it as a Main Roads priority.</p> <p>Accordingly, it was suggested that the WAPC consider establishing the <i>Framework</i> or an abridged version of the <i>Framework</i> as a State Planning Policy to provide clear direction on future land use for the policy area – similar to the Leeuwin-Naturaliste Ridge State Planning Policy on the coast between Busselton and Augusta. This would be adopted by Cabinet and provided the highest level of direction to government agencies available.</p>	<p>No apparent change from the draft <i>Framework</i></p>

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The final *Framework* will be a vital strategic planning document for the Shire and the Pilbara as the following from the final *Framework* (page 131) states:

*“The Framework will inform the review of the State Planning Strategy, which is currently underway and guide the preparation of local planning strategies and local planning schemes across the Pilbara. When preparing local planning strategies and schemes, local governments should have regard to the objectives and actions outlined in the Framework. Decisions or recommendations of the Pilbara Regional Planning Committee and the WAPC will be guided by the Framework.”*

Clearly, the Shire, Council and the community must be satisfied that their comments raised during submissions have at least been addressed. From what has been provided to the Shire, there is no clear indication that this has occurred.

Accordingly, it is recommended that the CEO be requested to write to the Minister for Planning seeking advice as to why the Shire submission was generally not addressed in the ‘final’ *Framework* report. In this regard, a monthly update to Council will be prepared with advice on the response from the Minister.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

None applicable

### **Financial Implications**

There are no financial implications relevant to this matter.

### **Strategic Implications**

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

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

### **Policy Implications**

The WAPC will utilise the directions provided in the *Framework* when considering planning scheme amendments, the review of the planning scheme and when considering any policy for the Shire. On a wider basis, it is anticipated that government agencies will use the *Framework* as a tool to direct resources within the Pilbara. In this regard, it is important that the Council reviews the *Framework* and ensures that any considered inconsistencies and concerns are addressed during the consultation stage.

### **Voting Requirement**

Simple Majority Required

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### Council Decision

**MOVED:** Cr A Eyre

**SECONDED:** Cr L Shields

**That Council:**

1. Note the final *Pilbara Planning and Infrastructure Framework – January 2012 ('final Framework')* as prepared by the Western Australian Planning commission (WAPC) as compared to the draft *Pilbara Planning and Infrastructure Framework – February 2011 ('draft Framework')*
2. Request the Chief Executive Officer (CEO) to write to the Minister for Planning seeking advice as to why the Shire submission of April 2011 in relation to the *draft Framework* was generally not addressed in the 'final' *Framework* report.
3. Request the CEO to provide copies of the correspondence referred to in 2. above to the CEO's of:
  - Western Australian Local Government Association;
  - Shire of Roebourne;
  - Town of Port Hedland; and
  - Shire of East Pilbara.
  - PRC
4. Request the CEO to provide an update to Council on the response from the Minister for Planning in relation to 2. above.

**CARRIED 7/1**



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### 13.6 REQUEST TO CLOSE PORTIONS OF SIMPSON STREET AND FORREST CRESCENT AND FIRST AVENUE, ONSLOW

**MINUTE:** 11142

**FILE REFERENCE:** ON.FI.0000.00

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

**NAME OF APPLICANT/RESPONDENT:** LandCorp

**DATE REPORT WRITTEN:** 11 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Land Corp has requested the Shire to consider the part closure of Simpson Street, Forrest Crescent and First Avenue, Onslow. This request relates to the rezoning of lots as part of Amendment No. 19 which is being considered in this Agenda (Item 13.9).

Should Council resolve to commence to close the above named roads, procedures will commence with advertising the intention. If adverse comments are received a further report will be prepared for Council consideration.

#### **Comment**

*Closure of portion Simpson Street #1*

#### **ATTACHMENT 13.6A**

The first portion of Simpson Street proposed to be closed is a small triangle measuring 784m<sup>2</sup>, which is located on the southern boundary of UCL Lot 650. This small portion of road is intended to make the southern portion of Lot 650 a more useable residential lot. This reflects the area of land as part of Scheme Amendment No. 19. The closure of this minor portion of road will realign Simpson Street in a logical manner and will not impede on the functioning of the road.

*Closure of portion Simpson Street and First Avenue*

Also associated with the proposed subdivision of UCL Lot 650 is the requested closure of a portion of First Avenue that adjoins the northern boundary of Lot 650. This portion of First Avenue is currently unformed and constitutes a triangle piece of land measuring 369m<sup>2</sup>. This portion of road is intended to be included in the residential subdivision of the southern portion of Lot 650. This reflects the area of land as part of Scheme Amendment No. 19. The closure

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of this small portion of road at the end of First Avenue will not impact on the functioning of this road, when it is formed, in any manner.

*Closure of portion Simpson Street #2*

**ATTACHMENT 13.6B**

The second portion of Simpson Street proposed to be closed is located on the northern boundary of Lot 570. This portion of road is largely rectangular in shape and measures 2,020m<sup>2</sup>. At this point Simpson Street widens from approximately 20 metres to approximately 40 metres. There is no apparent reason or need for this extended width at this point of Simpson Street and including this portion of road in the proposed subdivision of Lots 570, 975 and 647 will greatly improve the functionality of the resultant lots.

*Closure of portion Forrest Crescent*

**ATTACHMENT 13.6B**

Also associated with the proposed subdivision of Lot 570 is the requested closure of a small triangle of road at the cul-de-sac head of Forrest Crescent. This portion of road measures 37m<sup>2</sup> and would make a much more logical frontage to the adjoining resultant residential lot.

The minor portion of road closure will not impact on the functioning of the Forrest Crescent cul-de-sac head in any manner.

### **Conclusions**

These roads form part of the existing road alignment and is best described as a partial road closure which will not affect the continuing function of the road. Should Council resolve to commence to close the above named roads, procedures will commence with advertising the intention. If adverse comments are received a further report will be prepared for Council consideration.

### **Consultation**

Executive Manager, Technical Services

### **Statutory Environment**

Land and Administration Act Section 58

### **Financial Implications**

Cost to be recovered from the applicant, LandCorp

### **Strategic Implications**

None anticipated.

### **Policy Implications**

None anticipated.

### **Voting Requirement**

Simple Majority Required

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**Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr A Eyre**

**That Council:**

- 1. In accordance with Section 58 of the Land Administration Act 1997 publishes the public notice of intention to close portion of roads included in Simpson Street, Forrest Crescent and First Avenue, Onslow as defined in ATTACHMENTS 13.6A AND 13.6B in a newspaper circulating in its district and invite representations on the proposed closure within a period of 35 days from the publication.**
- 2. That should no objections be received the Council delegate to the Chief Executive Officer the power to resolve to make request to the Minister to close the road.**

**CARRIED 8/0**

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### 13.7 PLANNING APPLICATION - OVERSIZED SHED AT LOT 227 EXMOUTH AVENUE, PARABURDOO

**MINUTE:** 11143

**FILE REFERENCE:** PA.EX.0227

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

**NAME OF APPLICANT/  
RESPONDENT:** M Steele

**DATE REPORT WRITTEN:** 12 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

Application for Planning Approval has been lodged for an over sized outbuilding (96m<sup>2</sup>) comprising a 64m<sup>2</sup> shed and a 32m<sup>2</sup> carport on land zoned Residential R20 at Lot 227 Exmouth Avenue, Paraburdoo. The shed has a wall height of 3.5m and a height to the roof pitch of 5.12m

The shed would be the largest outbuilding on residential land the Council has approved. Whilst the application was advertised and no objections received, it is difficult for Staff to give support for the proposal due to:

- the precedent it would create for recommending approval for an outbuilding significantly larger than the acceptable criteria of the R Codes (60m<sup>2</sup>); and
- the proposed outbuilding being 10% larger than the maximum adopted by Council under the Local Planning Policy.

