



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**PUBLIC MINUTES**

**Ashburton Hall, Ashburton Avenue,  
Paraburdoo**

**21 November 2012**

# MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 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 November 2012 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 1. DECLARATION OF OPENING

The Shire President declared the meeting open at 1.00 pm.

### 2. ANNOUNCEMENT OF VISITORS

The Shire president welcomed 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 D Wright	Pannawonica Ward
Mr J Breen	Chief Executive Officer
Mr F Ludovico	Executive Manager, Corporate Services
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Ms D Wilkes	Executive Manager, Community Development
Mr K Pearson	A/Executive Manager, Technical Services
Mr R Paull	Principal Town Planner
Ms K Cortesi	CEO & Councillor Support Officer
Ms L Rickert	Community Liaison Coordinator

#### 3.2 APOLOGIES

##### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr L Thomas

**That Council accept apologies from the following:**

**Cr A Eyre**                      **Ashburton Ward**

**Cr C Fernandez**           **Tom Price Ward**

**Ms F Keneally**              **Executive Manager, Operations**

**CARRIED 7/0**

#### 3.3 APPROVED LEAVE OF ABSENCE

There were no approved leave of absence for this meeting.

**4. QUESTION TIME**

**4.1 PUBLIC QUESTION TIME**

Paul Shadler from Onslow tabled the following correspondence.

**Q1. "Dear Kerry,**

**APPROVAL TO OPEN & USE GAZZETED ROAD NO 7192 17KMS WEST OF THE NORTH WEST COASTAL HIGHWAY (ALONG THE ONSLOW ROAD)**

***Why are the Shire closing roads that would be more beneficial to the public for them to remain open but opening obsolete roads for the sole benefit of one mining company?***

***In particular I refer to the current road works for the re-build of Gazetted Road No 7192 as stated in the Agenda for the Shire Ordinary Meeting held on the 17<sup>th</sup> October 2012.***

***Regarding access, SJ Crushing advised the Shire in Attachment 13.1 that they proposed to gain access to Onslow Road. SJ Crushing stated they had existing access to North West Coastal Highway by agreement to the south / east not north of their Mining Tenement MO8/273 Gazetted Road No 7192.***

***The agreement for access to the North West Highway is the only agreement DEC and the Mines Department were aware of. At no time were either Departments made aware of a road re-opening going north ie No 7192 or the road being re-constructed.***

***There has been no approval made by the relevant Government Authorities for any other access ie., due north of their Mining Tenement MO8/273.***

***I question why road works on Road No 7192 commenced prior to further comment from the Shire I also ask the question who gave permission for construction to commence without the necessary approvals from the relevant departments.***

***During this construction I observed that there was no regard given to public safety. I give you an example: there was no signage provided from the Onslow Road, no traffic controllers whilst graders and moxy's were carting gravel and dozers operating on the road whilst construction was taking place.***

***Due to this Gazetted Road No 7192 belonging to the Shire is it not reasonable to ask the Shire why due consideration has been overlooked for public safety despite my several phone requests to Jeff Breen regarding the Shires duty of care and public safety. To date my requests have fallen on deaf ears – no response or any form of communication has been received from Jeff Breen in answer to my phone calls.***

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*I have travelled a number of times along this road and at no time was I stopped or advised of road works and blasting in progress.*

*Another question needs to be asked, how come SJ Crushing were constructing this road prior to the approval being given at the meeting on the 17<sup>th</sup> October 2012.*

*On the 26<sup>th</sup> August I observed construction was well under way, at least 15kms already cleared 2 months prior to Shire approval?*

*Furthermore, to my knowledge, as recent as last Thursday 15<sup>th</sup> November, the Department of Environment & Conservation is opposing SJ Crushing developing a transient workforce camp on the Tenement.*

*Therefore why is the Shire approving a camp inside a designated conservation park without consulting with DEC direct?"*

Reuben Taniora from Paraburdoo tabled the following questions.

**Q2a.** "Have paid for a family pools pass in Paraburdoo, Can I use this pass in Tom Price?

**Q2b.** Caravan Park in Paraburdoo can local people take there kids there and use the play center/ground?"

Cr Lisa Shields tabled the following correspondence on behalf Warrant Officer Tim Grover from the Bravo Troop, One Squadron, The Pilbara Regiment.

**Q3.** "Dear Cr Lisa Shields,

*My name is Warrant Officer Tim Grover from the Bravo Troop, One Squadron, The Pilbara Regiment. I am writing to seek resolution on the issue of vehicles and other associated equipment parking along and in front of the Military Depot, located on Boonderoo Road LIA Tom Price.*

*In March of this year, I was informed by our Security Officer of the security concerns for vehicles parking within close proximity of five metres to the Military Depot's fence line as stated in Chapter Physical Security, Annex A 2:60 Appendix 2 of the Defence Security Manual (DSM), The DSM states five metres must be clear of a Defence boundary.*

*Early this year, I reported this to the Shire through Mr Antony Cox for which the resolution was to inform the local businesses around the depot our security concerns and damages that have occurred from parking of vehicles on the verge.*

*The next step was to have the Shire erect no parking signs in suitable positions in front of the Military Depot. This resulted in signs positioned only in front of the Shire Works Depot.*

*In the last eleven months, I have witnessed and photographed numerous safety and security concerns in front of the Military Depot and on the Depot's verge, some low risk and some quite dangerous. The*

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*normal routine is vehicles are cleared from in front of their businesses and relocated to the front of the Military Depot each night with vehicles and machinery remaining on the verge until repaired. In some cases vehicles have not been able to be repaired and left there for the Shire to remove.*

*These are included below but are not limited to the following:*

- a. The parking of Trucks, Trailers and large Busses;*
- b. The parking of machinery;*
- c. The parking numerous work vehicles;*
- d. The positioning of fridge containers;*
- e. Tourists camping in vans and campervans;*
- f. The blocking of fire hydrants; and*
- g. The loading and unloading of equipment stores and dangerous goods.*

*I am sympathetic toward the needs all business on the street and commonsense does not need to apply. In this, I understand Lestok Tours are in the process securing a larger area to accommodate this and Pilbara Foods will be moving to a larger area; however, this will not alleviate the issue of vehicles parking and storing vehicles/machinery from Tyre Pro and other businesses on the verge of the Tom Price Military Depot.*

*In the Shire of Ashburton's Local Law Parking facilities Part 6.9 and 6.8 the rules and regulations for stopping on verges are also stipulated and in Part 3.10 states, the permission must be required for parking on private property, as the land on the verge is divided into three owners with the Defence owning a portion from the fence line, the Shire owning the other half and with RTIO owning the utilities. I do not believe permission has given for the use of this land or it has been zoned as a designated parking area.*

*I believe the best resolution is no parking signs to be erected by the Shire in front of the Military Depot similar to the signs that are in place in front of the works depot and the street be policed by the Shire.*

*If the Shire requires the Pilbara Regiment position it's own signs similar to the Bush Fire Brigade, this may be an option as long as they are authorised and regulated."*

Cr Foster tabled the following correspondence on behalf of Ryan Coon.

**Q4.** *"Hey Peter Foster,*

*Hopefully one the Shire can look into. Our kids really need "No Smoking" at the play grounds.*

*More often than not there are adults (even parents) lighting up at the kids play grounds. Other Shires/Councils throw a \$250 on the spot fine at those caught smoking within 50 meters of a play ground or school. Should also do one for at each end of the new shopping mall area too.*



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*Getting a little sick of the “smoky hi fives” to the face I receive each time I go shopping.”*

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

At the Ordinary Meeting of Council held on 17 October 2012, the following questions were taken on notice and a written response will be provided.

Dr Ina Brown from Tom Price tabled the following Correspondence on behalf of the Doctors of Tom Price. This correspondence has also been included as an attachment to Agenda Item 18.3 Tom Price Royal Flying Doctor Air Strip.

***“To the Councillors of the Shire of Ashburton***

***We, the undersigned, want to express our concerns regarding the Council’s decision not to own and maintain an RFDS airstrip in Tom Price.***

***We appreciate the recognition that was given to the project as we feel for the following reasons that an airstrip is needed. We focus on reasons that relate to our profession as other members of the community have already expressed their side of the problem.***

***The numbers of emergency fly outs have markedly increased in the last few years. Due to the long turnaround doctors may be out of town for about 3 hours. A second doctor is required to be available for this time.***

***The trip to the airport is in some cases an additional medical risk to the evacuee due to time delay and/or transport conditions. You may want to think of a person in unstable condition after a heart attack or someone with a broken neck. Time is critical in a patient with multiple trauma, heavy bleeding or perforated bowel from a motor vehicle accident, or a pregnant woman with major complications, when there are even 2 lives at risk.***

***In addition, there is a risk of an accident, particularly at night. It is always a juggle for the driver between a fast trip to get the patient to tertiary care, and road safety. We do not want to see any of our precious medical or ambulance staff hurt as a result of a motor vehicle accident.***

***Given a closer airstrip, RFDS doctors would have the opportunity to come to the hospital, and to prepare the patient for the transport themselves. They could insert additional lines for observation and treatment, which are technically difficult to insert on the tarmac. This can enhance safety for the transport of an unstable patient. Currently, we rarely have the pleasure of seeing the RFDS doctor in Tom Price Hospital as the road travel adds another 2 hours to the trip of the RFDS crew.***

***We feel that the doctors do their job to the best of their ability under the present circumstances; however, a closer air strip would ease the burden of emergency care in Tom Price, and improve outcomes for the greater community.***

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*The need for an airstrip has been recognised by the community and their delegates, the council. So we are on the same page.*

*Why did it get voted down?*

*The reason that is noted in the minutes is that it is not the responsibility of a local government to own and operate an airstrip.*

*The mission of the Shire can be read on the website:*

*“To contribute to the social, economic and environmental prosperity of the Shire of Ashburton by providing in alliance with others, strong community leadership, advocacy, and cost effective facilities and services.”*

*“To contribute to the social ... prosperity ...” does include provision of reliable, up to date health care. For Tom Price, the Shire is yet to invest in health services. Please compare with the contributions made by other shires in WA. The RFDS strip would be the second out of 6 air fields in the shire to be maintained, after the one in Onslow.*

*“by providing ... strong community leadership” The people in Tom Price, being the biggest town in the Shire, have expressed their wish.*

*It is abundantly clear that RFDS landing facilities are vital to the community, and as funding is already secured, financial considerations should take a secondary role in determining the need for this facility.*

*Paraburdoo, Onslow and Pannawonica all have their nearby emergency landing facilities – what reasons are there to vote against one in Tom Price?*

*Is it because not all councillors live in our town?*

*Will other projects be affected?*

*Is there a fear of disadvantage in the future to other shire towns?*

*Are there other projects of priority?*

*As doctors serving the town of Tom Price, we call upon the councillors of the Shire of Ashburton to support the community of Tom Price. We trust that the Shire Councillors will abide by the mission statement and contribute to the social prosperity and wellbeing of the whole shire and thus Tom Price by acknowledging their responsibility for the ownership and maintenance of the RFDS strip.*

*Dr Ina Brown  
Dr Michael Forster  
Dr Paula Straatsma*

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*Dr Robert Reed  
Tom Price, 16.10.2012"*

Cr Dias tabled the following questions.

- Q1a. Can the Shire advise what plans if any do they have to have a visitor centre in Paraburdoo.**

**Response**

There are no plans for a Visitor Centre in Paraburdoo.

- Q1b. Why was the Roxby not advertised to the community when the community was informed that Roxby would be coming and they would be given an opportunity to meet with them personally. Some group members have attended all the meetings but when it mattered most they have been left out.**

**Response**

The Roxby visit was not designed to be a general community consultation, but rather was tailored to the community and sporting groups who were stakeholders in the proposed Sporting and Community Hub. General community consultation has previously been conducted on numerous occasions, and that community feedback has been incorporated into the overall design, however it was crucial to get specific feedback from the groups that would be using, or be located within, the proposed complex to ensure their needs had been met before the design was finalised. Six feedback sessions were held and almost 20 people, representing nearly all community and sporting groups within the town, attended.

- Q1c. I am aware the Shire has contributed \$47000 approx for 2012-2013 to the Onslow Tourist Centre. I would like to know what percentage of the Tourist Centre annual budget is covered by the Shire and does the Shire have a Councillor on the Visitor Centre Committee and does the Committee submit a annual report to Council.**

**Response**

The Onslow Tourist Centre/Museum is run as a community not-for-profit organisation, staffed by volunteers. In September 2012 the Shire contributed \$47,000 to the organisation. This amount was part of the approved 2012 -2013 Shire budget. As this is a community organisation, the Shire does not have access to, or authority over, the Visitors Centre budget or its operational processes.

- Q1d. How does the Shire support the Onslow newspaper and if it is a significant portion ie. 50% plus. Can I request our Media Manager or another appropriate Shire personal become the editor-in-chief so Shire has control of the publications.**

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### **Response**

Council has no direct involvement in the Onslow Times – it is a community driven initiative. Funding for the paper is sought through advertising and sponsorship – some information (such as articles, advertisements and job advertising) is submitted to this publication from the Shire staff in Onslow.

Cr Fernandez tabled the following questions.

**Q2a. Can Shire tell me how are they going to spread the 30 millions given to Shire by Rio Tinto.**

### **Response**

Rio Tinto Iron Ore are not contributing \$30m as the matter is commercial in confidence.

**Q2b. After the request of many residents I want to ask on their behalf if Shire can provide a bigger space for Council Meetings in Tom Price/Paraburdoo so residents can attend to public/open meeting.**

### **Response**

Agenda Item 10.1 of this Agenda outlines the proposed schedule for Council Meetings for 2013. It has been proposed that the Council Meetings in Tom Price be held at the Civic Centre, Tanunda Street, Tom Price. It is in the CEO's opinion there is sufficient room for the Public Gallery at the Ashburton Lesser Hall, Paraburdoo.

**Q2c. How many permanent sites do the Caravan Park of Paraburdoo have?**

**Is it open for Public?**

**And why is it that this information is not published so residents can apply for a site.**

**How much cost per week? And other info please put it on Community board.**

### **Response**

The Paraburdoo Caravan Park contains 30 mobile accommodation facilities, which are for the exclusive use of Rio Tinto Ltd, the park proprietor and operator, and ten short term caravan bays, which are available to the general public for stays of up to 14 days. There are no permanent sites available to the public.

There has been a delay in opening the facility to the public due to a delay in the delivery of an electrical transformer, which is required to service the caravan bays. It is hoped that the park will open to the public in the next month.

No permanent sites are going to be available to the public.

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The operator of the facility will not be publishing the fee structure until the park is open to the public.

Cr Foster tabled the following questions.

**Q3a. What is the Shire of Ashburton doing to address the lack of street lighting in Tom Price and Paraburdoo? A lot of the street lighting in both towns are old, not working, many need new globes or a good clean. Residents of both towns are unhappy with the lack of lighting at night, and as we head into the warmer months a lot of residents like to walk in the evenings due to the warmer days.**

### **Response**

The present agreement between Shire and Rio Tinto, the electricity provider for the two towns, requires that the Shire maintain street lighting. This arrangement is not practical due to the fact that the Shire does not have the skilled staff nor equipment to undertake this task efficiently. Discussions are presently taking place between the two parties in an effort to resolve this issue. In the meantime the Shire is presently undertaking an audit of street lighting in both Tom Price and Paraburdoo, in order to determine where repairs need to be made and where additional lighting is desirable. Funding for additional lighting is being sought.

**Q3b. When will the Shire of Ashburton be in a position to release more blocks of land for residential and industrial purposes to purchase? What can residents, companies and investors expect?**

### **Response**

The Shire is currently working on several projects to deliver residential & industrial land solutions to Onslow & Tom Price. The concept design for the first stage of the light industrial subdivision at Onslow Aerodrome was presented to Council at the October meeting and is now being submitted to WAPC for subdivision approval. This will deliver nearly 50 lots ranging in size from 2000sqm to 20,000sqm for mixed business purposes. LandCorp is also working hard to deliver Stage 1 of their Residential Development in Onslow with the development of about 94 lots expected to start in the 2nd quarter of next year.