However, the wall height of 3.5m is considered acceptable. In this regard, it is recommended that the application be approved with a condition requiring the building area to be reduced to 90m<sup>2</sup> and the shed height reduced to 4.2m. Should the applicant not accept the resolution, he would have the opportunity to apply to the SAT for review.

#### **Background**

Application for Planning Approval has been lodged for an over sized outbuilding (96m<sup>2</sup>) comprising a 64m<sup>2</sup> shed and a 32m<sup>2</sup> carport on land zoned Residential R20 at Lot 227 Exmouth Avenue, Paraburdoo. The shed has a wall height of 3.5m and a height to the roof pitch of 5.12m

The proposed shed sited at the rear of the lot with setbacks of 1.5m to the side boundary and 2.5 to the rear boundary.

**ATTACHMENT 13.7**

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### Comment

The size of the shed is larger than what is normally considered necessary for residential purposes. The issue as to an appropriate maximum size of a residential shed has been determined by Council pursuant to the adopted Local Planning Policy.

An important aspect in favour of the Application is that the the application was advertised and no objections received. Without this support, the recommendation would clearly be to refuse the application. The impacts of the shed are essentially its floor area and the wall height however these impacts are generally confined to the local area.

The *Residential Design Codes (R Codes)* define the assessment of outbuildings as follows:

Performance criteria	Acceptable development
<i>New development should meet these criteria.</i>	<i>The acceptable development provisions illustrate one way of meeting the associated performance criteria.</i>
6.10.1 Outbuildings	
P1 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	A1 Outbuildings that: i are not attached to a dwelling; ii are non-habitable; iii collectively do not exceed 60 sq m in area or 10 per cent in aggregate of the site area, whichever is the lesser; iv do not exceed a wall height of 2.4 m; v do not exceed ridge height of 4.2 m; vi are not within the primary street setback area; vii do not reduce the amount of open space required in table 1; and viii comply with the siting and design requirements for the dwelling, but do not need to meet rear setback requirements of table 1.

The proposed outbuilding complies with all of A1 except A1 (iii). In relation to A1 (iii), the relevant area a maximum of 60m<sup>2</sup>. The Planning Scheme is silent on the maximum height of a building in the residential zone and provides no reference to building bulk. Clause 6.7.2 of the Scheme states:

*6.7.2 "every dwelling shall be provided with a store room of not less than four square metres in floor area for the purposes of storing domestic outdoor items during cyclones. The store room shall be fully enclosed and have direct ground level access from outside the building with no direct internal access from the dwelling. It may form part of the main building structure or be a permanent outbuilding."*

From Shire records, the largest outbuilding in a Residential zone approved by Council has been 96m<sup>2</sup> at Lot 398 Third Avenue, Onslow.

Four or five other approvals have issued which were in the vicinity of 90m<sup>2</sup>. Council may recall the proposed oversized shed at Lot 221 Cogelup Way, Tom Price which originally sought to be 116m<sup>2</sup>. Council refused this application and it was appealed by the Applicant to the SAT. That shed was then approved at 90m<sup>2</sup> (with a reduced height to 4.2m) and formed the basis of the Shire's *Local Planning Policy – Outbuilding Assessment*.

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The *Local Planning Policy – Outbuilding Assessment* was adopted by Council in June 2009. Since then, no oversized building has been approved with an area greater than 90m<sup>2</sup>. Under the Local Planning Policy, the total combined area of outbuildings permitted on a lot without formal Planning Approval being required is dependent on the scale of the proposal and zoning of the lot as indicated in the following Table 1. An outbuilding that would result in a total combined outbuilding area greater than permitted in the table is defined as an 'oversized' outbuilding for the purposes of this Policy.

Additionally an outbuilding with a wall height (measured to the top wall plate) of greater than 2.4 metres or a ridge height in excess of 4.2 metres is defined as an 'overheight outbuilding' for the purposes of this Policy. Applications which satisfy the Table 1 requirements will normally only require a Building Licence from the Shire of Ashburton.

<b>Table 1 Outbuilding Assessment and Approval Requirements</b> <b>Zoning of lot</b>	<b>Permitted total outbuilding Area</b>	<b>Special Considerations and R Codes requirements</b>
<b>Residential, Special Use, Community, Urban Development and/or lots the subject of the R Codes</b>	<i>A maximum of 60 sqm. A maximum of 90 sqm, subject to satisfying assessment requirements of provision 4.5 and with the consent of the adjoining land owner(s).</i>	<ol style="list-style-type: none"><li><i>1. Structure Plans and the like may apply and may impose further restriction.</i></li><li><i>2. Refer to Clause 6.10 of the R Codes for specific development standards.</i></li><li><i>3. Notwithstanding the acceptable Development provisions of the R Codes Clause 6.10.1 outbuildings</i></li></ol>

Clause 4.5 of the Policy states:

### ***“4.5 Consideration of oversized and / or overheight outbuildings***

*An 'oversized' or 'overheight' outbuilding may require prior Planning Approval and in most cases assessment of the application will require consultation with adjoining and affected landowners. An application will be refused unless it is determined that the outbuilding will not have an undesirable impact when assessed in accordance with the following:*

- Size of the lot*
- Zoning of the lot*
- Materials of construction*
- Height of the proposed building*
- Visibility from nearby vantage points*
- Intended use of the building*
- Effect on adjoining properties and written comments from affected landowners*
- Effect on streetscape*
- Any other circumstances and factors affecting the application*
- Other Scheme matters including, Structure Plan, Policies or State Planning Policies*

*Applicants are required to supply supporting documentation on the above issues to assist in determining the application.”*

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It is difficult for Staff to give support for the proposal due to:

- the precedent it would create for recommending approval for an outbuilding significantly larger than the acceptable criteria of the R Codes (60m<sup>2</sup>); and
- the proposed outbuilding being 10% larger than the maximum adopted by Council under the Local Planning Policy.

It is still open to Council to support the application on a one off' basis, due to there being no objections lodged. Staff would be comfortable supporting an outbuilding closer to the 90m<sup>2</sup> as provided in the Local Planning Policy and the recommendation reflects this position.

### **Consultation**

Chief Executive Officer  
Manager Building Services

The Application was advertised to all adjoining neighbours for 14 days. No submissions were received.

### **Statutory Environment**

Shire of Ashburton Town Planning Scheme No. 7  
Residential Design Codes.

### **Financial Implications**

There are no financial implications that relate to this matter.

### **Strategic Implications**

There are no strategic implications that relate to this matter.

### **Policy Implications**

*Local Planning Policy – Outbuildings Assessment Policy* seeks to establish a local planning policy for the outbuildings in the residential areas of Shire. Under the *Policy*, the recommended maximum area of a shed is 90m<sup>2</sup> with a wall height of 4.2m.

### **Voting Requirement**

Simple Majority Required

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### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr I Dias

**That Council:**

- 1. Approve the Application for Planning Approval for an over sized outbuilding at Lot 227 Exmouth Avenue, Paraburdoo generally in accordance with the plans submitted but modified to have a maximum floor area of 90m<sup>2</sup> and a ridge height of 4.2m and subject to the following conditions:**
  - a. All development is to be in accordance with the approved Plan, including any amendments placed thereon by the Shire of Ashburton and except as may be modified by the following conditions.**
  - b. A building licence application under the provisions of the Local Government Miscellaneous Provisions Act must be submitted to and approved by the Shire of Ashburton prior to the commencement of any on-site works whatsoever.**
  - c. The design, materials and colours of both the existing and proposed development are to be matched to the satisfaction of the Shire of Ashburton. Details to be submitted prior to or with the building licence application.**

**CARRIED 7/1**



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### 13.8 DRAFT LOCAL PLANNING SCHEME NO. 14 - REVIEW OF PROVISIONS IN ACCORDANCE WITH MINUTE 11117 ORDINARY MEETING OF COUNCIL FEBRUARY 2012 (ITEM 13.07)

**MINUTE:** 11144

**FILE REFERENCE:** PS.TP.7.14

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

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

**DATE REPORT WRITTEN:** 10 March 2012

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

**PREVIOUS MEETING REFERENCE:**

#### **Summary**

Draft Amendment No. 14 to the Shire of Ashburton Local Planning Scheme ('Scheme') was adopted for final approval by Council at the 16 November 2011 meeting. Draft Amendment No. 14 seeks to address the prohibition of transient workforce accommodation in the Commercial and Civic zone for Onslow, Paraburdoo and Tom Price and allows Council to consider planning applications for transient workforce accommodation, only where certain design standards and criteria are met.

At the Council Meeting of April 2011, Council adopted draft Amendment No.14 for advertising (42 days). Two (2) submissions of no objection were received during the advertising period.

The 16 November 2011 resolution adopted draft Amendment No. 14 for final approval but excluded transient workforce accommodation as a discretionary use from the Commercial and Civic zone in Onslow.

At the meeting of 15 February 2012 Council revoked the resolution of 16 November 2011 and requesting the Chief Executive Officer to prepare a further report to the Council meeting of March 2012 which addresses a statutory limit on the number of units and the opportunity to include a time limit on the use.

This Report addresses the provisions of Amendment No. 14 and recommends how a statutory limit on the number of units and the opportunity to include a time limit on the use can be included.

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### Background

The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') was Gazetted on 24 December 2004 and has not been reviewed. Under the Scheme, transient workforce accommodation is a prohibited use in the Commercial and Civic zone. Transient workforce accommodation is defined as:

*".... dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas..."*

Commercial and Civic zones are found in Onslow, Paraburdoo and Tom Price. The zone has limited planning controls associated with development and use. The (final) Onslow Townsite Strategy included the following statement:

#### *"Development Principles*

- It is appropriate that any such Transient Workforce Accommodation be of a very high quality for the benefit of occupiers, as well as the community.*
- Motel style development, with significant landscaping, quality design and materials, will be encouraged.*
- A limitation on the overall proportion (%) of Transient Workforce Accommodation within a development should also be a consideration of the Amendment.*

#### *Desired Future Character*

*A modification to the Scheme to reflect this desired outcome of design and development is recommended. In addition, it is noted that the Commercial and Civic zone prohibits Transient Workforce Accommodation. In this regard, it is appropriate that the Shire consider amending the Scheme to allow Transient Workforce Accommodation in this zone on the basis referred to above."*

This point of view was also adopted by Council in October 2010 when considering the 'Position Paper on Fly-In Fly-Out Workforce and Accommodation':

- "ii) An amendment to the Shire of Ashburton Local Planning Scheme No. 7 that would allow transient workforce accommodation in the Commercial and Civic zone as an 'A' use and where such development reflects the following 'principles':*
- any such transient workforce accommodation will be of a very high quality for the benefit of occupiers, as well as the community;*
  - motel style development, with significant landscaping, quality design and materials, will be encouraged; and*
  - a limitation on the overall proportion (%) of transient workforce accommodation within a development may be required by Council."*

In addition, Amendment No. 9 for the Scheme (that establishes the Ashburton North Strategic Industrial Area) includes the following Policy Statement:

*"The intent of local government is for all transient workforce accommodation within the ANSIA to be for construction purposes associated with development of the ANSIA. Permanent or operational staff will be housed in Onslow. In accordance with the adopted Onslow Townsite Strategy, such accommodation in Onslow is expected to be of a very high quality motel style development, with significant landscaping, quality design and materials for the benefit of occupiers, as well as the community."*

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Draft Amendment No. 14 to the Shire of Ashburton Local Planning Scheme ('Scheme') was initiated by Council at the 16 February 2011 meeting. Draft Amendment No. 14 seeks to address the prohibition of transient workforce accommodation in the Commercial and Civic zone for Onslow, Paraburdoo and Tom Price and allow Council to consider planning applications for transient workforce accommodation only where certain design standards and criteria are met. The draft provision states as follows:

### *"6.10 Commercial zones*

#### *ADDING THE FOLLOWING:*

- 6.10.4 *Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:*
- a) *the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;*
  - b) *the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
  - c) *a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*
  - d) *connection to reticulated sewer, water, and power is available; and*
  - e) *where the development is of a permanent nature and where dongers, or transportable buildings or structures of any description are not proposed.*
- 6.10.5 *Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited."*

The intent is to encourage a design and development that will be very high quality for the benefit of occupiers, as well as the community.

The 16 November 2011 resolution noted the submission (**ATTACHMENT 13.8A**) and adopted draft Amendment No. 14 for final approval excluded transient workforce accommodation as a discretionary use from the Commercial and Civic zone in Onslow.

Over the New Year period, discussions with the Shire President revealed a likely desire of Council to permit some level of transient workforce accommodation within Onslow's Commercial and Civic zone but only where a statutory limit of the number of units is established and a time limit on the use can be implemented.

At the meeting of 15 February 2012 Council revoked the resolution of 16 November 2011 and requesting the Chief Executive Officer to prepare a further report to the Council meeting of March 2012 which addresses a statutory limit on the number of units and the opportunity to include a time limit on the use.

### **Comment**

The provisions of the Amendment are intended to be supported by Local Planning Policy. Draft Amendment No. 14 reflects the direction of Council as defined in considering the '*Position Paper*' in October 2010, although proposed Clause 6.10.4 (b) has been adjusted to include reference to such development including "...*recreation areas/facilities...*" for workforce accommodation.

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In addition to the draft Clauses 6.10.4 and 6.10.5 above, the Scheme Table will need to be amended to permit transient workforce accommodation on the Commercial and Civic zone. It is considered that such uses should be permitted subject to advertising and subject to compliance with draft Clauses 6.10.4 and 6.10.5.

Council's revocation of the 16 November 2011 decision is noted along with a desire to impose a statutory limit on the number of units as well as a limitation on operation period of transient workforce accommodation. The draft Amendment provisions includes reference to the number of units as underlined in sub-clause c) below. It is open for Council to actually define a percentage of transient accommodation in sub-clause c), or undertaken as part of the Local Planning Policy. The difference would be that if a percentage is defined in the Scheme, then it must be adhered. If it is referred in the Local Planning Policy, then it is discretionary. The Shire recommends that any limitation on the overall proportion of transient workforce units be defined in the Local Planning Policy as discussed below. It is important to note that any transient workforce approved under Amendment No. 14 must have some limitation on the overall proportion of transient workforce units.

In relation to a time limit, sub-clause e) is suggested where the onus is on the applicant is to address a time limit.

*“6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:*

- a) the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;*
- b) the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
- c) a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*
- d) connection to reticulated sewer, water, and power is available;*
- e) **what time limit on the transient workforce accommodation use should be imposed; and***
- f) where the development is of a permanent nature and where dongers, or transportable buildings or structures of any description are not proposed.*

*6.10.5 Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited.”*

Importantly, where in the opinion of Council (or a DAP) any of the provisions are not met, transient workforce accommodation is prohibited. In other words, the responsible authority must be accepting of all clauses.

As noted above, the other empowering aspect is the associated Local Planning Policy which provides guidance to the type and level of development.

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It is recommended that the draft Local Planning Policy be amended as follows (**ATTACHMENT 13.8B**):

- place a limit on the overall proportion of transient workforce accommodation not more than 80%; and
- place a time limit on the transient workforce accommodation use to no more than 10 years with the opportunity for the applicant to seek an extension of time where circumstances exist.

This would allow developments to be underwritten by operators that need transient workforce with the Commercial and Civic zone whilst ensuring that the use does not prevent tourist or similar uses from being removed from any such development. Importantly, it establishes a reasonable end time for the use.

### **Consultation**

Chief Executive Officer

Shire President

Executive Manager, Strategic & Economic Development

### **Statutory Environment**

Planning and Development Act 2005

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the EPA after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC.