In Tom Price the Shire is working on Stage 2 of the Boonderoo Industrial Subdivision, which will yield around 12 lots ranging from 2000-10,000sqm. The design is currently being refined and environmental & heritage processes undertaken for subdivision application. Negotiations are also underway with State Land Services and Rio Tinto for the Shire to take over the development lease of a large residential area located near the Golf Course. This land could yield 50-60 residential lots of various sizes and provide accommodation options for owner-occupiers as well as businesses and contractors.

Further information, including proposed release dates for the land, will be available once subdivision approval has been received from WAPC for each development.

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**Q3c. Can the Shire of Ashburton please consider the installation of a graffiti wall in the newly renovated Tom Price Skate Park Complex? Both parents and youth residents alike have expressed interest to me personally interested in this idea and project.**

**Response**

The provision and installation of a graffiti wall was not part of the original design for the Tom Price Skate Park, and as such was not part of the original scope or funding. However, the Shire does recognise the value of such a facility and is happy to identify appropriate external funding sources and to apply for funding for a graffiti wall.

**Q3d. Now that the Shire of Ashburton has taken over Onslow Caravan Park, can it be estimated, to date, for the record and for the ratepayers of our Shire, How much expenditure has gone into the Caravan Park?**

**Response**

As at the end of October 2012 the following amounts have been expended or committed:

Operating expenditure (Wages, power, maintenance, purchases)	\$218,911
Asset Expansion Expenditure (This includes the \$73,000 that was spent buying the chalets, Office Block, Washing Machines etc )	\$108,894
Total Expenditure and Committed Expenditure	\$327,805
Income to October 2012	\$169,825

\*\*It needs to be recognised that these next few months generally have the lowest occupancy, The park is undergoing major layout planning and a business case is being completed. Power supply remains an issue and major review of the requirements is currently being undertaken to ensure that the upgrade plans cater for now and into the foreseeable future. We have already had 2 occasions of lack of power.

\*\*A major tree pruning and removal program is scheduled for early November – this is to ensure that the park is cyclone ready.

**Q3e. Now that a budget amount of \$310,000 has been allocated for the 2012/2013 financial year for a park at Area W for the residents, Can the Shire of Ashburton advice where the process is at in respect of creating this park?**

**Response**

In June 2012, the Shire undertook a very successful community consultation with residents in Area W and collated a number of ideas for this park redevelopment. The intent at that stage was to proceed immediately with planning and to commence works as soon as the new budget was approved. However, after that consultation process was

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undertaken, the Shire entered into negotiations with the Department of Housing to develop a parcel of land in Area W for future housing. These negotiations could potentially see several hundred new residents for Area W, which will impact on the design and capacity of the current park. The Shire is still committed to the redevelopment of the current Area W Park but is waiting to get a better understanding of future development before proceeding with final designs. Some work, such as covering the drainage, and possibly installing some lighting, will be able to proceed while these negotiations are being undertaken, and final plans will be developed as soon as this process is complete.

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

#### Council Decision

**MOVED:** Cr L Rumble

**SECONDED:** Cr I Dias

**That Council approves the leave of absence for Cr C Fernandez for the Ordinary meeting of Council being held on 12 December, 2012 and on the 23 January, 2013.**

**CARRIED 7/0**

### 6. PETITIONS / DEPUTATIONS / PRESENTATIONS

#### 6.1 PETITIONS

There was a petition presented to Council from Abrolhos Accommodation Pty Ltd regarding operations in Beadon Creek, Onslow. Refer to Agenda item 13.4.

#### 6.2 DEPUTATIONS

There were no deputations presented to Council.

#### 6.3 PRESENTATIONS

There were no presentations to Council for this meeting.

### 7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 7.1 ORDINARY MEETING OF COUNCIL HELD ON 17 OCTOBER 2012

#### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr L Thomas

**That the Minutes of the Ordinary Meeting of Council held on 17 October 2012, as previously circulated on 29 October 2012, be confirmed as a true and accurate record.**

**CARRIED 7/0**

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

There were no announcements made by the presiding person for this meeting.

**9. DECLARATION BY MEMBERS**

That Councillors White, Rumble, Shields, Foster, Dias, Wright and Thomas 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.



## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

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

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

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 10. CHIEF EXECUTIVE OFFICER REPORTS

#### 10.1 ORDINARY MEETING OF COUNCIL - SCHEDULE OF MEETING DATES, TIMES AND LOCATIONS FOR JANUARY TO DECEMBER 2013

**MINUTE:** 11340

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

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

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

**DATE REPORT WRITTEN:** 30 October 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.1, Ordinary Meeting of Council 17 October 2012, Minute: 11308  
Agenda Item 10.1, Ordinary Meeting of Council 16 March 2012, Minute No: 11146  
Agenda Item 10.1, Ordinary Meeting of Council 19 October 2011, Minute: 11042

#### **Summary**

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

It is recommended that Council adopt the following meeting schedule for 2013.

#### **Background**

In October 2011, Council adopted the meeting schedule for the entire 12 month period from February to December 2012.

In March 2012, Council adopted a revised meeting schedule for the period May to December 2012. This schedule had new starting times for both the workshops/briefings and Council Meetings.

This report sets out a proposed meeting schedule for the 2013 calendar year.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 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 provided 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.
- 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.

At the Ordinary Meeting of Council held on 17 October 2012 a review of the commencement times of Council Meetings and workshops / briefings was undertaken. Council resolved:

- "1. Approve for the Tom Price and Paraburdoo workshops / briefings to commence at 9am and the Council Meeting to commence at 1pm.*
- 2. Approve for the Onslow and Pannawonica workshops / briefings to commence at 11am and the Council Meeting to commence at 1pm.*
- 3. Requests the CEO to submit an Agenda Item for the November 2012 Council Meeting regarding the Schedule of Meeting Dates, Times and Locations for 2013.*
- 4. Direct the CEO to investigate moving the Council Meetings to a larger facility in Tom Price."*

The proposed timetable for Council Meeting days is:

Tom Price and Paraburdoo – 9 am Morning Tea – Workshop / Briefing Session – 12.30 pm  
Lunch – 1 pm Council Meeting – 7 pm Dinner.

Onslow and Pannawonica – 11 am Morning Tea – Workshop / Briefing Session – 12.30 pm  
Lunch – 1 pm Council Meeting – 7 pm.

Suggested dates are outlined in the table below. If this proposal is adopted there will be five meetings in Tom Price, three meetings in Onslow, three meetings in Paraburdoo and one meeting in Pannawonica during the year. Traditionally meetings are held on the third Wednesday of the month. The December 2013 meeting has been moved to the second Wednesday of the month due to the close proximity of Christmas.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

The proposed schedule is set out below.

DATE	LOCATION	TIME
Wednesday, 16 January 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 February 2013	RM Forrest Memorial Hall, Second Avenue, Onslow	1:00pm
Wednesday, 20 March 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 April 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 15 May 2013	RM Forrest Memorial Hall, Second Avenue, Onslow	1:00pm
Wednesday, 19 June 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 July 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 21 August 2013	RM Forrest Memorial Hall, Second Avenue, Onslow	1:00pm
Wednesday, 18 September 2013	Barry Lang Centre, Pannawonica	1:00pm
Wednesday, 16 October 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 November 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm

### Consultation

Chief Executive Officer  
Shire President

### 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

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

### Policy Implications

Council Policy ELM01 – Council and other meetings.

### Voting Requirement

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Council Decision

**MOVED:** Cr L Rumble

**SECONDED:** Cr I Dias

**That Council:**

1. Adopt the Schedule of Meeting dates, times and locations for the period January 2013 to December 2013 as outlined below: and]
2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period January 2013 to December 2013.

DATE	LOCATION	TIME
Wednesday, 16 January 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 February 2013	RM Forrest Memorial Hall, Second Avenue, Onslow	1:00pm
Wednesday, 20 March 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 April 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 15 May 2013	RM Forrest Memorial Hall, Second Avenue, Onslow	1:00pm
Wednesday, 19 June 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 July 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 21 August 2013	RM Forrest Memorial Hall, Second Avenue, Onslow	1:00pm
Wednesday, 18 September 2013	Barry Lang Centre, Pannawonica	1:00pm
Wednesday, 16 October 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm
Wednesday, 20 November 2013	Ashburton Hall Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2013	Civic Centre, Tanunda Street, Tom Price	1:00pm

**LOST 2/5**

**REASON FOR CHANGE:** The proposed schedule of meetings did not distribute the meetings evenly between towns.

### Council Decision

**MOVED:** Cr L Rumble

**SECONDED:** Cr I Dias

**That Council**

1. Hold the January 2013 Ordinary Meeting of Council on 23 January 2013 in Tom Price.
2. Conducts a workshop at the January 2013 meeting to determine Council Meeting dates and locations for 2013

**CARRIED 4/3**

Cr's White, Rumble, Dias and Wright voted for the motion.  
Cr's Thomas, Foster and Shields voted against the motion

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

**REASON FOR CHANGE:** The Shire president believes conducting the Ordinary Meeting on 23 January 2013 will allow people to have a break after Christmas and New Years.

**NOTE:** Administration advised that changing the dates may impact on operational issues especially the Onslow Airport Project.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 10.2 ROEBOURNE - PORT HEDLAND LAND CONSERVATION DISTRICT COMMITTEE - COMMITTEE NOMINATION

MINUTE: 11341

FILE REFERENCE: EV.ST.03.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 October 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.2, Ordinary Meeting of Council 19 October 2011, Minute: 11043  
Agenda Item 12.12.78, Ordinary Meeting of Council, 15 December 2009  
Agenda Item 12.09.55 Ordinary Meeting of Council, 15 September 2009  
Agenda Item 12.10.61, Ordinary Meeting of Council, 27 October 2009

#### Summary

The Office of the Commissioner of Soil and Land Conservation seeks nominations from the Shire of Ashburton for appointment to Land Conservation Committees being Roebourne – Port Hedland Land Conservation District Committee (LCDC), Ashburton Land Conservation District Committee (LCDC) and the Lyndon Land Conservation District Committee (LCDC).

Council at its Ordinary Meeting on the 15 December 2009, resolved to appoint Councillor Thomas to be the council representative on the Roebourne – Port Hedland Land Conservation District Committee (LCDC). Councillor Thomas' current term of appointment expires on 30 November 2012.

Nominations are now being called due to the end of the three year term and it is proposed that Council appoint a representative to this committee.

#### Background

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

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

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

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

The Commissioner of Soil and Land Conservation approves all appointments to LCDCs and members serve a maximum term of three years commencing from the date the appointment is gazetted.

### **Comment**

The member term will expire on 30 November 2012, Cr Thomas has advised that she would like to nominate herself as a representative on the Roebourne – Port Hedland Conservation District Committee.

### **Consultation**

Cr Thomas

Department of Agriculture & Food

### **Statutory Environment**

Soil and Land Conservation Act 1945

### **Financial Implications**

There are no financial implications relative to this issue.

### **Strategic Implications**

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

### **Policy Implications**

There are no policy implications relative to this issue.

### **Voting Requirement**

Absolute Majority Required



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

### **Council Decision**

**MOVED: Cr I Dias**

**SECONDED: Cr D Wright**

**That Council:**

- 1. Nominate Cr Thomas for the position on the Roebourne – Port Hedland District Committee.**
- 2. Request the Secretary of the Roebourne – Port Hedland District Committee to report back to Administration by forwarding copies of the minutes for each meeting in order to keep Council informed.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 10.3 COUNCILLOR PORTFOLIOS - PORTFOLIO LEADER'S PERSONAL PERFORMANCE AGREEMENT

**MINUTE:** 11342

**FILE REFERENCE:** GOVN1

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

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

**DATE REPORT WRITTEN:** 31 October 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.1, Ordinary Meeting of Council 19 September 2012, Minute: 11277  
Agenda Item 10..1, Ordinary Meeting of Council 18 July 2012, Minute: 11249  
Agenda Item 10.1, Ordinary Meeting of Council 21 March 2012, Minute: 11147

#### **Summary**

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

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

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

Councillor Portfolio will:

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

'Portfolio Leader's Personal Performance Agreement' for the portfolio/s of Transport (Public Transport and Roads), and Indigenous Affairs has now returned to Council for endorsement.

The 'Portfolio Leader's Personal Performance Agreement' for the portfolio/s of Tourism and Indigenous Affairs will be an Agenda Item for November 2012 Council Meeting.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Background

At the Ordinary Meeting of Council 21 March 2012 Council nominated Councillors to each portfolio.

At the Ordinary Meeting of Council 18 July 2012 Council assigned Executive Managers to each portfolio.

At the Ordinary Meeting of Council on 19 September 2012 Council resolved:

*"That Council:*

- 1. Conducts a six month trial with the Transport (Public Transport and Roads), Indigenous Affairs and Tourism portfolio following the processes and procedures outlined in the draft Policy and the "Portfolio Leader's Personal Performance Agreement."*
- 2. Instructs the Chief Executive Officer to provide a review report back to Council in March 2013 on the progress of the trial for adoption."*

*'Portfolio Leader's Personal Performance Agreement'* for the portfolio of Transport (Public Transport and Roads has now returned to Council for endorsement.

### Comment

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

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

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

- Portfolio Leader rights and responsibilities
- Portfolio Leader and the media
- Portfolio Objective
- Portfolio Advocacy and Responsibility
- Representation
- Key Issues
- Reports
- Ethical Practices
- Performance and Evaluation including Action Sheet.

The *'Portfolio Leader's Personal Performance Agreement'* for the portfolio/s of Transport (Public Transport and Roads is attached.

**ATTACHMENT 10.3**

### Consultation

Chief Executive Officer

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Statutory Environment

Nil

### Financial Implications

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

### Strategic Implications

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

### Policy Implications

Nil – Councillors will be following the process and procedures as outlined in the Draft Policy and *'Portfolio Leader's Personal Performance Agreement'*.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr D Wright

**SECONDED:** Cr I Dias

**That Council:**

1. Approve the *'Portfolio Leader's Personal Performance Agreement'* for the Transport (Public Transport and Roads); and
2. The six (6) month trial period commences with the endorsement of the *'Portfolio Leader's Personal Performance Agreement'* and instructs the Chief Executive Officer to provide a review report back to Council.

**CARRIED 7/0**

## 11. CORPORATE SERVICES REPORTS

### 11.1 SHIRE OF ASHBURTON CATS LOCAL LAW REVIEW 2012

MINUTE: 11343

FILE REFERENCE: LE.LL.03.00

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

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 October 2012

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

PREVIOUS MEETING  
REFERENCE: Agenda Item 12.02.08 Ordinary Meeting of Council 17  
February 2010  
Agenda Item 11.1 Ordinary Meeting of Council 18 July 2012  
Minute Number 11229

#### Summary

The Cat Act 2011 received Parliamentary assent on 9 November 2011. This Act will be implemented through a two phases approach; Phase One by 1 November 2012; and Phase Two by 1 November 2013. The two year lead-in period will provide the community, industry and local government the opportunity to make plans to comply with the requirements. Due to the delay in producing regulations for the Cat Act following its adoption the development of a Local Law Model for local governments has been delayed.

the purpose of this item is to keep Council informed of the current status of this Local Law.

#### Background

At the Council meeting on 17 February 2010 Council resolved to undertake a review of its existing Local Laws. Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

**ATTACHMENT 11.1**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Comment

The present Cat Local Law (1998) includes provisions that are outside of the local law making powers of Section 79 of the Cat Act. However legislative powers are in place to allow the current local law to remain valid until the proposed Model Cat Local Law is made available in 2013.

### Consultation

Manager Governance, WALGA  
DL Consulting

### Statutory Environment

Cat Act 2011  
Local Government Act 1995

### Financial Implications

Nil

### Strategic Implications

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

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr D Wright

**That Council suspends the review of the existing Cat Local Law (1996) until the new WALGA Cat Model Local Law is drafted for local councils to adopt.**

**CARRIED 7/0**

Rob Paul left the meeting at 1.40 pm.  
Rob Paul re-entered the meeting at 1.43 pm.

Kaylani Cortesi left the meeting at 1.43 pm.  
Kaylani Cortesi re-entered the meeting at 1.47 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 11.2 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF SEPTEMBER & OCTOBER 2012

MINUTE: 11344

FILE REFERENCE: FI.RE.00.00

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

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 October 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:

#### September 2012

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

**ATTACHMENT 11.2A**

#### October 2012

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of October 2012.

**ATTACHMENT 11.2B**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Consultation

Executive Manager - Corporate Service  
Other Executive Managers  
Finance Manager  
Finance Officers  
Consultant Accountant

### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

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

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Shields

**SECONDED:** Cr D Wright

**That Council receives the Financial Reports for September 2012 and Schedule of Accounts and Credit Cards paid in October 2012.**

**CARRIED 6/1**

**NOTE:** The Shire President indicated that she was concerned in regards to Municipal Payment EFT 17595 as the payment was over the delegated authority of CEO.

**NOTE:** The Administration advised that the payment was associated with payments to Downer EDI Works Pty Ltd pursuant a tender (RFT 19/10) awarded by Council and as such Council had given delegated authority to the CEO to use the tenderer for works and make payments for those works.



## 12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

### 12.1 SHIRE OF ASHBURTON MAJOR PROJECT MANAGEMENT POLICY

MINUTE: 11345

FILE REFERENCE: OR.CM.01.00

AUTHOR'S NAME AND POSITION: Jacki Remihana  
Executive Assistant – Strategic & Economic Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 November 2012

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

PREVIOUS MEETING REFERENCE: Nil

#### Summary

The Shire of Ashburton has identified the need to ensure a formal methodology for the management of major projects is used throughout the organisation.

The purpose of the policy is to ensure that there is common and consistent application of project management principles and practises across the Shire.

#### Background

The Shire is experiencing rapid growth and undertaking major projects as a part of day to day business. In August 2012, a Major Projects Manager was appointed to develop and implement a policy and methodology for projects undertaken in the Shire.

#### Comment

The policy will apply to major projects which have significant implications for the Community and are defined based on criteria including, but not limited to:

- Project fit with Community Strategic Plan
- Project implication and leverage
- Project funds - provider
- Project feasibility and risk
- Project \$ value

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

The project management framework is based on the universal principles of the Project Management Body of Knowledge or PMBOK® industry standard methodology in conjunction with the Shires own policy, procedures and guidelines.

### ATTACHMENT 12.1

#### **Consultation**

Chief Executive Officer  
Executive Managers  
Leadership Team

#### **Statutory Environment**

Local Government Act 1995

#### **Financial Implications**

This activity is included in the Operational Budget.

#### **Strategic Implications**

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

#### **Policy Implications**

Creation of new Policy, Major Project Management Policy.

#### **Voting Requirement**

Simple Majority Required

#### **Council Decision**

**MOVED:** Cr I Dias

**SECONDED:** Cr L Shields

**That Council adopts the Major Project Management Policy.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 12.2 ADDITIONAL STAFF ACCOMMODATION IN ONSLOW

**MINUTE:** 11346

**FILE REFERENCE:** PE.RM.001.00

**AUTHOR'S NAME AND POSITION:** Darlene Bodanski  
Project Officer – Strategic & Economic Development

**NAME OF APPLICANT/RESPONDENT:** Nil

**DATE REPORT WRITTEN:** 8 November 2012

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

**PREVIOUS MEETING REFERENCE:** Ordinary Meeting of Council 15 August, 2012  
Minute No. 11271  
Ordinary Meeting of Council 17 October, 2012  
Minute No. 11316

#### **Summary**

At the Ordinary Meeting of Council 17 October, 2012 Council did not endorse the recommendation 12.3 (Shire of Ashburton Land and Property Strategy) – “to further endorse the decision of Council in the 2012/2013 budget process to sell Lot 307 First Avenue and Lot 578 Hedditch Street for the development of staff accommodation” on Lots 394,396 and 397 Third Avenue, Onslow. Options for Council are now presented for further consideration into the development of 3 new staff accommodation units as adopted in the 2012/13 Capital Expenditure Program.

#### **Background**

At the Ordinary Meeting of Council 15 August, 2012 Council adopted the 2012/13 Budget which included project number 146 “*construction of 3 staff housing units on Lot 394 Third Avenue Onslow*” in the Capital Expenditure Program. This project was to be funded by the sale of a house and land on lot 307 First Avenue and vacant land at Lot 578 Hedditch Street which was estimated, after valuation, to attract income of approximately \$1.5m.

At the Ordinary Meeting of Council 17 October 2012 Council was presented with the Strategic & Economic Developments Land and Property Strategy which included in the recommendation that:

*“Council endorse the decision of Council in the 2012/2013 budget process to sell Lot 307 First Avenue and Lot 578 Hedditch Street for the development of staff accommodation at Second Avenue.”*

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

This recommendation was not endorsed by Council.

This report serves to put forward options for consideration by Council to facilitate the said development.

### **Comment**

In July 2012 a *Housing Strategy Workshop* was held with Executive Managers, Organisational Development and key managers. The purpose of the workshop was to develop a strategic approach to the provision of affordable and appropriate accommodation for current and future Shire of Ashburton staff and key external workers.

The Shire administration recognises that the provision of affordable and appropriate accommodation is essential in attracting and retaining staff. It is also recognised that the current housing and accommodation stress is unlikely to ease within the next two years. In fact, in Onslow it is anticipated to worsen with the average rent \$2300 per week and purchase price at \$913,000. (PDC Pilbara Housing & Land Snapshot 2012).

With the forecasted economic growth in Onslow and the need that has been acknowledged for additional staff to deliver capital infrastructure projects and vital services to the community council adopted the 2012/13 Budget which included, in the capital expenditure program, the build of 3 additional staff units in this financial year.

Given that Council did not endorse the sale of Lot 307 First Avenue and Lot 578 Hedditch Street in the Land and Property Strategy report the provision of additional staff accommodation in Onslow another two options can be considered:

### **Option 1**

#### **Borrowed Funds \$1.5million**

Based on information received, from Western Australian Treasury Corporation, on a loan of \$1.5 million, the annual loan repayment will vary depending on the number of years the loan is taken out. The attached figures are based on a 10 year schedule however the option is there to borrow for shorter or longer terms and repay over quarterly, semi annual etc, all of which will help determine the interest rate. As WATC's lending policy is not based on the ratios alone, each loan application is assessed on a case by case basis using the required ratios as a starting point and then take into consideration the Shire's borrowing capacity and includes variations of term of the loan, interest only repayments or capital and interest repayments. Other items influencing a local government's capacity include the total operating revenue and expenses which are all taken into consideration.

As the attached indicative schedule shows, based on a 10 year annual repayment loan of \$1.5million at an interest rate of 3.87% annual repayments would be \$184,613 if taken out as at today's date. Therefore it can be safely assumed repayments in the near future would be between \$180,000 and \$200,000 pa.

In addition to loan repayments under this option, building/maintenance costs for the new properties need to be factored in which, based on the amount budgeted for the recently built units in Second Avenue, is approximately \$4800 pa.

Please note that agreeing to borrow funds not included in Council Budget will require the proposal to be advertised (Section 6.20(2) LGA 1995) for a period of one month and must be determined by absolute majority.

Borrowing cap may impact capacity to borrow for income producing projects such as Onslow airport and subdivision and for community facilities such as Onslow pool for example.

ATTACHMENT 12.2A

**Option 2**

**Housing rented by the Shire from the Commercial Real Estate Market**

Working on the basis of providing accommodation for 3 staff members, the current rental market in Onslow has shown the following properties available for rent which gives an example of the weekly rental amounts now being sought:

Property	Weekly Rental	Annual Rental
17 Third Ave – 3 bed x 1 bath house	\$1500	\$78,000
1 Burt Close – 4 bed x 2 bath house	\$1800	\$93,600
6a Burt Close – 4 bed x 2 bath house	\$2000	\$104,000
5a McGrath Ave – 4 bed x 4 bath house	\$2500	\$130,000

As detailed in the PDC Pilbara Housing & Land Snapshot 2012 rental prices are expected to worsen within the next 12 months and beyond, however based on the accommodation currently advertised for rent, on the mid range cost of \$1800 per week, if council were to rent 3 homes for staff accommodation in the current market - approximately \$280,800 per annum with no return to Council.

**Option 3**

**Sale of Lot 307 First Avenue and Lot 578 Hedditch Street & Build 3 units on Lots 396 and 397 Third Avenue Onslow**

Note: Council did not endorse the recommendation in item 12.3 Ordinary Meeting of Council October 2012 - Economic Developments Land and Property Strategy

*“Council endorse the decision of Council in the 2012/2013 budget process to sell Lot 307 First Avenue and Lot 578 Hedditch Street for the development of staff accommodation at Second Avenue.”*

In order to further explain and demonstrate the benefits and to ensure full disclosure of options open to Council, this option is included for Council consideration:

At the Ordinary Meeting of Council 15 August, 2012 Council adopted the 2012/13 Budget which included project number 146 in the Capital Expenditure Program. This project was based on the sale of property as mentioned above to fund the construction of 3 staff units. The house on Lot 307 First Avenue and a block of land at Lot 578 Hedditch Street were estimated, after valuation, to attract income of approximately \$1.5m.

Lots 396 and 397 on deposited plan 206976 (Reserve 41940) are under Management Order to the Shire for the designated purpose of Staff Accommodation only. These blocks are currently zoned Residential R 12.5 which allows 1 house on each block however Amendment 13 to the Shire's Town Planning Scheme seeks to rezone these blocks to R.20 with a density bonus provision. Should Amendment 13 be approved by the Minister the Shire could potentially develop up to 6 staff units on these two blocks collectively although this would be tailored to suit the Shire's housing needs.

The current demand/market for Real Estate in Onslow is a strong and at peak demand. Should Council decide to proceed with the Sale of Lots 307 First Avenue and 578 Hedditch Street to fund the building of three (3) staff units the actual return on the sale wont be known until the disposal property process is complete. After the sale process is complete and the income known a tender process would commence for the construction of the required housing.

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If the sale of the properties is equal or no less than the cost to build 3 units, the additional cost to Council under this option would be the ongoing building/maintenance costs of the new houses which based on the recently constructed units in Second Avenue is approximately \$4800 pa per unit.

Whilst the market has increased dramatically over the last few years, this isn't expected to continue at the same rate once Landcorp has commenced the release of their residential expansion in Onslow.

**ATTACHMENT 12.2B**  
**ATTACHMENT 12.2C**  
**ATTACHMENT 12.2D**

### **Consultation**

Chief Executive Officer  
Executive Manager, Strategic & Economic Development  
Manager Organisational Development  
Finance Manager  
Economic & Land Development Manager  
Principal Town Planner  
WA Treasury Corporation  
Real Estate Agents

### **Statutory Environment**

Relating to Option 1 & 2  
Local Government Act 1995 Division 3, 6.8  
Agreeing to borrow funds not included in Council Budget will require the proposal to be advertised (Section 6.20(2) LGA 1995).

### **Financial Implications**

#### **Option 1- Borrow and Build**

Indicative Payment per annum = \$184,613.40  
Indicative Total Payment (over 10 years) = \$1,846,134.00  
Plus Asset Management/building maintenance costs \$4800 per unit x 3 = \$14,400 pa

#### **Option 2 - Rental Accommodation from Commercial Real Estate Market**

Based on current medium weekly rental of \$1800.00 per week x 3 houses  
Per Annum = \$280,000.00  
Over Ten Year Period = \$2,800,000.00 (not including expected rental increases)

#### **Option 3 – Sale of Property & Build**

##### **Turning Capital Asset into Capital Project – maintaining asset equity**

Sale of Properties estimated Income \$1.5million  
Building of 3 new staff units - \$1.5 budgeted in capital expenditure program  
Ongoing maintenance costs to be budgeted for 3 units \$4800 pa = \$14,400pa.

The Administration sees Option 3 as the best solution it will enable Council to capitalise on a very healthy sales market, replace one units of accommodation with 3 modern well appointed ones and will be the least costly.

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### Strategic Implications

"Living Life" Shire of Ashburton 10 year Community Strategic Plan 2012-2022:

Goal 05 Inspiring Governance Objective 4 *"Exemplary Team and Work Environment."*

### Policy Implications

EMP19 – Staff Accommodation

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr L Rumble

**That Council dispose of Lot 578 Hedditch Street Onslow and delegate authority to the CEO to arrange the sale of the lots by auction or tender subject to the provision of Section 3.58.**

**Council will decide on whether to proceed with the sale of Lot 307 First Avenue Onslow after the results of the sale of Lot 578 Hedditch Street Onslow are known.**

**CARRIED BY ABSOLUTE MAJORITY 5/2  
Cr's White, Rumble, Dias, Wright and Thomas voted for the motion.  
Cr's Foster and Shields voted against the motion.**

**REASON FOR CHANGE:** It is not appropriate to sell Lot 307 First Avenue, Onslow as it has been with the Shire for many years, is on the beach front and is currently vacant. Cr White feels at this stage the land prices will rise in that area. Cr White believes that funding for the provision of staff accommodation can be obtained from other sources.

**NOTE:** Administration advised the Council that the change of recommendation will impact basic services in Onslow as the provision of staff housing will be delayed.

The Administration advises that expert advice was sought for the valuations for the properties.

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### **Declaration of Interest**

Prior to consideration of this Agenda Item Cr White and Cr Dias declared an interest in Agenda Item 12.3 in accordance with Section 5.60A of the Local Government Act. The interest being Cr White and Cr Dias hold over \$10,000 worth of shares in BHP.

Cr White left the meeting at 2.09 pm.

Cr Dias left the meeting at 2.09 pm.

Cr Rumble took the chair at 2.09 pm.

### **12.3 ONSLOW BHPBILLITON MACEDON SOCIAL INVESTMENT**

**MINUTE:** 11348

**FILE REFERENCE:** RD.OG.2.7

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

**NAME OF APPLICANT/RESPONDENT:** Nil

**DATE REPORT WRITTEN:** 5 November 2012

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

**PREVIOUS MEETING REFERENCE:** Nil

### **Summary**

The Department for State Development (DSD) has recently finalised a State Development Agreement with BHP Billiton Petroleum PTY LTD (BHPBP) as operator of the Macedon Project and as an agent for the Macedon joint ventures. The Project involves the construction and operation of a gas processing plant at the Ashburton North Strategic Industrial Area (ANSIA).

In recognition of the potential impact that the Macedon Project may have on the town, the State Development Agreement requires the Macedon joint ventures to contribute funding towards the building of social infrastructure improvements in and around the town.

Council is requested to endorse the proposed social infrastructure improvements presented in this item. This will enable a number of the proposed projects to commence in the 2012/13 financial year.



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### **Background**

The Onslow Community has been involved in resource industry negotiations over the last 8-9 years. During this time there has been over 200 community consultation opportunities – including:

- Targeted Surveys
- Community reference groups
- Town meetings
- Public information sessions
- Key stakeholders sessions
- Focus Group Meetings
- Brochures and Newsletters
- One on One Meetings
- Workshops with the School

BHPB have been establishing relationships and negotiating potential programs since 2005. During this time the community has been surveyed regarding community infrastructure needs on numerous occasions. In 2009 BHPB announced the potential Macedon gas plant and the potential for \$5 Million to be available to the community for social infrastructure projects.