Shire of Ashburton Town Planning Scheme No. 7

Environmental Protection Act 1986

State Planning Policy 3 - Urban Growth and Settlement (SPP 3) - includes the following objectives:

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

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- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

The Shire is required to have due regard to State Planning Policies in the preparation of amendments to its Scheme. The amendment is consistent with the objectives of SPP 3.

### 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

Draft 'Local Planning Policy - Assessment of Applications under Clause 6.10.4 of the Shire of Ashburton Local Planning Scheme No. 7' has been prepared.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr A Eyre

**That Council:**

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval, draft Amendment No. 14 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by:

1. Modifying Clause 6.10 of the Scheme by inserting the following clause:

*"6.10 Commercial zones*

**ADDING THE FOLLOWING:**

**6.10.4 Transient workforce accommodation may be considered by the Local Government only where the following requirements are met and where the Applicant can demonstrate all of the following:**

- a) *the proposed transient workforce accommodation development is of a very high quality for the benefit of occupiers, as well as the community;*
- b) *the proposed development represents a motel or resort style development, with significant landscaping, recreation areas/facilities, quality design, quality infrastructure and materials;*
- c) *a limitation on the overall proportion (%) of transient workforce accommodation within a development and where accommodation for tourists and the like is made available;*

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- d) *connection to reticulated sewer, water, and power is available;*
- e) *what time limit on the transient workforce accommodation use should be imposed; and*
- f) *where the development is of a permanent nature and where dongers, or transportable buildings or structures of any description are not proposed.*

**6.10.5** *Where in the opinion of the Local Government any of the provisions of Clause 6.10.4 are not met, transient workforce accommodation is prohibited.”*

2. ***Modifying the Zoning Table identifying the use class ‘Transient Workforce Accommodation’ as a ‘A’ use in the Commercial and Civic zone.***
2. That the Council endorses the Schedule of Submissions (ATTACHMENT 13.8A) prepared in response to the community consultation undertaken in relation to Amendment No. 14.
3. That the Council refer Amendment No. 14 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the *Town Planning Regulations 1967*, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.
5. That draft *‘Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7’* (ATTACHMENT 13.8B) be adopted as a Local Planning Policy under the provisions of clause. 2.3 of Shire of Ashburton Local Planning Scheme No. 7.
6. The Chief Executive Officer be requested to advertise draft *‘Local Planning Policy - Assessment of Applications under Clause 6.10.4 and 6.10.5 of the Shire of Ashburton Local Planning Scheme No. 7’* after the Minister for Planning favourably determines draft Amendment No. 14.

**CARRIED 7/1**

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### Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 13.9 in accordance with Section 5.60B of the Local Government Act. The interest being she owns property in Onslow.

Cr White left the meeting at 6.06 pm.

The Deputy President took the chair at 6.07 pm.

### **13.9 DRAFT AMENDMENT NO. 19 TO THE SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO. 7 - REZONING OF VARIOUS SITES IN ONSLOW TO RESIDENTIAL R12.5/30 AND R20 FOR FINAL APPROVAL**

**MINUTE:** 11145

**FILE REFERENCE:** PS.TP.7.19

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

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

**DATE REPORT WRITTEN:** 11 March 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.05, Minute 11145, Ordinary Meeting of Council 19 October 2011

### **Summary**

At the Council meeting of 19 October 2011, Council resolved to initiate Amendment No. 19 which reflected the LandCorp investigation of land within the Onslow township that could have 'infill' development potential, but generally either reserved under the Shire of Ashburton Local Planning Scheme No. 20 as either 'Parks, Recreation and Drainage', or 'Public Purposes – Water and Drainage' or 'road'. The land subject of Amendment No.19 is:

- (Parcel A) Unallocated Crown Land Lot 570, currently reserved for 'Parks, Recreation and Drainage', a portion of Lot 647 (Reserve 33782), currently reserved for 'Public Purposes – Water and Drainage' and Unallocated Crown Land Lot 975, currently zoned 'Urban Development' with a density coding of R12.5/30.
- (Parcel B) A portion of Unallocated Crown Land Lot 649 currently reserved for 'Parks, Recreation and Drainage'.
- (Parcel C) Portions of excess road reserve associated with Simpson Street, First Street, Forrest Court and Clarke Place.



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The request seeks to include the land in a Residential zone with a density coding of R12.5/30 with the Simpson Street road reserve are R20 as set out in the Amendment Map.

The EPA advised that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provided the advice and recommendations with respect to potential noise issues from Onslow Salt operations. The Amendment was advertised for 42 days and a total of six (6) submissions were received (including the EPA advice). One submission opposes the Amendment in its entirety due to ongoing Native Title claims with one submission seeking modification to the Amendment due to concerns about open space needs. Correspondence consisting of advice from Water Corp and the Department of Indigenous Affairs was received along with a letter of support from Chevron Australia.

After considering the submissions, it is recommended that Council adopt draft Amendment No.19 for final approval (with modification) and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

### Background

At the Council meeting of 19 October 2011, Council resolved to initiate Amendment No. 19 which reflected the LandCorp investigation of land within the Onslow township that could have 'infill' development potential, but generally either reserved under the Shire of Ashburton Local Planning Scheme No. 20 as either 'Parks, Recreation and Drainage', or 'Public Purposes – Water and Drainage' or 'road'. The land subject of Amendment No.19 is:

- Unallocated Crown Land Lot 570, currently reserved for 'Parks, Recreation and Drainage', a portion of Lot 647 (Reserve 33782), currently reserved for 'Public Purposes – Water and Drainage' and Unallocated Crown Land Lot 975, currently zoned 'Urban Development' with a density coding of R12.5/30.
- A portion of Unallocated Crown Land Lot 649 currently reserved for 'Parks, Recreation and Drainage'.
- Portions of excess road reserve associated with Simpson Street, First Street, Forrest Court and Clarke Place.

The sites subject of this proposed amendment represent infill parcels that can be provided as developable residential lots in the shortest possible timeframe, with a minimum of development constraints. Future scheme amendment requests will be made to the Shire for larger and more constrained parcels of land in and around the Onslow townsite. LandCorp advise that the primary objective of this amendment is to deliver the identified priority sites as readily developable residential lots, without being associated with larger parcels that may involve lengthier periods to resolve the development constraints. The proposed zoning and density coding for each of the parcels is as follows **ATTACHMENT 13.9A**:

#### Parcel A

- 'Residential' with a density coding of R12.5/30.

This is consistent with the zoning and density coding of the adjacent lots to the northeast fronting Simpson Street and those fronting Clarke Place and Forrest Court to the southeast.

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### Parcel B

- 'Residential' with a density coding of R12.5/30.

This is consistent with the zoning and density coding of the adjacent lots to the north and the east fronting Clarke Place, Hope Court and Peterson Place.

### Parcel C

- 'Residential' with a density coding of R20.

This proposed zoning and R Code of 20 is consistent with the zoning and density coding as provide for in Amendment No. 13 of the adjacent lot to fronting Simpson Street.

The Amendment was referred to the EPA where it advised that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) but nevertheless provided the advice and recommendations with respect to potential noise issues from Onslow Salt operations.

The Amendment was advertised for 42 days and a total of six (6) submissions were received (including the EPA advice). One submission opposes the Amendment in its entirety due to ongoing Native Title claims with one submission seeking modification to the Amendment due to concerns about open space needs. Correspondence consisting of advice from Water Corp and the Department of Indigenous Affairs was received along with a letter of support from Chevron Australia. The submissions are addressed in the Schedule included as **ATTACHMENT 13.9B**.

### ***Onslow Salt buffer***

Environmental Protection Authority (EPA) Guidance Statement No. 3 (2005) specifies a generic buffer distance of one kilometre between solar salt manufacturing activities and sensitive land uses such as residential areas due to potential noise impacts. At its nearest point to the southwest of existing developed areas of the Onslow townsite at Clarke Place and Cameron Avenue, the Onslow Salt operation is between 500 and 600 metres from these residences.

Although Guidance Statement No. 3 did not exist in 1991 when the EPA originally assessed the Onslow Salt proposal, an acoustic study was undertaken by the proponent to determine the potential for noise impacts. The study highlighted the main sources of noise as being tracked vehicles (the bulldozers working on the salt stockpiles) and the power station. The proponent also prepared a management plan for addressing noise related impacts, which was deemed acceptable by the EPA.

Onslow Salt operates under Ministerial Statement 168 (August 1991), 401 (November 1995) and 451 (June 1997) and with respect to noise is required to implement noise control strategies to meet the requirements of Environmental (Noise) Regulations 1997. In addition, noise abatement measures were part of the conditions of Onslow Salt's Part IV approval under the *Environmental Protection Act 1986*. Although the generic buffer distance for solar salt manufacturing facilities is 1 kilometre, the EPA's approval of the Onslow Salt operation is an example of how buffers can be refined with further analysis.

Specifically with regard to the sites subject of this scheme amendment, Parcels A and B are located within the 1 kilometre buffer. Given that a significant proportion of the existing residential development of the townsite is also within the buffer, it is considered that any potential noise impacts can be appropriately managed at the subdivision and development approval stage, through noise abatement design features in dwellings, Development or Detailed Area Plan provisions or notifications on Title. This issue has been specifically

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addressed by the EPA in its response (Note **ATTACHMENT 13.9B** – Schedule of Submissions).

### ***Acoustic assessment***

An acoustic assessment prepared for LandCorp by Lloyd George Acoustics has found that the subject sites are generally located in areas subject to noise levels between 45-50 dB(A) generated by Onslow Salt operations. In these areas, the assessment recommends that notifications be provided on Title and facades of buildings fronting or perpendicular to the mine incorporate architectural treatments to minimise noise impacts. It is noted however that the acoustic assessment acknowledges that the predicted noise levels need to be further discussed with Onslow Salt to confirm the accuracy of the modelling assumptions in the absence of detailed plant operation information being provided. Given the nature of these recommendations, and the need for further detailed noise modelling in consultation with Onslow Salt, it is considered that any noise impacts can most appropriately be addressed by LandCorp at the subdivision and individual lot development stage.

### ***Drainage reserve***

It is noted that the Parcel A seeks to zone a portion of Lot 647 (Reserve 33782), which is currently reserved for 'Public Purposes – Water and Drainage'. The drainage functions of this portion of the reserve subject of this amendment are proposed to be accommodated via a separate lot, to be created as part of the subdivision process, that will exist for drainage purposes.

### ***Water supply***

Investigations are currently underway to expand the water supply system to support additional growth in Onslow. It is anticipated that this work will be completed in early 2012. Work currently underway includes the following:

- Stage 1: The first stage of works includes drilling additional bores and installing a booster pump station at the Cane River Borefield Site. A final assessment of the maximum capacity of the borefield began in July 2010, with additional water expected to be available in early 2012.
- Stage 2: Water Corporation will also be upgrading the existing pipelines and storage tanks in the town which, and implementing water efficiency improvements.

Based on this, it is considered that the sites subject of this proposed scheme amendment can be adequately provided with water supply at the future time of the creation and development of the lots, when service connection is to be provided. This issue has been specifically addressed by WaterCorp in its response (Note **ATTACHMENT 13.9B** – Schedule of Submissions).

### ***Wastewater***

Existing sewerage infrastructure is located in Simpson Street, Forrest Court, Clarke Place, Hope Court and Hooley Avenue, adjacent the subject sites, allowing for future service connection at the time of the creation and development of the lots.

### ***Stormwater drainage***

Detailed stormwater drainage design for the lots subject of this scheme amendment request will be undertaken, as part of the subdivision process should the Amendment be finally approved.

### ***Electricity***

The State Government announced on 29 January 2010 that it has committed the funds required to complete the \$130 million Pilbara Underground Power Project, funded through

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the Royalties for Regions. The Onslow undergrounding projects is scheduled to commence in 2012 and completed by the end of 2012. This will provide power for the sites subject of this amendment at the time of their future development, following the gazettal of this amendment and the resolution of the associated land assembly processes.

### Conclusions

Onslow is under considerable development pressure for residential accommodation. The Amendment if supported by Council will assist in enabling future development areas in Onslow in the context of the existing infrastructure and development.

On the basis of the above, Amendment No. 19 should therefore be adopted for final approval without modification.

### Consultation

Chief Executive Officer  
Executive Manager, Strategic & Economic Development

### Statutory Environment

Planning and Development Act 2005

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations.

The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the EPA after which public advertising of the proposal occurs. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (this is where this 'draft Amendment' currently sits in the process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC.

Shire of Ashburton Town Planning Scheme No. 7  
Environmental Protection Act 1986

State Planning Policy 3 - Urban Growth and Settlement (SPP 3) - includes the following objectives:

- To promote a sustainable and well planned pattern of settlement across the State, with sufficient and suitable land to provide for a wide variety of housing, employment, recreation facilities and open space.
- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To manage the growth and development of urban areas in response to the social and economic needs of the community and in recognition of relevant climatic, environmental, heritage and community values and constraints.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.
- To coordinate new development with the efficient, economic and timely provision of infrastructure and services.

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The Shire is required to have due regard to State Planning Policies in the preparation of amendments to its Scheme. The amendment is considered to be consistent with the objectives of SPP 3.

### 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 L Shields

**SECONDED:** Cr P Foster

**That Council:**

1. Pursuant to Part V of the Planning and Development Act 2005 ("Act"), and having considered the submissions lodged during the advertising period, adopt for final approval, draft Amendment No. 19 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") by rezoning of land as follows:
  - i. Unallocated Crown Land Lot 570 from 'Parks, Recreation and Drainage' reserve, a portion of Lot 647 (Reserve 33782) from 'Public Purposes – Water and Drainage' reserve and Unallocated Crown Land Lot 975 from 'Urban Development' zone all to Residential zone with a density coding of R12.5/30 as set out in the Amendment Map.
  - ii. A portion of Unallocated Crown Land Lot 649 from 'Parks, Recreation and Drainage' reserve to Residential zone with a density coding of R12.5/30 as set out in the Amendment Map.
  - iii. Portions of excess road reserve associated with Simpson Street, First Street, Forrest Court and Clarke Place from 'road' reserve to Residential zone with a density coding of R20 as set out in the Amendment Map.
2. That the Council endorses the Schedule of Submissions prepared in response to the community consultation undertaken in relation to Amendment No. 19.
3. That the Council refer Amendment No. 19 to the Scheme, so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

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4. That, where notification is received from the Western Australian Planning Commission that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the *Town Planning Regulations 1967*, unless the modification affects the intent of the Amendment, in which case it shall be referred to the Council for consideration.
5. That Council request the Chief Executive Officer write to LandCorp:
  - a) Providing copies of submissions received from Water Corp, Environment Protection Authority and the Thalanyji People.
  - b) Drawing to the attention of LandCorp that where lots are located closer than one (1) kilometre to the Onslow Solar Salt operation, the EPA recommends the following measures to avoid future possible land use conflict due to noise:
    - notification to be placed on the certificate of title of each new subdivided lot wholly or partly within 500 metres of the Onslow Solar Salt operation to alert prospective purchasers to the potential noise impacts; and
    - the facades of buildings fronting or perpendicular to the Onslow Solar Salt operation incorporate architectural treatments to minimise noise impacts.
  - c) Requesting LandCorp's assistance in preparing a further Scheme Amendment associated with provisions to address the Onslow Salt buffer.
  - d) Request that when preparing the overall structure plan for the expansion of Onslow that the concerns raised in submissions relating to neighbourhood parks be addressed.

**CARRIED 7/0**

Cr White re-entered the meeting at 6.11 pm.

The Shire President took the chair at 6.11 pm.

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### 14. OPERATIONS REPORTS

There were no Operations Reports.