### **ATTACHMENT 12.3**

### **Comment**

The Council, BHPB and DSD have for the last 12 – 18 months discussed the opportunities for the \$5 Million social investment contribution funds. The projects that have been earmarked for the fund have all been identified as key recreational infrastructure and seen as essential to adding to the livability of the Onslow community and will support the attraction and retention of families into the future.

Negotiations have been centered around projects that could be stand alone and easily identify the commitment and significant investment the Macedon joint ventures are making. The key projects proposed for the social infrastructure fund are –

- Outdoor covered Basketball and Netball Complex - \$3.5m. The complex will comprise of 3 multi-use courts (2 undercover), quality night lighting, car parks, spectator viewing, scoreboards, umpire and scoring facilities. The undercover outdoor area will also provide opportunity for many events that are often cancelled due to weather and heat. The existing infrastructure is very tired and to date minimal under cover opportunities existed. (This project is specifically identified in the State Development Agreement).

The Council and Onslow's traditional owners the Thalanyji Aboriginal Corporation have partnered in Basketball development over the last 4 years – This has been a fantastic success which culminates each year in an annual basketball competition that sees over 25 teams and up to 150 players both junior and adult participate over 3 days.

The teams come from all over the state. This year Onslow's Junior Boys won the Junior Boys division. BHPB has sponsored the development program from the outset and staff get actively involved in the carnival. Netball, both Women's and Mixed, always attracts good numbers and has the potential to be played more often with better lighting.

The community has been very supportive of the project and is keen to see it get underway.

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- Skate Park and Recreation Area - \$1m. The project will comprise of a skate park and family area including seating, BBQ's and landscaping.

The Youth of Onslow have been very vocal over the years about the need for a skate park. In 2010 the school children presented a petition to Council requesting a skate park be developed. Council opened the recently constructed Tom Price Skate Park in October 2012, to a record number of users demonstrating the ability to deliver a quality project of this nature.

Council opened the recently constructed Tom Price Skate Park in October 2012, to record numbers of users demonstrating the ability to deliver a quality project of this nature.

The skate park is intended to replace the current outdoor basketball courts – the site is close to ablutions and will in future be near the proposed aquatic center, allowing families with mixed and varied recreational tastes to be in close proximity.

- Digital TV reception for the town - estimate of between \$0.2m and \$0.4m.

With the National implementation of Digital TV, Onslow will no longer receive analog signal from the 25<sup>th</sup> June 2013. Currently Onslow is a Self help retransmission site delivering analog signal to the township.

Council has recently made the decision to upgrade the self-help transmission site and re-transmit the digital signal to the Onslow Community.

This will necessitate the purchase and installation of new transmission equipment.

Council intends to go to tender in December (at which time firm costings will be available) to ensure the installation occurs prior to the National switch over from analogue.

- Completion of the Onslow Board Walk - \$0.2m.

The Onslow boardwalk is a key asset of the Onslow Community, and has been undergoing significant refurbishment.

Further funding is sought to complete the project and if surplus funds were to be available in the Macedon social infrastructure fund it is recommended that they be used to complete this important project.

The project has many benefits to the Onslow Community, most importantly environmental protection of Beadon Point, health and wellbeing by providing a highly utilized walking and running route and key tourism asset.

These projects will significantly increase the recreational opportunities for the Onslow Community.

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### Consultation

Onslow Community  
Shire President  
Thalanyji Aboriginal Corporation  
Chief Executive Officer  
Executive Manager Community Development  
Project Manager  
Community Development Manager  
Macedon Project Director  
Department for State Development

### Statutory Environment

Macedon Project – Social Infrastructure Contributions – Schedule 5 SDA Governance Principals.

### Financial Implications

Nil at this stage – information only

### Strategic Implications

'Living Life' Shire of Ashburton 10 Year Community Strategic Plan 2012-2022: Goal 2, Objective 2 – Enduring partnerships with Industry and Government; Goal 1, objective 2 – Active People, Clubs and Associations; Goal 3, Objective 1 – Flourishing Natural Environments; Goal 4, Objective 1 – Quality Public Infrastructure

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr D Wright

**SECONDED:** Cr L Shields

**That Council endorse the inclusion in the Macedon Social Infrastructure fund the following projects:**

- **Outdoor covered Basketball and Netball Complex - \$3.5m**
- **Skate Park and Recreation Area - \$1m**
- **Digital TV Reception implementation - \$0.2m and \$0.4m**  
*If funds permit*
- **Completion of the Onslow Board Walk - \$0.2m**

**CARRIED 4/1**

Cr White re-entered the meeting at 2.12 pm.

Cr Dias re-entered the meeting at 2.12 pm.

Cr White resumed the chair at 2.12 pm.

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### 12.4 ONSLOW CONSTRUCTION CAMP FEES AND CHARGES

**MINUTE:** 11349

**FILE REFERENCE:** ON.OA.16

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

**NAME OF APPLICANT/RESPONDENT:** Nil

**DATE REPORT WRITTEN:** 6 November 2012

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

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 16.11.13 – Ordinary Meeting of Council 17 November 2010, Ordinary Meeting of Council 14 December 2011.

#### Summary

The Shire of Ashburton has constructed a FIFO construction camp at the Onslow aerodrome. The camp is to ensure that beds are available to complete key infrastructure development in Onslow. Approval was received from Council at the Ordinary Meeting held on 14 December 2011 (Item 16.1) to apply to the Onslow Infrastructure Working Group for funding to be obtained from the Wheatstone Community Development Fund for establishment of the Construction Camp. The funding is required to be paid back in quarterly payments over 3 years.

#### Background

Given the accommodation constraints that exist in Onslow a construction camp has been established by the Shire of Ashburton and is managed by ESS Thalanyji. It is anticipated that the construction camp will be required for 3 years in total so that it may also assist in the delivery of other SDA infrastructure projects with key agencies requesting beds and projects such as the Cane River Upgrade, Pilbara Underground Power Project, New Onslow Entry Road, Waste Management Facility, and Aquatic Centre requiring significant accommodation levels.

The camp consists of:

- 100 ensuite accommodation units
- 1 disabled accommodation unit
- 4 management accommodation units
- Kitchen with associated dry & cold food storage
- Dining area with alfresco
- Recreation room
- Gym

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- Laundry
- Office facilities
- Security fencing, lighting and carparking

The buildings are of pre-fabricated sea-container construction and designed to complement the Onslow climate and cyclone conditions. The buildings and main infrastructure are leased with other capital works such as site works, access road upgrades, footings, electrical, water, sewage treatment, concreting and fencing have been undertaken to complete the development. Upon the eventual decommissioning of the camp, salvageable items such as fencing or lighting will be retained for use on other community projects in the area.

### **Comment**

Rooms that are not required by the Shire for key infrastructure construction will be made available to the public. It is proposed to charge the following fees.

The proposed Daily room charge - \$290.00 including GST - Inclusive of 3 meals a day (The charge is meal inclusive whether used or not).

One off Meal Charge - \$25.00 including GST.

Fees include a minor contingency to ensure all costs are covered and will cope with minor fluctuations in fuel, food and freight costs.

### **Consultation**

Chef Executive Officer  
Executive Manager Operations  
Land & Economic Development Manager

### **Statutory Environment**

Local Government Act 1995, Section 6.16 and 6.17.

### **Financial Implications**

The Fee proposed ensures full cost recovery with contingency levy.

It should be noted that approximately \$3.5m of the Airport Construction Camp is funded by the Onslow Social Infrastructure fund and these fees have been structured to replace this amount within a 3 year period.

### **Strategic Implications**

'Living Life' Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:

Goal Four Distinctive and Well Serviced Places, Objective Six Quality Public Infrastructure.

### **Policy Implications**

Nil

### **Voting Requirement**

Absolute Majority Required

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### **Council Decision**

**MOVED: Cr I Dias**

**SECONDED: Cr D Wright**

**That Council adopt the proposed 2012/13 Onslow construction Camp Fees & Charges including:**

- **Daily room charge (inclusive of meals) \$290.00**
- **One off meal charge (any meal) \$25.00**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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### 12.5 OCEAN VIEW CARAVAN PARK CYCLONE PROCEDURE

**MINUTE:** 11350

**FILE REFERENCE:** RE.SE.R.24405.01

**AUTHOR'S NAME AND POSITION:** Darlene Bodanski  
Project Officer

**NAME OF APPLICANT/RESPONDENT:** Nil

**DATE REPORT WRITTEN:** 30 October 2012

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

**PREVIOUS MEETING REFERENCE:** Nil

#### **Summary**

The Shire of Ashburton manages the Ocean View Caravan Park in Onslow therefore Council has a duty of care to provide a cyclone procedure for the park's residents/visitors.

#### **Background**

November to April is cyclone season in Western Australia. Onslow is located in the most cyclone-prone part of Australia's Coast in the centre of what is known as "cyclone alley" and is subject to up to numerous cyclone warnings each summer with an average of a direct hit every two years. No other Australian town has endured such a period of intense cyclone activity.

On the 3<sup>rd</sup> September 2012 the Shire of Ashburton officially took over the management of the Ocean View Caravan Park in Onslow and with the summer season upon us Council has a duty of care put into place cyclone procedures for the Caravan Park and its residents/visitors.

Under the previous management of the facility the practise of the park operator was to evacuate all residents, vans and vehicles upon Yellow Alert and allow all to return after the all clear was given.

#### **Comment**

As the cyclone season has now commenced for 2012, Council has a duty of care to provide a cyclone procedure for the park and its residents. The park currently has 8 park homes which have permanent tie downs installed however given there are currently no tie down anchor points installed for caravans it is recommended that Council continue with what has been past practise, which is to require all residents and visitors to evacuate the park on Yellow Alert along with all vans, vehicles and personal belongings.

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Research with other Caravan Parks in the North West has taken place to ascertain what procedures are common, whilst no other Shire operated parks were found results from parks are below:

Caravan Park	Provide Anchor Points	Evacuation of Park
Discovery Park Onslow	No	On Yellow Alert
Karratha Caravan Park	No	On Yellow Alert
Big 4 Exmouth	No	On Yellow Alert
Ningaloo Lighthouse Caravan Park	No	On Yellow Alert
Port Hedland Tourist Park	Yes	On Yellow Alert
Cooke Point Holiday Park (Port)	No	On Yellow Alert
Dixons Caravan Park (Port)	Yes	Residents can stay if they wish after tie down but must evac anything higher than cat 2
Newman Caravan Park	No	Mostly permanent park homes, caravans not common during summer, however they would be required to evacuate.

Taking into consideration all of the above, common practise is that majority of residents/visitors are required to evacuate caravan parks upon Yellow alert and return when the all clear is given.

The Caravan Park Management Team is currently undertaking a full business case and Masterplan process, along with conducting a review and implementation of upgrades to the park.

It should be noted that a discussion was held with John Abercombie, Divisional Manager, LGIS Liability regarding future considerations into installation of anchor points and he advised that *"In respect of Public liability/Professional Indemnity Council would have to introduce a policy to ensure by inspection that the tie down anchors meet certain standards applicable to different categories of cyclones. I would imagine that all caravans being permanent and or holiday makers would have to conform with this policy. If councils property was damaged as a result of flying debris from part or all of the vans, then this would be covered under the Shires Property Insurance .Council should update their property register to include all council owned buildings within the surrounds of the Caravan Park."*

A draft cyclone procedure has been prepared for Council's consideration. This would be subject to annual review to align with future upgrades proposed for the park.

### ATTACHMENT 12.5

#### Consultation

Senior Ranger  
Ranger – Onslow  
Executive Manager Strategic & Economic Development  
LGIS Liability

#### Statutory Environment

Emergency Management Act 1995



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### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Ashburton, 10 Year Strategic Community Plan 2012-2022, Goal 4 – Distinctive and Well Services Places, Objective Two – Accessible and safe towns.

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Shields**

**That Council endorse the Onslow Ocean View Caravan Park Cyclone Procedure ATTACHMENT 12.5.**

**CARRIED 6/1**

**Cr's White, Rumble, Shields, Foster, Dias and Wright voted for the motion.  
Cr Thomas voted against the motion.**

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### 12.6 PARABURDOO COMMUNITY HUB CONCEPT

**MINUTE:** 11351

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

**AUTHOR'S NAME AND POSITION:** Rob Brown  
Revitalisation Partnership Manager

**NAME OF APPLICANT/RESPONDENT:** Nil

**DATE REPORT WRITTEN:** 8 November 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 15.3 (minute: 11294), Ordinary meeting of Council 19 September 2012. File Reference; OC.CM.10.13  
Agenda Item 15.1 (minute: 11100), Ordinary meeting of Council 14 December 2011

#### **Summary**

The purpose of the item is to seek Council's approval of the Concept Design for the Paraburdoo Sporting and Community Hub. The process for the development of this facility has been led by the Shire of Ashburton in conjunction with community consultation and Roxby Architects, with the main focus of creating a comprehensive community facility that will have a flow on benefit to the town mall and other public amenities in that location.

#### **Background**

The Paraburdoo community comprises around 1,708 residents (ABS 2011 census), of which 200 are FIFO.

Paraburdoo was established as a mining town in the 1970s where the community service needs were provided by Hamersley Iron (the Mining Company).

A revitalization program was set up as a partnership between Rio Tinto and The Shire of Ashburton to modernize the township of Paraburdoo, Rio Tinto as the major funding provider (stakeholder) and the Shire of Ashburton to facilitate and manager the partnership.

The Shire is committed to involving the Community in the development process to ensure the outcome best suits community needs.

From 2009 the Shire of Ashburton engaged consultants (Creating Communities and Roxby Architects) to undertake extensive community consultation.

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These Community engagement programmes raised Community awareness of the planning process and underpin the development of a Community centre (described as The Community Hub) that will provide Community facilities.

The Community Hub will incorporate a multifunctional sporting facility, childcare centre, neighbourhood centre, sports clubrooms and other amenities.

The brief from these consultations formed the basis for a new design (undertaken by Roxby Architects, who were awarded the tender) for the Community Hub, one which will serve the needs of the Community both now and into the future.

The Community Hub will draw people together and provide and sustain Community interaction.

This interaction will stimulate a positive flow-on effect to the social lives, the social ties and the health and wellbeing of the people living in and visiting Paraburdoo and will help create a more sustainable community environment.

Paraburdoo is a normalised community, the majority of residents, both permanent and FIFO workers for either Rio Tinto and/or provide services to Rio Tinto and the Community.

The RTIO Paraburdoo Town site Strategy indicates that there is a projected life of at least 30 years for Paraburdoo Based on this strategy development of Community facilities and investment into Paraburdoo can be undertaken with confidence.

### ***The Community wants a Hub that is;***

- Environmentally friendly
- Ergonomic in design
- State of the Art
- User friendly
- Functional
- Economically sustainable
- Family friendly

### ***And will include;***

1. Child care centre that includes
  - 72 place child care
  - Facility for working families
  - After school care
  - Meals area
  - Play park
2. Multi-purpose *Sports* facility that includes:
  - Main Hall
    - Netball Courts
    - Basketball Courts
    - soccer/football
    - Indoor cricket
  - Squash courts
  - Meeting rooms
  - Function centre
  - Administration area
  - Changing rooms
  - Spectator viewing area

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3. Karingal Neighbourhood Centre that includes
  - Meeting rooms
  - Offices for non for profit services
  - Toy library
  - Playgroup
  - Op shop
  - Job centre
  - Community care
  - Small function area
  - Citizens advice
4. Sporting clubrooms that includes
  - Bar area
  - Kitchen and catering
  - Function room
  - Viewing area
  - BBQ area
5. Shared pool sports field facilities that include
  - Changing rooms
  - Umpire rooms
  - Lifeguard area
  - Cafeteria/refreshments
  - First Aid room
6. Other
  - Updated car parking
  - Low level water park
  - Redevelopment of skate park
  - Professional services including - Financial counselling, Domestic violence, Drug and alcohol counselling

### **Comment**

The most important element to evaluating the need of new facilities is having solid and reliable benchmark data.