### 15. COMMUNITY DEVELOPMENT REPORTS

#### 15.1 SPONSORSHIP OF PANNAWONICA'S 40TH CELEBRATIONS

<b>FILE REFERENCE:</b>	CS.CE.00.00
<b>AUTHOR'S NAME AND POSITION:</b>	Deb Wilkes Executive Manager, Community Development
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Councillor Dennis Wright
<b>DATE REPORT WRITTEN:</b>	10 March 2012
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Pannawonica was gazetted as a town on June 30th 1972. The committee responsible for organising the celebratory events has approached the Shire, through Councillor Dennis Wright, to request a donation of \$25,000 towards the event.

#### Background

The organising committee in Pannawonica has been working on this event to be held on the 14 July 2012 for a number of months and is hoping to bring a noted band to the town as part of the celebrations.

#### Comment

The overall budget for the event is \$278,000, of which \$178,000 is still being secured. RTIO has been approached by the committee to contribute towards the event, and the Shire has been asked to provide a direct donation of \$25,000 and to assist with funding applications to LotteryWest (\$25,000) and Royalties for Regions (\$20,000).

#### ATTACHMENT 15.1

The Shire is currently submitting applications to LotteryWest and Royalties for Regions on behalf of the organising committee.

#### Consultation

Chief Executive Officer  
Councillor Dennis Wright  
Rio Tinto

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### Statutory Environment

Not Applicable

### Financial Implications

This request would require Council to approve an out of budget donation of \$25,000 to towards the 40<sup>th</sup> celebration event in Pannawonica.

### Strategic Implications

This proposal fits with Strategic Objective 2: Include and Engage our Community, and Strategic Objective 4: Conserve and Enhance the Environment and Cultural Heritage of the 2007- 2011 Shire of Ashburton Strategic Plan.

### Policy Implications

Policy REC08 Recreation and Culture Grants states that applications can be made to Council for grants that assist *"in the public participation of their activity"*.

However, grants within this policy need to be applied for within the advertised funding rounds held twice a year, but can only be made to an incorporated body, so Council will need to approve this application outside those funding guidelines.

Policy FIN03 Contributions to Various Organisations states that *"any organisation that is financially assisted by Council is accountable for the use of such funds" and that "At the conclusion of the "project" or financial year Council requires a statement detailing how funds were actually expended with copies of receipts where appropriate"*.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr P Foster**

#### That Council:

1. Approves payment for specific items for the Pannawonica celebrations to a total value of \$25,000 subject to the following:
  - a. A risk management plan is provided by the organising committee detailing contingency plans should the event not proceed for whatever reason, including inability to secure sufficient funds within the remaining timeframe.
  - b. CEO approves expenditure items as appropriate.
  - c. Donation monies are taken from account 081787.

**CARRIED BY ABSOLUTE MAJORITY 6/2**

Geoff Brayford left the meeting at 6.17 pm.

Geoff Brayford re-entered the meeting at 6.18 pm.



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### 15.2 APPLICATION BY VSWANS FOR REDUCTION OF FEES FOR MULTIPURPOSE CENTRE HIRE

**MINUTE:** 11155

**FILE REFERENCE:** CS.CM.00.00

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

**NAME OF APPLICANT/RESPONDENT:** VSwans

**DATE REPORT WRITTEN:** 8 March 2012

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

**PREVIOUS MEETING REFERENCE:** Public Question Ordinary Meeting of Council 15 February 2012

#### **Summary**

A letter has been received from VSwans requesting a reduction in hire fees for them to run programs at the Multipurpose Centre in Onslow. At the moment VSwans are planning to run a number of programs and if charged full hire fees would be paying in excess of \$20,000 per annum, an amount they are currently not able to pay. VSwans recognise and understand that the Shire needs to charge for the facility but have requested a sliding scale of fee reduction to give them time to allow this to happen. This reports recommends a partial social lease and partial fee paying over the next three years to accommodate this and encourage more activities and programs by VSwans at the Multipurpose Centre.

#### **Background**

The Multipurpose Centre in Onslow has been severely underutilised as a community recreation facility since it opened in early 2011. This has been attributed to several reasons, and recently feedback from the community has indicated that relatively high fees and charges for the use of the venue are one of those factors. On 15 February 2012 VSwans tabled a Public Question at the Ordinary Meeting of Council outlining their proposed hours of use of the Multipurpose Centre and asking for a reduction in the fees associated with that use.

#### **ATTACHMENT 15.2**

#### **Comment**

The Shire has committed to support VSwans and to work in partnership with them to expand the programs and services on offer for children young people and adults wishing to undertake sporting activities in Onslow.

The current fees and charges for the Sports Hall at the MultiPurpose Centre in Onslow are relatively high, and although an agenda item has been put to this council meeting seeking to reduce the fees and charges for that venue, VSwans are asking for further assistance to allow the programs and events they offer to the community of Onslow to be more affordable.

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The proposal put forward by VSwans allows for up to 13 hours use per week in the summer months and 7 hours per week in the cooler months. At the current fee of \$40 per hour, this equates to a total cost of up to \$540 per week in the summer and up to \$280 per week in winter.

While there is distinct need to bring income into this center, VSwans have indicated that these costs are prohibitive and they would seek other venues (eg the outdoor basketball courts and the oval) rather than utilise the Sports Hall at the Multipurpose Centre. They have also indicated that they understand the need for the Shire to recover costs associated with running the building and that they would be happy to consider a sliding scale of payment, over a period of time to allow them to seek alternate funding or to initiate a "user pays" system to those attending activities.

Discussions with VSwans have indicated they are happy with a social lease for part of their usage, and with paying the standard fee for the other part of their usage.

It is therefore proposed a social lease (\$300 annually) is prepared for their junior and youth usage (as per the attached document) in 2012, with VSwans paying for their senior court times. In 2013 this lease should be amended to be for junior times only, with VSwans paying for youth and senior times and in 2014 the social lease will be removed and VSwans will pay for all use of the facility.

### Consultation

Community Services Manager, Onslow  
Executive Manager, Economic and Strategic Development  
VSwans

### Statutory Environment

Nil

### Financial Implications

If VSwans were to hire the venue at the current fees for all proposed times, an income of approximately \$20,000 would be realized, however, VSwans have indicated this is not likely as they will seek other venues rather than pay such a large sum of money.

If a progressively declining Social Lease is offered along with part payment as proposed in the Comment section of this report the follow income would be realised:

	<b>2012</b>	<b>2013</b>	<b>2014</b>
Social Lease	\$300	\$300	nil
Junior	nil	nil	\$7200
Youth	nil	\$6080	\$6080
Senior	\$6880	\$6880	\$6880
<b>Total</b>	<b>\$7180</b>	<b>\$13260</b>	<b>\$20160</b>

Please note, these figures are based on the current fee of \$40 per hour and a report has been tabled at this meeting to reduce that fee to approximately half, which in turn would reduce these figures by approximately 50%.

There is also a strong likelihood that VSwans would offer additional programs and events if the venue was more affordable so this projected income figure could further increase.

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### Strategic Implications

Consistent with Strategic Objective 2.5 *“Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability”* of the 2007 – 2011 Shire of Ashburton Strategic Plan.

### Policy Implications

Consistent with REC005 Establishment of Sporting Club and Community Group Leases.

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr A Eyre

**That Council directs the Chief Executive Officer to prepare a 2 year social lease for \$300 per annum for VSwans for their bookings at the MPC with the following conditions:**

- a. 2012
  - i. 5 hours of junior bookings in summer (October to April) and 2 hours in winter (May to September).
  - ii. 4 hours of youth bookings in summer (October to April) and 2 hours in winter (May to September).
- b. 2013
  - i. 5 hours of junior bookings in summer (October to April) and 2 hours in winter (May to September).
- c. All other booking to be made at standard rates.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

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### 15.3 REDUCTION OF HIRE FEES FOR SPORTS HALL AT THE ONSLOW MPC

**MINUTE:** 11156

**FILE REFERENCE:** CS.CM.00.00

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

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

**DATE REPORT WRITTEN:** 9 March 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 1207.35 Ordinary Meeting of Council 20 July 2011

#### Summary

The current fees to hire the Basketball Courts in Onslow are detailed in the table below along with a comparison of similar charges in Tom Price and other Local Government run basketball courts throughout the state.