Through the consultants, the Shire of Ashburton has quantitative and qualitative information directly from the residents of Paraburdoo as well as other key stakeholders. Future feedback both informal and formal will ensure the project stays on track and the Shire is driven by community and regional needs.

The Shire of Ashburton and Rio Tinto have recognised the need to develop and support the Community of Paraburdoo by providing a sustainable environmentally friendly Community Hub facility that meets both the 10 Year Community Strategic Plan's vision for the future and what the community have asked for.

### ***'How' will this be done?***

- Funding; with the support and help of our stakeholders through
  - Shire of Ashburton
    - Staff and Councillors
  - Community members and groups
  - Business community
    - Rio Tinto
    - Small Business Association of Paraburdoo

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- Lottery West
- State Government
  - Department of Sport and recreation
  - Pilbara Development Commission
  - West Pilbara Communities for Children
- Technical, Strategic and Economic Planning
  - Development of Strategic and operational plan
    - Rio Tinto
    - Shire of Ashburton staff
  - Working with professional industry specialists
    - Roxby architects\*
  - Project milestones

### ATTACHMENT 12.6

#### Consultation

Review and analysis has been undertaken for the future sustainable growth and economic development of Community of Paraburdoo that includes:

1. Identified infrastructure in need of upgrading and/or replacement,
2. A recent round of consultations with all external community groups and key stakeholders, and
3. Funding commitments from Rio Tinto, the Shire of Ashburton and other key stakeholders.

#### The Community groups and stakeholders consulted were:

- Residents of Paraburdoo and the Shire of Ashburton
- Staff and Councillors
- Paraburdoo sporting and community groups
- Karingal Neighbourhood Centre
- Local Playgroups
- Health and Family special needs
- Local Indigenous groups
- Local Primary school
- Local Police
- Local businesses

These discussions between The Shire of Ashburton, Rio Tinto and the Community determined the needs of the facility to incorporate multiple uses within the same facility to meet these needs and desires.

#### Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Town Planning Scheme no. 7

Residential Design Codes

#### Financial Implications

Funding will be identified and secured before each stage of this project is undertaken.

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### Strategic Implications

Shire of Ashburton, 10 Year Community Strategic Plan 2012-2022, Goal 1 – Vibrant and Active Communities, Objective 2 – Active People, Clubs and Associations

### Policy Implications

Nil

### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED:** Cr L Thomas

**SECONDED:** Cr I Dias

**That Council endorses the Paraburdoo Community Hub Concept Plan.**

**CARRIED 7/0**

Cr Wright left the meeting at 2.17 pm.

Cr Wright re-entered the meeting at 2.20 pm.

#### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr L Thomas

**That Council adjourn for a break at 2.21 pm.**

**CARRIED 7/0**

Cr's White, Rumble, Shields, Foster, Dias, Wright and Thomas left the meeting at 2.21 pm. Jeff Breen, Frank Ludovico, Keith Pearson, Amanda O'Halloran, Deb Wilkes, Rob Paul, Anika Serer, Richard Respevicius, Kaylani Cortesi and members of the public left the room at 2.21 pm.

Cr's White, Rumble, Shields, Foster, Dias, Wright and Thomas left the meeting at 2.38 pm. Jeff Breen, Frank Ludovico, Keith Pearson, Amanda O'Halloran, Deb Wilkes, Rob Paul, Anika Serer, Richard Respevicius, Kaylani Cortesi and members of the public entered the room at 2.38 pm.

#### Council Decision

**MOVED:** Cr D Wright

**SECONDED:** Cr I Dias

**That Council reconvene from a break at 2.38 pm.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 12.7 TOM PRICE TOWN CENTRE REVITALISATION PROJECT - 'VILLAGE GREEN'

**MINUTE:** 11353

**FILE REFERENCE:** OR.CM.10.09

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

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

**DATE REPORT WRITTEN:** 9 November 2012

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### **Summary**

As part of the Town Centre Revitalisation Project, the Shire of Ashburton (SoA) proposed to develop the parcel of land at Lot 2 Stadium Road, Tom Price (commonly known as Village Green). The proposed development will address the shortage of retail, commercial, hospitality and office facilities in the town.

Concept designs for the development, including an amphitheatre with digital screen, have been commissioned and endorsement of the proposed development is sought from Council. As the Shire does not currently have sufficient funding secured to undertake the development in its entirety, direction is also sought from Council on the preferred strategy for the delivery of the project.

#### **Background**

As part of the Town Centre Revitalisation Project, the Shire of Ashburton (SoA) proposes to develop the parcel of land at Lot 2 Stadium Road, Tom Price (commonly known as The Village Green). The proposed development will address the shortage of available retail, commercial, hospitality and office facilities in the town. It will also include a multi-purpose amphitheatre with state of the art screen and facilities which will further activate the town centre and provide a stage for a variety of community and educational uses. The purpose of the development is to stimulate growth and activity in the Town Centre in accordance with the SoA 10 Year Community Strategic Plan 2012-2022 and the outcomes of the Town Centre Revitalisation Planning report (TPG 2010).

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Lot 2 Stadium Road is located in the vibrant town centre of Tom Price and is surrounded by existing businesses. The area is zoned 'Commercial and Civic' and its proposed development will address the shortage of available retail, hospitality and commercial opportunities in the town. The land, which has an area of 5314sqm, is the only undeveloped lot in the town centre and is owned by the Shire.

### **Comment**

SoA has commissioned concept designs which will form the basis for the design and construction of the development. The development will consist of three separate buildings and an amphitheatre, which will be located adjacent to the new Town Centre Mall and existing shopping precinct.

### **ATTACHMENT 12.7**

#### Professional Centre

The double-storey Professional Centre will house Shire Administration offices and Council Chambers, which are currently scattered throughout the town in dilapidated buildings. Additional floorspace will accommodate the visitors centre, library, medical facilities, government agencies and other appropriate leases.

#### Retail/Office Centre

A double-storey mixed Retail & Office Building. The ground floor will consist of a café and mixed retail space, whilst the top floor will offer office space for small and medium-sized businesses.

#### Hospitality/Retail Centre

A Hospitality and Retail single-level building overlooking the proposed amphitheatre and screen. Features will include hospitality facilities with restaurant and bar areas, separate retail space and public amenities.

#### Amphitheatre

A multi-purpose amphitheatre with state-of-the-art screen, sound facilities and stage has been proposed for the centre of Village Green. This will form the entertainment heart of the town, and provide a stage for a variety of uses such as live-streaming national and international events, performances, community events, etc.

The amphitheatre will be owned and operated by the Shire of Ashburton.

The overall development will provide a focal point for the town's heart and create a modern, vibrant community hub. The consolidation of Shire services to one building will also provide easier location of services for the community & tourists. It will also free up other facilities such as the visitors centre, library & community services offices which can be leased appropriately and further expand private investment and provision of services to the area.

An Expression of Interest (EOI) was called in June 2011 seeking submissions from parties interested in:

- a) Building the development on behalf of the Shire
- b) Purchasing floorspace upon completion of the development or;
- c) Leasing floorspace upon completion of the development.

Submissions have allowed the proposed cost of development, demand for floorspace and potential prices to be calculated, along with the type of facilities required by business owners. Estimates to construct the development ranged from \$12,800,000 to \$29,650,000



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with an expected achievable cost of around \$19-20 million. Pricing and estimated timeframes to build each of the components were:

Professional Building	\$10,500,000	60 weeks
Retail/Office Building	\$ 2,000,000	45 weeks
Tavern/Hospitality	\$ 2,750,000	52 weeks
Amphitheatre	\$2,750,000	28 weeks

Total :                               \$18,000,000   plus headworks and contingencies

An application for 'Royalties for Regions' funding was submitted in July 2011, seeking \$21,450,000 to undertake the whole development, or alternatively \$12,500,000 to construct the Professional Building & Amphitheatre (the balance to be constructed either through alternative funding or private investment). Unfortunately the funding round received over 300 applications and the Shire was unsuccessful. A further funding round is now available through Pilbara Cities and \$4,00,000 is being sought to contribute to the Village Green project. This will obviously still not provide sufficient funds to construct the entire development, and therefore Council's instruction is sought on the preferred method to proceed with the project.

Several developers and local companies have expressed interest in developing part, or all, of the complex, which would reduce the financial burden on the Shire to complete the project. There are several ways this could be undertaken, and options as to whether the Shire wishes to retain ownership of the new Professional Building (or at least the part of the building required by the Shire) or lease the area on a long-term basis. The amphitheatre will need to be owned and operated by the Shire to ensure public use.

The 2012/13 budget provides \$300,000 for design and \$1,500,000 for the amphitheatre.

### **OPTION 1 - SHIRE BUILDS & OWNS PROFESSIONAL CENTRE & AMPHITHEATRE; OTHER ASPECTS OF THE PROJECT 'SOLD' TO ONE OR MORE DEVELOPERS**

The Shire issues a Tender for the detailed design and construction of the Professional Centre and Amphitheatre. The Shire would be heavily involved in this process and control the construction and delivery of the project. The total cost to undertake these two components, including contingencies and the fit-out of the new building, is estimated around \$13,000,000. Funding for this project would be composed of:

Royalties for Regions Round 1 (secured)	\$ 3,000,000
Royalties for Regions Pilbara Cities (applied)	\$ 4,000,000
Shire of Ashburton *	<u>\$ 6,000,000</u>
	\$13,000,000

\* The Shire of Ashburton component would be raised through the sale of the existing Administration Building upon completion of the project (approx. \$1.8-2m) , sale of the other 2 parts of the Village Green land to developers (\$1m) and funds available in reserve from land sales and borrowings (\$3m).

The land will need to be subdivided to allow the other two portions (retail centre and hospitality building) to be developed independently. These lots will be offered as a Development Lease by Tender for appropriate companies to buy and develop in accordance with their approved plans. These plans should be generally in accordance with the concept

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designs and uses provided by the Shire in the scope of the Tender. The awarded contractor would be free to own & operate, sell, or lease the buildings upon completion.

There are benefits to the Shire owning and operating the Professional Centre, including security of tenure for administration and the ability to ensure other tenancies located in the building are appropriate and can be adjusted as necessary (eg if the Shire requires more or less floorspace in the future). The Shire can also control the rent for other floorspace thus ensuring that 'essential' services such as the medical centre can afford to continue to provide service to the community.

### **OPTION 2 – ALL ASPECTS OF THE VILLAGE GREEN PROJECT SOLD TO ONE OR MORE DEVELOPERS VIA DEVELOPMENT LEASE –PROFESSIONAL BUILDING & AMPHITHEATRE PURCHASED BY SHIRE ON COMPLETION**

The land is offered by Tender either in parcels (for each component of the project) or as a whole for a developer/s to purchase and undertake construction. The contract/s would require the sale of the Professional Building & Amphitheatre to the Shire on completion of the project.

This option allows a developer to undertake the entire project, and achieve economies of scale, however it may restrict the number of developers that are able to finance the entire project for its duration. This option also transfers the risk to the developer and reduces the Shire's ability to control the situation should there be delays or changes in the delivery of the project.

The purchase and fit-out of the Professional Building and Amphitheatre would be funded in a similar manner to Option 1.

### **OPTION 3 – ALL ASPECTS OF THE VILLAGE GREEN PROJECT SOLD TO ONE OR MORE DEVELOPERS VIA DEVELOPMENT LEASE – PROFESSIONAL BUILDING IS LEASED BY SHIRE ON COMPLETION**

Similar to Option 2, however instead of purchasing the Professional Building upon completion the Shire signs a long-term lease for the required floorspace (eg 21 years). The amphitheatre would still be purchased by the Shire, or alternatively excised from the developer's portion of land and developed separately by the Shire.

This option creates the least financial burden on the Shire as it would not be required to raise funds for the construction or purchase of the Professional Building. Funds from the sale of the existing Administration Building (\$1.8-2m) could be applied to other projects or used for the fit-out of the new building. There are however inherent risks with this option being:

1. Failure of developer to undertake or complete project as agreed
2. Delays in delivery of project by developer will be out of Shire's control
3. Shire has no control or choice of co-tenants in the Professional Building
4. The Shire will be disposing of two land assets (Village Green site and existing administration building) and committing to a long-term tenancy

Direction is sought by Council on the preferred strategy to undertake the project and form of tenure for the new administration building. Once this has been received, initiation of the strategy will commence including subdivision of Lot 2 Stadium Road as required, issue of

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Tender documentation, liaison with service providers for infrastructure requirements and any other planning requirements. It is expected this will take approximately 4 – 6 months.

### Consultation

Chief Executive Officer  
Principal Town Planner  
Roxby Architects  
Whelans (Survey and Town Planning)  
Independent Valuers Western Australia (IVWA)

### Statutory Environment

Local Government Act 1995 – Section 3.58 Disposing of Property.

Shire of Ashburton Local Planning Scheme No. 7.

Irrespective of the option chosen, the development will require planning approval.

### Financial Implications

The 2012/13 budget provides \$300,000 for design and \$1,500,000 for the amphitheatre.

Further financial implications are dependent on the option chosen by Council to undertake the project as detailed in the report.

### Strategic Implications

“Living Life” Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:

Goal 01 – Vibrant and Active Communities: Objective 01 – Connected, Caring and Engaged Communities: *“Provide opportunities to connect people and communities addressing isolation and dislocation.”*

Goal 2 – Enduring Partnerships: Objective 01 – Strong Local Economies: *“Attract funding to support business development and community enterprise”; “Facilitate timely release of land to support the local economy”*

Objective 03 – Well-Managed Tourism: *“Upgrade and expand visitor Centre facilities and services.”*

Goal 04 – Distinctive and Well Serviced Places: Objective 01 – Quality Public Infrastructure: *“Provide and maintain affordable infrastructure that serves the current and future needs of the community, environment, industry and business.”*

Objective 03 – Well Planned Towns: *“Ensure new developments are sensitive to the natural and built environments”; “Ensure buildings and landscaping enhance the local character of towns and integrate with the natural environment, with a focus on beautification”; “Incorporate social planning and ecological sustainable development principles in planning strategies and policies”; “Provide a diverse range of high quality open spaces.”*

Goal 05 – Inspiring Governance: Objective 03 – Exemplary Team and Work Environment: *“Provide a safe and healthy workplace”; “Provide a functional workplace and infrastructure.”*

### Policy Implications

None identified.

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### **Voting Requirement**

Absolute Majority Required

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Shields**

**That Council:**

- 1. Endorses the concept designs for the development of the 'Village Green' project at Lot 2 Stadium Road, Tom Price.**
- 2. Endorses the following option for the funding and delivery of the 'Village Green' project as outlined in the above report:**
  - a) Shire builds and owns Professional Centre and Amphitheatre; other aspects of the project sold to one or more developers.**

**CARRIED 6/1**

**Cr's White, Rumble, Foster, Shields, Dias, Wright and Thomas voted for the motion.  
Cr Dias voted against the motion.**

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### 12.8 PROPOSED LICENCE TO USE LOTS 555 & 556 BEADON CREEK ROAD, ONSLOW FOR IRRIGATION OF WASTEWATER

MINUTE: 11354

FILE REFERENCE: RE.BD.R.34101

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

NAME OF APPLICANT/RESPONDENT: Beston Accommodation Parks Trust

DATE REPORT WRITTEN: 12 November 2012

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

PREVIOUS MEETING REFERENCE: 13.8 Ordinary Meeting of Council 20 June 2012

#### Summary

Beston Accommodation Parks Trust (trading as Discovery Parks) has submitted a proposed Licence Agreement to enable the disposal of the wastewater originating from their land at Lots 557 and 563 Beadon Creek Road, Onslow by treatment and irrigation onto Lots 555 & 556 Beadon Creek Road, Onslow. As the subject land is owned by the Shire, the proposed Licence and recommended amendments are presented for Council's approval.