		<b>Onslow</b>	<b>Tom Price</b>	<b>Others</b>
Commercial	Per hour (daytime)	\$65	\$17	\$24.50 - \$55.00
	Per hour (evening)	\$65	\$23	\$24.50 - \$55.00
	Per day	\$200	\$165	
Not for profit	Per hour (daytime)	\$40	\$13	\$12 - \$27
	Per hour ((evening)	\$40	\$19	\$12 - \$27
	Per day	\$150	\$125	

This report recommends the reduction of the hire fees in Onslow to a fee slightly higher than those being charged in Tom Price but comparable to those being charged in other areas across the state.

It also recommends a fee reduction for junior organisations to encourage their use of the facility, and the introduction of a new "casual" hire fee to allow individuals and small groups to come in and utilise the facility (eg 3-on-3 basketball, shooting hoops etc) when it is not being used in a more formal manner. The recent decision by Council to relocate the Community Development Staff in Onslow to the Multi Purpose Centre will enable such a casual booking system to be easily monitored as a staff member will be in the premises at all times, and allows for another income stream to be generated.

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### **Background**

The Multi Purpose Centre in Onslow was only completed approximately 12 months ago – designed primarily as an evacuation center for the community, but incorporating a unique capacity to also be used as a recreation and child care centre when not required for its primary purpose.

When the 2011- 2012 budget was developed, an initial scale of fees and charges for the Multi Purpose Centre was included, but to date this facility has been severely underutilized, and several comments from community members have indicated that the cost of hiring the sports hall is a contributing factor. Research into the Shire hire fees shows a similar, though older, facility in Tom Price is less than half the cost of the Onslow venue, and the Tom Price fee is comparable across the state for its not-for-profit fees but cheaper than other areas for its commercial fees.

### **Comment**

The Multi Purpose Centre in Onslow is a new, modern, state of the art venue that is currently not being used to its capacity, perhaps in part because the fees to hire the facility are preventing many user groups from accessing it regularly.

To date income this financial year from the hire of the sports hall in Onslow is less than \$300 while the Recreation Centre in Tom Price (which has two rooms that can be hired out) is over \$6000.

As many of the operating costs are incurred even when the venue is not being used (insurance, utilities, building maintenance, basic cleaning) the current underuse of the facility is creating a cost to the Shire. The recommendation to reduce the hire fees would create a situation where the community and other organisations are more likely to hire the venue and thereby increase the income being generated from this source.

### **Consultation**

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

### **Statutory Environment**

Amended Fees & Chargers need to be advertised under section 6.19 of the Local Government Act 1995. At least seven days notice must be given.

### **Financial Implications**

Increased income from the generation of more hire fees for the facility.

### **Strategic Implications**

Any decision to reduce existing fees and include an additional fee, needs to be approved by Council and advertised as an amendment to the 2011-2012 Schedule of Fees and Charges.

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

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### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr P Foster

### That Council:

1. Approve the reduction of the current fees and charges for the Sports Hall at the Onslow Multi Purpose Centre as shown in the table below.
2. Approve a fee reduction for junior organisations for the Sports Hall at the Onslow Multi Purpose Centre.
3. Approve the introduction of a new casual fee for the Sports Hall at the Onslow Multi Purpose Centre as shown below. Applicable from 16 April 2012.

		Onslow
Commercial	Per hour (daytime – before 6 pm)	\$25
	Per hour (evening – after 6 pm)	\$30
	Per day ( up to 10 hours)	\$200
Not for profit	Per hour (daytime – before 6 pm)	\$15
	Per hour (evening – after 6 pm)	\$20
	Per day (up to 10 hours)	\$150
Junior organisations (all members under 18)		50% of the above fee
Casual	Per person per hour	\$2

**CARRIED BY ABSOLUTE MAJORITY 8/0**

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

**Council Decision**

**MOVED:** Cr Foster

**SECONDED:** Cr Shields

**That Council considers the following late Agenda Item/s:**

**16.1 DONATION TO NORTH TOM PRICE AND PARABURDOO PRIMARY SCHOOL FOR THE PURCHASE OF IT EQUIPMENT**

**16.2 LEASING OF LOT 302 SECOND AVENUE- COMMUNITY SERVICES**

**CARRIED 8/0**

**16.1 DONATION TO NORTH TOM PRICE AND PARABURDOO PRIMARY SCHOOL FOR THE PURCHASE OF IT EQUIPMENT**

**MINUTE:** 11161

**FILE REFERENCE:** FI.DO.00.00

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

**NAME OF APPLICANT/RESPONDENT:** Cr Cecilia Fernandez

**DATE REPORT WRITTEN:** 20 March 2012

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

**PREVIOUS MEETING REFERENCE:** Nil

**Summary**

Councillor Fernandez has submitted a request for the Shire to donate \$5,000 to each North Tom Price and Paraburdoo Primary Schools for the purchase of IT equipment for the students.

**Background**

Nil

**Comment**

Council currently has a budget allocation for donations for educational purposes, and \$18,000 remains unallocated in this account. While there is sufficient funding to cover a donation of \$5,000 to both schools as requested, this would leave only \$8,000 in the account to cover all other requests from other schools and/or other educational facilities or institutions across the Shire. As the school year has just commenced it is reasonable to expect other requests will be forthcoming from other schools and careful consideration

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should be given to the amount of these donations to ensure equity for other schools seeking similar requests.

### Consultation

Nil

### Statutory Environment

Nil

### Financial Implications

Nil if within budget allocations.

### Strategic Implications

Strategic Objective 2 "Include and Engage our Community"

### Policy Implications

This is consistent with Policy REC08 Recreation and Culture Grants which allows for a donation to be made for the purposes of:

*"Education, Arts Culture, Sport and Recreation".*

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr L Shields**

**That Council approves a donation of \$5,000 to each the North Tom Price and Paraburdoo Primary Schools for the purchase of IT equipment for the students.**

**LOST NO ABSOLUTE MAJORITY 3/5  
Councillors Fernandez, Dias and Thomas voted against the motion.**

**REASON: see council resolution below.**

### Council Decision

**MOVED: Cr Shields**

**SECONDED: Cr Foster**

**That Council:**

- 1. Recognises that IT equipment is important and that the recommendation only recognises two of the Shire's primary schools.**
- 2. All of the Shire's schools be contacted for a proposal for funds for IT equipment that can be considered in Council's Budgetary process.**

**CARRIED 7/1**



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### 16.2 LEASING OF LOT 302 SECOND AVE, ONSLOW - COMMUNITY SERVICES

MINUTE: 11162

FILE REFERENCE: ON.SE.302

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

NAME OF APPLICANT/  
RESPONDENT: Kerry White  
Shire President

DATE REPORT WRITTEN: 20 March 2012

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

PREVIOUS MEETING REFERENCE: Agendalitem12.1 Ordinary Meeting of Council  
14 December 2011  
Agenda Item 15.3 Ordinary Meeting of Council  
15 February 2012

#### Summary

Council resolved at the February 2012 to support VSwans to lease the building at 302 Second Avenue Onslow from Regional Development and Lands for the purpose of a youth drop in centre. The Shire President has recently received new information that addresses the concerns raised in earlier reports and now requests council to reconsider this matter.

#### Background

In December 2011 and February 2012 agenda items were presented to Council on the subject of lot 302 Second Avenue, Onslow being used as a youth drop in centre. In December 2011 Council resolved to direct the CEO to investigate leasing the building to VSwans for this purpose but a further report, presented to council in February 2012, outlined various concerns, including the heritage listing of the building and a substantial amount of work required to upgrade the building to the required standard before it could be on-leased to another organization ( VSwans). In light of this information council resolved to support VSwans to lease the facility directly from the Department of Regional Development and Lands.