#### Background

Master Plan SA lodged an application for planning approval on behalf of Discovery Park for the construction of a new two storey mess (dining) hall at Lot 563 and Lot 557 Beadon Creek Road, Onslow, which was presented to Council on 20 June 2012. In addition, the application sought to dispose of wastewater from these sites via treatment and irrigation to the adjoining Lots 555 and 556 (owned by the Shire). Council agreed to accept a planning application over Lots 555 and 556 for waste water irrigation, noting that this is separate to any land arrangement (ie Lease or Licence).

A proposed Licence Agreement has now been prepared by Talbot Olivier on behalf of Beston Parks Land Co Pty Ltd and submitted to the Shire for approval.

#### Comment

The proposed Licence Agreement grants the Licensee permission to use Lots 555 and 556 Beadon Creek Road, Onslow for the purpose of disposal of wastewater from Lots 557 and 563 Beadon Creek Road by treatment and irrigation.

**ATTACHMENT 12.8**

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The document has been reviewed and the following conditions require alteration to suitably protect the Shire's interests:

1. Clause 2.2 – Term of Licence: The proposal only allows for termination of the Licence if the land is purchased by the Licensee or Water Corporation expand their sewer service to enable the disposal of wastewater by this method. The Licence is a separate arrangement to the Beston Accommodation Parks Trust proposal to purchase Lots 555 and 556, for which the business plan is currently advertised for public submissions. The Licence should therefore include a clause allowing the Licence to be terminated after giving a reasonable period of notice (eg 6 -12 months) to be negotiated and stipulated in the agreement;
2. Clause 4.9 – Costs: The document requires that each party pays its own legal and other costs in respect of the licence agreement. As there is no consideration proposed (ie a licence fee or other regular payment) the Licensee should pay all legal and other costs, including those incurred by the Shire;
3. Other Approvals: A clause should be included stating that the granting of the Licence does not obviate the need for planning approval or any other approvals that may be required by statutory authorities for the intended purpose;
4. Contamination: A clause will be added requiring the Licensee not to allow the land to become contaminated or otherwise damaged by the proposed use and to be responsible for the rectification of any such damage or contamination.

Should the applicant be agreeable to these amendments, the proposed Licence appears satisfactory for the purpose required.

### Consultation

Principal Town Planner  
Executive Manager - Strategic & Economic Development  
Haynes Robinson Lawyers

### Statutory Environment

Local Government Act 1995 – Section 3.58 Disposing of Property.

### Financial Implications

Subject to the Licensee agreeing to the amendment of Clause 4.9 of the document, there will be no cost or financial implication to the Shire.

### Strategic Implications

“Living Life” Shire of Ashburton 10 Year Community Strategic Plan 2012 – 2022:  
Objective 01 Strong Local Economies – *“Understand the local economic trends and needs of local businesses”; “Develop policies and programs to support existing businesses and encourage business attraction to meet the changing needs of local and regional areas.”*

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Absolute Majority Required

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### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr D Wright**

**Approve the proposed Licence Agreement subject to the amendments recommended in this report, and delegate authority to the Chief Executive Officer to negotiate these amendments with the Licensee as required and execute the Licence.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 12.9 RFT 10/12 DESIGN AND CONSTRUCT OF ONSLOW AIRPORT TERMINAL

**MINUTE:** 11355

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

**AUTHOR'S NAME AND POSITION:** Megan Walsh  
Project Manager

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

**DATE REPORT WRITTEN:** 11 November 2012

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

**PREVIOUS MEETING REFERENCE:** 15.06.12 – Ordinary Meeting of Council  
16 June 2010

#### **Summary**

On the 7 July 2012 the Shire called tenders for the design and construction of Onslow airport terminal (RFT 01/12) to be constructed on lot 16 Onslow Road, Onslow. On review by the assessment panel, the tenders all exceeded the Shire's targeted price of \$5 million (not including GST). Tenders were therefore rejected due to best value for money principles.

Re-tendering (RFT 10/12) occurred on 15 September 2012 with a revised scope. Eleven submissions were received.

This agenda item assessed these tenders and recommends awarding the tender to Woollam Constructions.

#### **Background**

The existing Onslow Aerodrome is a fit for purpose Civil Aviation Safety Authority (CASA) certified facility that has more than adequately met the existing needs of the community to date.

With the formalisation of the Ashburton North Strategic Industrial Area (ANSIA) and the commencement of both the Macedon and Wheatstone projects it is anticipated that air transport will increase significantly.

To serve the projected needs of industry and to satisfy the scope of work provided by Chevron to serve its Wheatstone operations, significant upgrades to all airport facilities are required.



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Demand will be highest during the construction phases of the proposed projects based at the ANSIA, with demand in the longer term heavily dependent on the overall level of development achieved at Ashburton North and the growth of the local community.

The Onslow Aerodrome Redevelopment includes:

- Construction of a new runway, taxiway and apron
- Installation of new and upgraded runway and apron lighting
- Provision of new radio and navigation aids
- Construction of a new terminal building, complete with passenger and baggage screening facilities
- Installation of refuelling facilities
- Construction of new access road and parking facilities
- Construction of fire fighting facilities

Chevron has agreed to contribute \$30 million to the redevelopment project which is to be delivered over a twelve month period.

The redevelopment site is located at Lot 16 Onslow Road, Onslow, approximately 3 km from the town site. No additional land is required as the proposed redevelopment will be sited within the existing property boundaries. The Shire of Ashburton has freehold tenure over this land.

### **Comment**

Tender RFT 10/12, called on 15<sup>th</sup> September 2012 and closed on 29<sup>th</sup> October 2012. Eleven submissions were received.

The tender was for the design and construction of the Onslow airport terminal and included the contractor to be responsible for design documents, provision and management of all resources, labour and materials, on and off site fabrication and construction work, services work, fencing, installation of all finishes, fixtures and fittings.

The RFT called for a modern, high quality airport terminal. The terminal building must welcome tourists, residents and resource sector visitors. It should excite and inspire visitors to see more of the region. Design needed to demonstrate a quality and degree of innovation and visual impact, whilst still being a sustainable building that holds economic value over cost of life.

An indicative floor plan was provided which demonstrates Councils aspirations for the terminal. It had all the key features to promote effective aerodrome management. Whilst is unlikely that the aerodrome will need expansion in the short to medium term, there is the possibility that this may occur in the future therefore designs that enable expansion were requested.

The terminal design was required to incorporate the following features:

- Car Hire Area (minimum 2 car hire)
- Airport Mangers office
- Airline dispatch Office
- Departures lounge to fit 100 persons, including beam seating
- Ticket check station
- Internal toilets
- Kiosk
- Cleaners store
- 1 x external toilet (for after hours requirements)

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- Provisions for Security Screening area
- Check in counter (Min x 3)
- Baggage Claim area
- Baggage Carousel – additional cost option

The target completed contract cost was \$5,000,000 + gst. The contract includes the terminal only. All head works, communications, security screening equipment, furniture, landscaping, surrounds, waste treatment plant, car parks and fire fighting plant will be part of separate contacts.

A tender panel consisting of Shire officers and consultants assessed the tenders based on the following criteria:

<b>Price</b>	<b>45%</b>
<b>Design /innovation / functionality</b> Final design will provide the community with a land mark building that will foster tourism and inspire visitors to the region whilst being modern and support efficient aerodrome management.	<b>30%</b>
<b>Previous Similar Projects &amp; Experience</b> Demonstrated experience and skill in all aspects of the construction of projects of a similar nature displaying high quality outcomes	<b>5%</b>
<b>Environmentally Sustainable Design</b> Incorporating leading environmental design elements and demonstrating economic value over cost of life	<b>20%</b>

The tenders were received and assessed in accordance with the attachment. The panel's assessment has rated Woollom Constructions the preferred tenderer.

### ATTACHMENT 12.9

#### Consultation

Tender Assessment panel  
Aerodrome Management Services Pty Ltd  
Josh Byrne & Associates  
Principal Town Planner

#### Statutory Environment

Local Government Act 1995 s 3.57  
Local Government Act 1995 s 5.42 and 5.43  
Local Government (Functions and General) Regulations 1996 Pt.2 Div.2

Shire of Ashburton Local Planning Scheme No. 7

The development will require planning approval. It is intended that that successful Tenderer will be responsible for seeking planning Approval. As the land is owned by the Shire, the Application form will need to be signed by the CEO. The Principal Town Planner has advised that the Application will be advertised in accordance with the Planning Scheme. Under

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delegation DA035, the Council has delegated authority to the CEO to approve certain planning matters. An application for the terminal would come under DA035.

The building is required to be constructed in accordance with:

- Building Code of Australia
- Department of Health Standards

### Financial Implications

The tender is within the allocated portion of the full Aerodrome Master Plan budget as per the Shire of Ashburton 2012/13 approved Annual Budget.

### Strategic Implications

'Living Life' Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:

Goal 2, Objective 2 – Enduring partnerships with Industry and Government;

Goal 4, Objective 1 – Quality Public Infrastructure.

### Policy Implications

Purchasing and Tender Policy FIN 12

### Voting Requirement

Absolute Majority Required

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr D Wright

**That Council:**

1. **Appoint Woollam Constructions as the preferred tenderer for the Onslow Airport Terminal building construction project and delegate to the CEO to award the contract.**
2. **Delegate the CEO authority to approve the planning application of the Onslow Airport Terminal.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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### 13. TECHNICAL SERVICES REPORTS

#### 13.1 ALTERNATE ACCESS TO HOOLEY CREEK - DEPARTMENT OF STATE DEVELOPMENT FURTHER RESPONSE

MINUTE: 11356

FILE REFERENCE: PS.TP.7.10

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

NAME OF APPLICANT/RESPONDENT: Department of State Development (DSD)

DATE REPORT WRITTEN: 6 November 2012

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.4, Minute No. 11286 Ordinary Meeting of Council 19 September 2012  
Agenda Item 13.6, Minute No. 11227 Ordinary Meeting of Council 20 June 2012  
Agenda Item 16.1, Minute No. 11164 Ordinary Meeting of Council 18 April 2012

#### Summary

The Onslow community currently has access to a coastal site near the mouth of Hooley Creek which is accessed by traversing existing tracks in the south eastern corner of Urala Station. The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), *Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan)* and *Wheatstone Development Plan* include provisions that require an equivalent access in lieu of the current informal access to Hooley Creek.

At the Council meeting of 19 September 2012, Council resolved to advise the Department of State Development (DSD) that the preferred access to Secret Creek is for community recreation and tourist purposes, a public access route (PAR) pursuant to Section 64 of the Land Administration Act 1997 is considered to be the most appropriate form of access.

DSD has responded to the Council's resolution by advising that its preference is to "closely align the actions of the declaration of the PAR and the Shire acceptance of the Department meeting the requirements of Condition 8 of the *Ashburton North Strategic Industrial Area Structure Plan (the Hooley Creek condition)*. It is the Department's view that upon the declaration of the PAR, the Department has satisfied Condition 8.

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*Given the expected PAR declaration in December, the date of the last Council meeting for this year on 12 December, and a gap in the new-year before the next Council meeting, would the Council please give consideration to delegating the necessary authority to the Shire's Chief Executive Officer with the effect that upon the declaration of the PAR, the Shire accepts the Department has met its responsibilities in regard to condition 8 and the track to Hooley Creek can be closed."*

It is agreed that establishment of the PAR from Old Onslow Road through to Secret Creek would achieve the requirements of the Scheme, Structure Plan and Development Plan.

However, DSD is still to acknowledge that the Shire is not liable for any costs in establishing the PAR (as provided for in earlier Council resolutions from 18 April 2012 and 20 June 2012). It is recommended that Council seek confirmation from DSD that it will be responsible for any establishment costs of the PAR and once this is acknowledged, the CEO be authorised to respond to DSD and Chevron that once the PAR is declared that the legal access requirements have been met to 'clear' conditions of the Scheme, Structure Plan and Development Plan.

### **Background**

The community currently has access to a coastal site near the mouth of Hooley Creek which is accessed by traversing existing tracks in the south eastern corner of Urala Station. The Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'), Ashburton North Strategic Industrial Area Structure Plan (ANSIA Structure Plan) and Wheatstone Development Plan include provisions that require an equivalent access in lieu of the current informal access to Hooley Creek as follows:

### **Scheme provision:**

#### **"APPENDIX 11 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA (ANSIA)**

9. *When considering a request to initiate rezoning of land within the ANSIA to "Strategic Industry" or other zone or reservation identified within the ANSIA Structure Plan, the local government shall only initiate an Amendment when it is satisfied that the proponent has prepared a structure plan dealing with the following matters:*
  - r) *Should Hooley's Creek be unavailable for the community to freely access, suitable alternative arrangements providing unlimited community access to the coast shall be determined;"*

### **ANSIA Structure Plan:**

#### **"8 Alternatives to Hooley Creek**

*Prior to the issue of any Planning Approval that, as a result such approval limits community access to Hooley Creek and/or approval of a Development Plan(s), the Department of State Development will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. Such evidence shall demonstrate consultation with the community regarding coastal access during the advertising of the ANSIA Structure Plan."*

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### **Wheatstone Development Plan:**

#### *"10 Hooley Creek*

*Prior to the approval of any development and/or any subdivision that, as a result such approval, limits community access to Hooleys Creek and/or approval of a development plan(s), the Department of State Development (DSD) will provide evidence to the Shire that unlimited community access to the coast at a site similar to Hooley Creek has been established to the satisfaction of the Shire. Such evidence shall demonstrate consultation with the community regarding coastal access during the advertising of the ANSIA Structure Plan."*

At the Council meeting of February 2012, Council addressed the "Chevron Development Plan" where it also addressed the issue of alternate access to Hooley Creek. Council's resolution in relation to Hooley Creek was as follows:

*"2. Request the Chief Executive Officer to:*

*c) write to the Department of State Development seeking an update as to the progress of alternatives to Hooley Creek."*

At the 18 April 2012 Council meeting, Council resolved as follows:

*"a) Thank DSD for its correspondence and efforts in pursuing an alternative to Hooley Creek.*

*b) That Council is not in a position to comment on the suitability of the western banks of the Ashburton River and to Secret Creek as an alternative to Hooley Creek until DSD completes its community consultation with the broader Onslow community.*

*c) Invites DSD to inform Council on the outcomes of the further community consultation.*

*d) Until the views of the community are established and (assuming the site location is confirmed) unfettered access is confirmed, the Shire is unable to determine whether the Scheme and Structure Plan provisions associate with an alternative to Hooley Creek has been complied. Until this is undertaken, it is not be possible for the Shire to accept closure of community access to Hooley Creek.*

*e) That Council is not willing to accept any cost in relation to establishing an alternative to Hooley Creek. In this regard, it is considered that either the State or Chevron Australia should be responsible for any costs associated with achieving and developing unfettered access to the alternative site."*

At the 20 June 2012 Council meeting, a response from DSD with respect to the above Council resolution was presented. Council, at the 20 June 2012 meeting, resolved as follows:

*"1) With respect to correspondence received from the Department of State Development (DSD) dated 30 May 2012 in relation to its efforts in determining an alternative to Hooley Creek, request the Chief Executive Officer to advise DSD as follows:*

*a) Thank DSD for its correspondence and efforts in pursuing an alternative to Hooley Creek noting that through DSD's consultation the community of Onslow has identified Secret Creek as an acceptable alternative to Hooley Creek.*