#### Comment

Subsequent to this the Shire President has received information that VSwans are not able to lease directly from RDL but that RDL will lease to the Shire if the Shire then on-leases to VSwans at a peppercorn rent. Further to this, the Shire President has also received information that VSwans has secured \$60,000 from Lottery West which will allow all the required upgrades to the facility to be completed at no cost to the Shire.

#### Consultation

Shire President

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### Statutory Environment

Local Government Act 1995 section 3.58 disposal of an asset.  
WA Heritage Council

### Financial Implications

Initial estimates are that work to restore the building to be suitable for the purpose of a Youth Centre would be in excess of \$50,000. Present indications are that a grant has been secured from Lottery West for \$60,000 which includes upgrades to the building and equipment. Should the upgrades be more expensive than originally estimated alternative funding sources would need to be identified to avoid a potentially significant cost to Council.

### Strategic Implications

Strategic Plan 2008 – 2011; Strategic Implication 2 – Include and Engage our Community.  
(5) Ensure community facilities are developed and maintained to standard commensurate with community expectations and affordability.

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr A Eyre**

**That Council:**

- 1. Directs the CEO to negotiate with the Department of Regional Development and Lands to lease Lot 302 Second Ave, Onslow.**
- 2. Directs the CEO to negotiate a sub-lease of Lot 302 Second Avenue directly to VSwans for the purpose of a youth drop-in centre conditional on upgrade works being undertaken.**
- 3. VSwans to be advised that they are responsible for all costs and planning approvals to bring the building up to required standards.**

**CARRIED 8/0**

### Council Decision

**MOVED: Cr Shields**

**SECONDED: Cr Foster**

**That Council adjourned the meeting at 6.47 pm for a short break.**

**CARRIED 8/0**

Councillors White, Rumble, Dias, Thomas, Shields, Foster. Fernandez and Eyre left the meeting at 6.47 pm.

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Jeff Breen, Frank Ludovico, Geoff Brayford, Deb Wilkes, Rob Paull, Janyce Smith and Jackie Brayford left the meeting at 6.47 pm.

Councillors White, Rumble, Dias, Thomas, Foster. Fernandez and Eyre re-entered the room at 6.54 pm.

Jeff Breen, Frank Ludovico, Deb Wilkes, Rob Paull, Janyce Smith and Jackie Brayford re-entered the room at 6.54 pm.

### **Council Decision**

**MOVED: Cr Fernandez**

**SECONDED: Cr Foster**

**That Council reconvened the meeting at 6.54 pm.**

**CARRIED 8/0**

## 17. CONFIDENTIAL REPORTS

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

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

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:
  - (I) a trade secret;*
  - (II) information that has a commercial value to a person; or*
  - (III) information about the business, professional, commercial or financial affairs of a person,**

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

- (f) a matter that if disclosed, could be reasonably expected to:
  - (I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (II) Endanger the security of the local government's property; or*
  - (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) such other matters as may be prescribed.*

**Council Decision**

**MOVED: Cr Fernandez**

**SECONDED: Cr Foster**

**That Council close the meeting to the public at 6.55 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 8/0**



## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### **Declaration of Interest**

Prior to consideration of this Agenda Item Crs Foster, Rumble and Dias declared an interest in Agenda Item 17.4 in accordance with Section 5.60A of the Local Government Act. The interest being that Cr Foster's partner is employed by Rio Tinto and part of his employment condition is that he is provided with a home owned by Rio Tinto, Cr Rumble owns shares in Rio Tinto and Cr Dias is an employee and has shares in Rio Tinto.

Councillors Foster, Rumble and Dias left the meeting at 7.01 pm.

Rob Paull left the meeting at 7.04 pm.  
Rob Paull re-entered the meeting at 7.04 pm.

Rob Paull left the meeting at 7.08 pm.  
Rob Paull re-entered the meeting at 7.10 pm.

### **17.4 CONFIDENTIAL ITEM - EXTENSION OF NAMELESS VALLEY CAMP CAPITAL EXPENDITURE**

**MINUTE:** 11160

**FILE REFERENCE:** CA.NMVA  
OR.MT.2

**AUTHOR'S NAME AND POSITION:** Fiona Keneally  
A/Executive Manager, Operations

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

**DATE REPORT WRITTEN:** 12 March 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable.

Please refer to Confidential Item Attachment under separate cover.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr L Shields

That Council approves the capital expenditure of \$907,000 in the 2011/2012 financial year and \$397,543 for the Nameless Valley Camp in the 2012/2013 financial year to be recovered from Rio Tinto through revenue from accommodation.

**LOST NO ABSOLUTE MAJORITY 3/2**  
**Crs Eyre, White and Shields voted for the motion.**  
**Crs Thomas and Fernandez voted against the motion.**

Councillors Foster, Rumble and Dias re-entered the meeting at 7.22 pm.

Jeff Breen, Geoff Brayford, Frank Ludovico, Janyce Smith Jackie Brayford, Deb Wilkes and Rob Paull left the meeting at 7.23 pm.

### 17.2 CONFIDENTIAL ITEM - CEO CONTRACT CORRECTION

**MINUTE:** 11158

**FILE REFERENCE:**

JA.002  
OR.MT.2

**AUTHOR'S NAME AND POSITION:**

Jeffrey Breen  
Chief Executive Officer

**NAME OF APPLICANT/RESPONDENT:**

Jeffrey Breen

**DATE REPORT WRITTEN:**

12 March 2012

**DISCLOSURE OF FINANCIAL INTEREST:**

The author has an interest in this agenda item being one party to the contract.

**PREVIOUS MEETING REFERENCE:**

Agenda Item 16.07.08 Ordinary Meeting of Council 13 July 2010  
Agenda Item 16.12.15 Ordinary Meeting of Council 15 December 2010  
Agenda Item 16.03.05 Ordinary Meeting of Council 16 March 2011

Please refer to Confidential Item Attachment under separate cover.





**MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012**

**17.3 CONFIDENTIAL ITEM- CEO PERFORMANCE REVIEW**

**MINUTE:** 11159

**FILE REFERENCE:** OR.MT.2  
JA.002

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

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

**DATE REPORT WRITTEN:** 2 February 2012

**DISCLOSURE OF FINANCIAL INTEREST:** The author has financial interest in the agenda item.

**PREVIOUS MEETING REFERENCE:** Ordinary Meeting of Council 15 February 2012  
Ordinary Meeting of Council 15 December 2010  
Ordinary Meeting of Council 16 March 2011  
Ordinary Meeting of Council 19 October 2011

Please refer to Confidential Item Attachment under separate cover.

Jeff Breen re-entered the meeting at 7.55 pm.

**Council Decision**

**MOVED:** Cr A Eyre **SECONDED:** Cr P Foster

**That Council lay this item on the table.**

**LOST 8/0**

**Council Decision**

**MOVED:** Cr Eyre **SECONDED:** Cr Foster

**That Council re-open the meeting to the public at 8.05 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.**

**CARRIED 8/0**

## **MINUTES - ORDINARY MEETING OF COUNCIL 21 MARCH 2012**

### **18. COUNCILLOR AGENDA ITEMS**

Councillor Eyre asked to attend Professional Speaking Training on the 16 June 2012 as emailed by Jacqueline Dodd. Councillor seemed to think this would be within budget.

### **19. PILBARA REGIONAL COUNCIL REPORT**

Councillor Thomas was to present a report back to Council from the Pilbara Regional Council Meeting held on 2 March 2012. Cr Thomas would like all notes presented to Councillors, issues over level of representations, etc, to be read before next Council Meeting.

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 18 April 2012, at the RM Forest memorial Hall, Onslow commencing at 3.00 pm.

### **21. CLOSURE OF MEETING**

The Shire President closed the meeting at 8.10 pm.