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

- b) *Advise DSD that in her role as a Councillor, the informal consultation undertaken by the Shire President with the local community, has revealed that Secret Creek is not considered by the Onslow community as an alternative to Hooley Creek, as the community has been provided the same informal access to Secret Creek as Hooley Creek for a number of years. The denial of access to Hooley Creek is a lost recreation asset for the community of Onslow.*
- c) *In order to further the development at the Ashburton North Strategic Industrial Area, that Council is willing to support DSD in its efforts to achieve unfettered access to Secret Creek and once this is achieved, Council will support the closure of vehicle access to Hooley Creek subject to the State and Chevron accepting all necessary establishment costs.*

*After construction of the road and establishment of a 'road reserve', the Shire will accept responsibility for maintenance of the road.*

*However, the consultation undertaken by the Shire President with the Onslow community reveals a strong desire to achieve a larger recreation area for the current and expanded Onslow community. In this regard, upon the review of Pastoral Leases in 2015, the Council is likely to seek to have the Uralla Pastoral Lease modified to ensure unfettered community access to Secret Creek and other coastal areas (potentially to Locker Point, depending upon consultation with the community). DSD is requested to assist the Council in its efforts to achieve such access for the community.*

- d) *Write to BHPB in relation to 1c) above requesting a meeting with relevant BHPB representatives, DSD, the Shire President and the Chief Executive Officer to further discuss community access to the coast.*
- e) *Remind DSD that Council is not willing to accept any cost in relation to establishing access to Secret Creek.*
- f) *That the Shire will make DSD's correspondence of 30 May 2012 available on the Shire's Website and will be published in the Onslow Times newspaper.*

*That the Chief Executive Officer provides BHPB, Chevron Australia and Dampier Port Authority with a copy of DSD's correspondence of 30 May 2012 and Shire's correspondence to DSD."*

Council, at the 19 September 2012 meeting, resolved as follows:

*"That Council:*

- 1. Determine that as the preferred access to Secret Creek is for community recreation and tourist purposes, a public access route (PAR) pursuant to Section 64 of the Land Administration Act 1997 is considered to be the most appropriate form of access.*
- 2. Request the Chief Executive Officer to provide the Department of State Development (DSD) with a copy of the Shire report and advise DSD of 1. above."*

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### Comment

DSD has responded to the Council's resolution by advising that its preference is to:

*"... closely align the actions of the declaration of the PAR and the Shire acceptance of the Department meeting the requirements of Condition 8 of the Ashburton North Strategic Industrial Area Structure Plan (the Hooley Creek condition). It is the Department's view that upon the declaration of the PAR, the Department has satisfied Condition 8.*

*Given the expected PAR declaration in December, the date of the last Council meeting for this year on 12 December, and a gap in the new-year before the next Council meeting, would the Council please give consideration to delegating the necessary authority to the Shire's Chief Executive Officer with the effect that upon the declaration of the PAR, the Shire accepts the Department has met its responsibilities in regard to condition 8 and the track to Hooley Creek can be closed."*

### ATTACHMENT 13.1

It is agreed that establishment of the PAR from Old Onslow Road through to Secret Creek would achieve the requirements of the Scheme, *Structure Plan* and *Development Plan*.

However, DSD is still to acknowledge that the Shire is not liable for any costs in establishing the PAR (as provided for in earlier Council resolutions from 18 April 2012 and 20 June 2012). In this regard, it is appropriate that Council seek confirmation from DSD that it will be responsible for any establishment costs of the PAR and once this is acknowledged, the CEO be authorised to respond to DSD and Chevron that once the PAR is declared that the legal access requirements have been met to 'clear' conditions of the Scheme, *Structure Plan* and *Development Plan*.

### Consultation

Chief Executive Officer  
A/Executive Manager, Technical Services

### Statutory Environment

Planning and Development Act  
Land Administration Act

### Financial Implications

The advice from DSD doesn't necessarily lead to any financial outlay by the Shire or the Onslow community. The resolution of Council of 20 June 2012 clearly stipulates that as an outcome of finding an alternative to Hooley Creek and that the Shire should not incur any establishment costs.

However the Shire will be responsible for the long term maintenance costs which are estimated to be in the vicinity of \$10,000 per annum. Should Secret Creek become a significant recreation area for the town of Onslow, then it is likely that a future Council will need to review the possible establishment of facilities and other amenities at the site.

### Strategic Implications

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

Shire of Ashburton 10 Year Community Plan 2012-2022



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Goal 04 – Distinctive and Well Serviced Places  
Objective 03 – Well Planned Towns

### Policy Implications

There are no policy implications relevant to this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr D Wright

**SECONDED:** Cr I Dias

That Council:

1. Subject to the following conditions, the Chief Executive Office is authorised to determine that Clause 9 (r) of Appendix 11 to the Shire of Ashburton Local Planning Scheme No. 7, condition 8 of the *Ashburton North Strategic Industrial Area Structure Plan* and condition 10 of the *Wheatstone Development Plan* are 'cleared' where the Shire is informed in writing that the:
  - a) Department of State Development accepts responsibility for any costs incurred by the Shire for the establishment of the public access route from the fenced boundary of Urala Station through to Secret Creek for community recreation and tourist purposes; and
  - b) Public access route has been declared and available for public access pursuant to relevant provisions of the *Land Administration Act 1997*.

**CARRIED 7/0**

Anika Serer left the meeting at 3.05 pm and never returned.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### **Declaration of Interest**

Prior to consideration of this Agenda Item Cr Foster declared an interest in Agenda Item 13.4 in accordance with Section 5.60A of the Local Government Act. The interest being Cr Foster is an employee of the Department of Transport.

Cr Foster left the meeting at 3.10 pm.

### **13.4 MOORING CONSENT - FROM ECO ABROLHOS ACCOMMODATION PTY LTD, BEADON CREEK**

**MINUTE:** 11357

**FILE REFERENCE:** RE.BD.R.30711

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

**NAME OF APPLICANT/RESPONDENT:** Eco Abrolhos Accommodation Pty Ltd

**DATE REPORT WRITTEN:** 12 November 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.10 (Minute: 11327), Ordinary Meeting of Council 17 October 2012

### **Summary**

Eco Abrolhos Accommodation Pty Ltd has requested Council 'approve' the 3<sup>rd</sup> 'boatel' moored at Beadon Creek but not suggested a timeframe for the mooring. There is no 'head of power' for Council to 'approve or refuse' the boatel. Council can only provide an opinion in relation to its application to the Department of Transport (DoT). It should be noted that the Shire has not received any request from the DoT for any advice or comment on the 3<sup>rd</sup> 'boatel' moored at Beadon Creek.

It is considered appropriate that Council advise both Eco Abrolhos Accommodation Pty Ltd and the DoT that in line with draft *'Local Planning Policy - Mooring of 'Boatel's at Beadon Creek and waters off Onslow'* (draft Policy) a maximum period of six (6) months is considered appropriate. However, as part of an overall review of the draft Policy, this period could be extended should Council resolve a longer period of time for 'boatels' is considered acceptable.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Background

Control of the waters of Beadon Creek and directly off Onslow is the direct responsibility of the Department of Transport. In the recent past, the Department has only once sought the views of the Shire to the mooring a 'boatel'. A 'boatel' is a boat or ship based accommodation. Specifically for the Shire of Ashburton, the issue currently relates to mooring of 'boatels' at Beadon creek or directly off the Onslow townsite. The Shire is aware that currently three (3) 'boatel's' are moored at Beadon Creek and at times have been anchored directly off the Onslow coast to serve as accommodation for the development of the Macedon domestic gas plant and Wheatstone gas project.

In the single instance when the Department of Transport sought comment on the mooring of a 30 bed 'boatel' for a 2 year period from the Shire from the Shire, it was not opposed, but since then two other 'boatel's' have been moored without any reference to the Shire.



Recent discussions with the Department have revealed that they have been informally requested to allow an unlimited number of 'boatel's in Beadon Creek and directly associated with the resource industry for up to 5 years.

At the Council meeting of 17 October 2012, Council resolved to adopt for advertising draft *'Local Planning Policy - Mooring of 'Boatels' at Beadon Creek and waters off Onslow'* (draft Policy) in accordance with the Scheme and should there be no objection, the Chief Executive Officer is authorised to forward adopt for final approval. The *draft Policy* provides as follows:

*In considering or commenting on proposals for short and long term mooring and anchoring of water based accommodation within the Shire, the Council will assess proposals on the following basis:*

#### Level of information required

- *Plan showing the location of the mooring or anchoring.*
- *Intended length of stay?*
- *Reason for the accommodation and what resource project the accommodation relates?*
- *The name and contact details of the proponent seeking the accommodation?*
- *What long-term accommodation arrangements are proposed by the proponent?*
- *Advice on the means of disposal of rubbish and effluent.*

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- *What parking/storage arrangements on the land are sought?*

### Consideration of proposals

- *The orderly and proper planning of the land based activities.*
- *Whether the proponent of the accommodation has capacity or potential capacity for accommodation elsewhere.*
- *Whether in the opinion of the Shire, such accommodation is in the best interests in the future planning and town development.*

### Maximum period of stay

- *Council will only support mooring and anchoring of water based accommodation within the Shire for a maximum period of six (6) months and only.*

At the time of preparing this Report, only one submission had been received opposing the draft Policy in its current form. Advertising closes on 19 November 2012 and will be referred to the Council meeting of 12 December for consideration.

Eco Abrolhos Accommodation Pty Ltd has Emailed the Shire with questions concerning the establishment of the draft Policy – the Email and the Shire response is included as **ATTACHMENT 13.4A.**

### **Proposal**

Eco Abrolhos Accommodation Pty Ltd has requested Council 'approve' the 3<sup>rd</sup> 'boatel' moored at Beadon Creek as follows:

*"As per the (unexpected) conditions stipulated in the email received from the Department of Transport on Friday afternoon we are writing to request Council approval for us to operate the 3" accommodation vessel within our established mooring facility in Beadon Creek, Onslow.*

*A copy of the email, together with our originating emails (in order to provide interested parties with information on the sequence of events), is also forwarded with this letter. Needless to say, given the relative delay in getting responses from the department in many instances, we were surprised to note that a new sense of urgency and consent suddenly applies to our leased area.*

*We have discussed the matter with the Shire President in a conversation covering other aspects relating to the site yesterday. Her advice to us was to lodge a Letter of Request through you with the intention of bringing the issue to the next council meeting which we understand is scheduled for Wednesday 21" November.*

*We firmly believe that we have full community support for the accommodation facility that we are providing as we are receiving overwhelming acceptance of our current operation and visionary concepts via the petition that we have circulating. As late as Friday morning when I left*

*Onslow to return home to Geraldton nobody approached has refused to sign the petition. We understand that this request would appear at odds with the proposed Local Planning Policy pertaining to "Boatels" that we have discussed recently. However we further understand from your comments that this policy was not relating to our facility. Therefore we are hoping that the Council can consider our request for consent favourably while other developmental aspects relating to Beadon Creek are clarified between the Shire of Ashburton & the Department of Transport.*

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

*Naturally we look forward to the Council's favourable consideration and due response."*

### ATTACHMENT 13.4B

It should be noted that Eco Abrolhos Accommodation Pty Ltd has not suggested a timeframe for the mooring.

Eco Abrolhos Accommodation Pty Ltd has been advised by the Shire that there is no 'head of power' for Council to 'approve or refuse' the boatel.

Council can only provide an opinion in relation to its application to the Department of Transport (DoT). It should be noted that the Shire has not received any request from the DoT for any advice or comment on the 3<sup>rd</sup> 'boatel moored at Beadon Creek.

Eco Abrolhos has made direct reference to the boats being needed to service Chevron and Bechtel. The Shire has asked Chevron is its need for the boatels as the Shire doesn't recall reference in the Wheatstone Construction Workforce Management Plan or other related planning documents to Chevron requiring the use of boatels for Wheatstone accommodation. Accordingly, the Shire has asked Chevron's advice as to:

- Why the boatels are required?
- How many people are to live on the boats?
- Why the occupants haven't been catered for at the Wheatstone TWA?
- For what period of time are they to reside in the boatels?

At the time of preparing this Report, Chevron had not had the opportunity to respond to the Shire's query. Should a response be received before 12 December 2012, it will be referred to the Council for consideration.

In addition, the Shire has queried Eco Abrolhos Accommodation Pty Ltd as to a timeframe for the mooring of the '3<sup>rd</sup> boatel.'

#### **Comment**

The draft Policy currently defines Council's position with respect to boatels. This may change once Council reviews submissions and finalises its position.

At this stage, it is unclear as to what period of time for this boatel has been sought or why Chevron/Bechtel requires the boatels. As noted, these questions may be further addressed before the 12 December 2012 Council meeting.

Irrespective of the response (if any) from Chevron, it is considered appropriate that Council advise both Eco Abrolhos Accommodation Pty Ltd and the DoT that although no formal approval is required from the Council for mooring in Beadon Creek, Council considers that:

- In line with draft '*Local Planning Policy - Mooring of 'Boatels' at Beadon Creek and waters off Onslow*' (draft Policy) a maximum period of six (6) months is considered appropriate.
- However, as part of an overall review of the draft Policy, this period could be extended should Council resolve a longer period of time for 'boatels' is considered acceptable.

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### Consultation

Chief Executive Officer

### Statutory Environment

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

### Financial Implications

None anticipated

### Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

### Policy Implications

This request is essentially in advance of the draft *'Local Planning Policy - Mooring of Boatel's at Beadon Creek and waters off Onslow'* and decision on the request will impact the outcome of the draft Policy.

If the local planning policy is approved, the Shire will have a policy direction to advise proponents and the DoT of Council's position on the short and long term mooring of sea and Creek based accommodation within the Shire.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr L Shields

**That Council:**

1. With respect to the request from Eco Abrolhos Accommodation Pty Ltd for Council to 'Approve' the mooring of a 3<sup>rd</sup> 'boatel' at Beadon Creek, Council resolves as follows:
  - i) Although no formal approval is required from the Shire for mooring in Beadon Creek, Council considers that in line with draft *'Local Planning Policy - Mooring of Boatel's at Beadon Creek and waters off Onslow'* (draft Policy) a maximum period of six (6) months is considered appropriate. However, as part of an overall review of the draft Policy, this period could be extended should Council resolve a longer period of time for 'boatels' is considered acceptable.
  - ii) Request the Chief Executive Officer to advise Eco Abrolhos Accommodation Pty Ltd and the Department of Transport of i) above.

**CARRIED 6/0**

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**NOTE:** There was a petition presented to Council from Abrolhos Accommodation Pty Ltd regarding operations in Beadon Creek, Onslow.

### **ATTACHMENT 6.1**

**The petition was received and passed on to the Administration to respond.**

Cr Foster re-entered the meeting at 3.22 pm.

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### 14. OPERATIONS REPORTS

There were no Operations reports for this meeting.

### 15. COMMUNITY DEVELOPMENT REPORTS

#### 15.1 SHIRE OF ASHBURTON VOLUNTEER POLICY

MINUTE: 11358

FILE REFERENCE:	CORP5
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager – Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 November 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

#### Summary

The Shire of Ashburton recognises the value of volunteers in our community and seeks to formalize this with a policy outlining our commitment to volunteers and volunteering.

#### Background

While the Shire has always promoted the use of volunteers, both within the Shire administration as well as within the broader community, we have not previously had a policy to clearly outline the processes by which we would work with and support such volunteers. With the development of Charters of Rights for Volunteers it is appropriate the Shire formulate, adopts and operates with in a policy that recognises those rights. The attached policy has been developed using the Volunteering WA framework and incorporates those rights and responsibilities.

#### Comment

Volunteering is well recognized as having tangible and non-tangible benefits to individuals, businesses, not-for-profit and charitable organizations, and broader communities. The Foreword in The National Volunteer Strategy states that "Volunteering is an essential part of an inclusive society in which all Australians have the opportunity for meaningful social participation. Volunteering connects us, strengthens our sense of belonging and creates positive relationships that build stronger local communities."



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This policy has been designed to provide guidelines for the Shire of Ashburton's staff when recruiting and working with volunteers.

The Shire of Ashburton is in the process of developing, establishing and operating Volunteer Hubs in each of its towns, and this policy will also be provided to all organisations seeking to recruit volunteers through this process.

### **ATTACHMENT 15.1**

#### **Consultation**

Chief Executive Officer  
Executive Managers  
Manager Organisational Development

#### **Statutory Environment**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Strategic Plan 2012 – 2022, Goal 1 “Vibrant and Active Communities”, Objective 2 “Connected, Caring and Engaged Communities.”

#### **Policy Implications**

Creation of a New Volunteer Policy.

#### **Voting Requirement**

Simple Majority Required

#### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr D Wright**

**That Council adopts the Volunteer Policy as per ATTACHMENT 15.1.**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 15.2 DONATION OF VENUE FOR TOM PRICE COMMUNITY MARKETS

MINUTE: 11359

FILE REFERENCE:	FI.DO.00.00
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager – Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 November 2012
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

#### Summary

The Tom Price Community Markets have approached the Shire of Ashburton with a request to donate the venue for each event in 2013. The Markets operate once a month, for approximately 4 hours, with set up and clearing away requiring another 2 hours, and the cost associated with this hire is \$936 per year.

#### Background

The Tom Price Markets have been in operation for several years, originally operating from the town center opposite Coles. In 2011, when the new town center was under construction, the Markets moved to the Community Centre. to assist the markets and to increase their profile, the Shire provided substantial assistance to them in 2011. This assistance included “donating” the venue and setting up, assisting during, and clearing away after each event.

Working from a community sustainability perspective, this assistance was reduced in 2012 to donation of the venue only, with the Shire continuing to support the Markets, including sourcing a reasonably priced Public Liability Insurance Scheme for the members.

#### Comment

The Tom Price Markets are a valuable resource for the local community and for visitors and tourists, and, in recognition of this, the administration staff have provided substantial support to these markets over the past 2 years.

The cost of the donation of the venue and the staff time in setting up and clearing away after each vent in 2011 equated to a total cost of just over \$3,000. In 2012, over \$1,000 was donated in “free” venue hire and staff time to assist the Markets. The cost of the donation of the venue being requested for 2013 is \$936.

All community and not-for-profit groups within the Shire, including the Tom Price Community Markets, are eligible for an annual donation of \$500. If this \$500 was offered rather than the

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full \$936 as requested, that would mean a cost of approximately \$4 per stall holder per month to operate their stall. Stallholders would also need to apply and pay for relevant Traders Licenses as required (\$10).

### **Consultation**

Chief Executive Officer  
Executive Managers

### **Statutory Environment**

Nil

### **Financial Implications**

Sufficient funds are still currently allocated in the Donations budget to cover this request

### **Strategic Implications**

Goal 1 "Vibrant and Active Communities"

Objective 1 "Connected, Caring and Engaged Communities"

Objective 2 "Active People, Clubs and Associations"

### **Policy Implications**

REC08 Community Donations, Sponsorship and Funding

### **Voting Requirement**

Absolute Majority Required

### **Council Decision**

**MOVED: Cr L Shields**

**SECONDED: Cr L Rumble**

**That Council donates \$500, as per the Donations Policy, to assist with the operations of the Tom Price Community Markets in 2013.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

Richard Respevicius left the meeting at 3.32 pm and did not return.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 15.3 COMMUNITY BUS TOM PRICE

**MINUTE:** 11360

**FILE REFERENCE:** CS.SS.03.06

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

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

**DATE REPORT WRITTEN:** 8 November 2012

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

**PREVIOUS MEETING REFERENCE:** Agenda Item CS.SS.3.6 Ordinary Meeting of Council February 2008

#### **Summary**

In 2008 Councillor Fernandez proposed that the Shire purchase and maintain a Community Bus. At that time a report was put to Council proposing that an investigation into this was undertaken. There does not appear to have been any progression on this issue and Councillor Fernandez is requesting the matter be raised and that the investigation be undertaken.

#### **Background**

A previous agenda item notes that Hamersley Iron donated a bus to the community of Tom Price many years ago, but by 2000 the cost of maintaining that bus has become prohibitive and, by Council resolution, the bus was disposed of. That report also notes that Council did not believe there was any requirement for it to continue with the provision of that service as there was a private company in town offering the same.

The 2008 report also notes that Gumala Aboriginal Corporation provided a service from Paraburdoo to Tom Price, three days a week, servicing Bellary Springs and Wakathuni, and that the bus was also available for funerals and other significant events. Again, due to the aging of the bus and the increasing costs of maintaining and running the service, this too was disbanded.

#### **Comment**

Councillor Fernandez did substantial research into this matter in 2008, including sourcing some quotes for a bus that would take 24 adults, which at the time was at a cost of \$108,000.

Should Council wish to pursue this issue, here are a number of issues that should be investigated in relation to this matter, including:

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1. At least two service providers, the Shire and Gumala Aboriginal Corporation , have previously provided a community bus services and on both occasions the service has been disbanded due to the ageing condition of the bus and prohibitive operating costs. This is likely to occur again in the future if only the initial cost of running and operating the bus is recognised. Any long term plan to operate a community bus will also require long term asset management plans including the ongoing maintenance and eventual replacement of the bus when required (Usually around 5 years of age).
2. The provision of a community bus is not listed as a community aspiration in the 2012 – 2022 Community Strategic Plan, however, the advocacy from the Shire for better general transport routes and services are. Any investigation into the provision of a community bus should include a community consultation to determine the extent of community priority for this device. A bus hire service is currently provided by Lestok, although the hirer must use the Lestok driver. Another service, where the bus can be hired without a driver, has been provided by RCR (that service is temporarily unavailable due to some internal company issues but may resume once those issues are resolved).
3. Investigation should also be undertaken into what size bus is best suited to the community.
4. An operating model for a community bus also needs to be developed, including costs to hire the bus to the public, services the Shire is and is not responsible for, who will drive the bus, who is responsible for the ongoing maintenance and upkeep of the bus, where will the bus be housed and how it could be accessed by the public after hours as it will need to be in a safe and a secure location.

Should Council wish to proceed with this investigation into this matter, it is noted that no budget location for the running of the bus, or fees for hire of the bus was included in the 2012 – 2013 budget. A detailed and thorough investigation of all aspects of the provision and operation of a service such a community bus, as outlined above, will require several weeks, and is unlikely to be ready to present back to Council before March 2013.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Nil

### **Financial Implications**

If Council decides to purchase, operate and maintain a community bus, considerable cost is likely to be incurred.

### **Strategic Implications**

Goal 1 "Vibrant and Active Communities"

Objective 1 "Connected, Caring and Engaged Communities"

### **Policy Implications**

Nil

### **Voting Requirement**

Simple Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr D Wright

That Council direct the CEO to present a further report on Community Bus for Tom Price to a Council meeting by March 2013.

### AMENDMENT

**MOVED:** Cr L Shields

**SECONDED:** Cr K White

That the word “by” in the second line of the proposed motion be replaced by the word “in”.

**WITHDRAWN**

### Council Decision

**MOVED:** Cr I Dias

**SECONDED:** Cr D Wright

That Council direct the CEO to present a further report on Community Bus for Tom Price to a Council meeting by March 2013.

**CARRIED 6/1**

Cr's White, Rumble, Foster, Shields, Wright and Thomas voted for the motion.  
Cr Dias voted against the motion.

**NOTE:** Administration was requested to bring the item forward when Cr Fernandez would be in attendance

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

### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr I Dias**

**That Council adjourn for a break at 3.50 pm.**

**CARRIED 7/0**

Cr's White, Rumble, Shields, Foster, Dias, Wright and Thomas left the meeting at 3.50 pm. Jeff Breen, Frank Ludovico, Keith Pearson, Amanda O'Halloran, Deb Wilkes, Rob Paul, Kaylani Cortesi and members of the public left the room at 3.50 pm.

Cr's White, Rumble, Shields, Foster, Dias, Wright and Thomas left the meeting at 4.00 pm. Jeff Breen, Frank Ludovico, Keith Pearson, Amanda O'Halloran, Deb Wilkes, Kaylani Cortesi and members of the public re-entered the room at 4.00 pm.

### **Council Decision**

**MOVED: Cr I Dias**

**SECONDED: Cr D Wright**

**That Council reconvene from a break at 4.00 pm.**

**CARRIED 7/0**

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

### **Council Decision**

**MOVED: Cr I Dias**

**SECONDED: Cr L Thomas**

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

**16.1 NEW BUSINESS OF AN URGENT NATURE – DISPOSAL OF DWELLING CONTAINING ASBESTOS ON ONSLOW RODEO CLUB SITE**

**17.2 NEW BUSINESS OF AN URGENT NATURE - CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF SETTLEMENT, WITTENOOM LITIGATION**

**CARRIED 7/0**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 16.1 NEW BUSINESS OF AN URGENT NATURE - DISPOSAL OF DWELLING CONTAINING ASBESTOS ON ONSLOW RODEO CLUB SITE

MINUTE: 11361

FILE REFERENCE: RE.OA.R.30127

AUTHOR'S NAME AND POSITION: Keith Pearson  
A/Executive Manager – Technical Services

NAME OF APPLICANT/RESPONDENT: Munroe Contracting

DATE REPORT WRITTEN: 19 November 2012

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

Recently the then existing dwelling at 579 Hedditch Road, Onslow (owned by Mr Colin Munroe) was demolished and the resultant debris disposed of as fill at the Onslow Rodeo site.

An inspection of the building rubble placed on the rodeo site has established that it contains asbestos and therefore the material has been disposed of in contravention of the Health (Asbestos) Regulations 1992.

The Administration has initiated a prosecution of Munroe Contracting, which is responsible for disposing of the offending material. This action is being undertaken in accordance with the powers delegated to the Chief Executive Officer, by Council.

The Shire President has advised the Chief Executive Officer that she wishes this matter be brought to the attention of Council.

#### Background

Recently the then existing dwelling at 579 Hedditch Road, Onslow (owned by Mr Colin Munroe) was demolished and the resultant debris disposed of as fill at the Onslow Rodeo site.

An inspection of the building debris disposed of at the rodeo site has established that it contains asbestos and therefore the material has been disposed of in contravention of the Health (Asbestos) Regulations 1992.

The demolition of the house and the transportation of building debris was undertaken by Munroe Contracting, which is licenced to dispose of asbestos, but only in the manner set out in the relevant legislation.



## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Comment

By removing the dwelling from its original location and transporting it to the rodeo site as rubble Munroe Contractors appear to have breached the following provisions of Health (Asbestos) Regulations 1992.

***“Reg 6. Sale or supply of an asbestos cement product***

*A person who sells or supplies an asbestos cement product to another commits an offence...”*

***“Reg 7 (3) Use of asbestos cement product.***

*A person, who stores, breaks, damages, cuts, maintains, repairs, removes, or disposes of, or uses any material containing asbestos without taking reasonable measures to prevent asbestos fibres entering the atmosphere commits an offence.”*

***“Reg 7A Asbestos dwelling houses***

- 1) Subject to subregulation 2), a person who moves a dwelling house built wholly or partly with asbestos commits an offence.*
- 2) A person must not cut or deliberately break an asbestos cement product for the purpose of, or in the course of, moving a dwelling house built wholly or partly with an asbestos cement product.*

***“Reg 11 Asbestos for disposal to be separated etc.***

*A person shall not –*

- a) Supply material containing asbestos to another for the purpose of having that other person dispose of it; or*
- b) Transport material containing asbestos, **unless***
  - a. It is separated from other material for disposal where that is reasonably practical; and*
  - b. It is wrapped in plastic so as to prevent asbestos fibres entering the atmosphere, or is contained in other such manner as is approved in writing by the Executive Director, Public Health.*

Munroe Contracting has subsequently undertaken to remove the offending material from the Rodeo site and dispose of it in accordance with the regulations. This does not, however, absolve the company from undertaking an illegal act, which has the potential to cause a very serious health risk to the general public.

The Administration has initiated a prosecution of Munroe Contracting, which is responsible for disposing of the offending material. This action is being undertaken in accordance with the powers delegated to the Chief Executive Officer, by Council, as has been confirmed by the Shire Solicitor.

The Shire President has advised the Chief Executive Officer that she wishes this matter be brought to the attention of Council.

### Consultation

Shire President

Chief Executive Officer

Shire Solicitor - Mr Peter Kyle

Manager Building Services

Building & Environmental Health Coordinator

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

Environmental Health Officer

### **Statutory Environment**

Health (Asbestos) Regulations (1992)

### **Financial Implications**

The legal costs associated with undertaking a prosecution in relation to a breach of the Health (Asbestos) Regulations is provided for within the current budget.

### **Strategic Implications**

10 Year Community Strategic Plan. "*Living Life*"

Goal 4: Distinctive and Well Serviced Places

Objective 02 Accessible and Safe Towns

- Shire to facilitate increased community safety
- Assess and mitigate potential public health risks

### **Policy Implications**

There are no policy implications relative to this matter.

### **Voting Requirement**

Simply Majority Required

### **Council Decision**

**MOVED:** Cr P Foster

**SECONDED:** Cr L Shields

**That Council note the contents of this report in relation to the unlawful disposal of asbestos contaminated material on the Onslow Rodeo site.**

**CARRIED 7/0**

Kaylani Cortesi left the meeting at 4.02 pm.

Kaylani Cortesi re-entered the meeting at 4.03 pm.

Deb Wilkes left the meeting at 4.02 pm.

Deb Wilkes re-entered the meeting at 4.05 pm.

## 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.*

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

### **Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That Council close the meeting to the public at 4.15 pm pursuant to sub section 5.23 (2) of the Local Government Act 1995.**

**CARRIED 7/0**

Members of the public left the room at 4.15 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 17.1 CONFIDENTIAL ITEM - WITTENOOM LITIGATION

**MINUTE:** 11362

**FILE REFERENCE:** AS.WI.002.00

**AUTHOR'S NAME AND POSITION:** Keith Pearson  
A/Executive Manager – Technical Services

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

**DATE REPORT WRITTEN:** 9 November 2012

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

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item Ordinary Meeting of Council, 21 October 2012  
Confidential Agenda Item 17.1. Ordinary Meeting of Council, 20 June 2012  
Confidential Agenda Item 17.3. Ordinary Meeting of Council, 18 April 2012

Please refer to Confidential Item Attachment under separate cover.

#### Council Decision

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

**That Council resolves to adopt the officer's recommendation as per Agenda Item 17.1 Confidential Item - Wittenoom Litigation.**

**CARRIED BY ABSOLUTE MAJORITY 6/1**  
**Cr's White, Rumble, Foster, Shields, Wright and Thomas voted for the motion.**  
**Cr Dias voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### **17.2 NEW BUSINESS OF AN URGENT NATURE - CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF SETTLEMENT, WITTENOOM LITIGATION**

**MINUTE:** 11363

**FILE REFERENCE:** AS.WI.002.00

**AUTHOR'S NAME AND POSITION:** Keith Pearson  
A/Executive Manager – Technical Services

**NAME OF APPLICANT/RESPONDENT:** Mr Frederick Scott

**DATE REPORT WRITTEN:** 13 November 2012

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

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 17.1 Ordinary Meeting of Council, 22 November 2012  
Confidential Agenda Item 17.1 Ordinary Meeting of Council, 21 October 2012  
Confidential Agenda Item 17.1. Ordinary Meeting of Council, 20 June 2012

Please refer to Confidential Item Attachment under separate cover.

#### **Council Decision**

**MOVED:** Cr D Wright                      **SECONDED:** Cr I Dias

**That Council approve Agenda Item 17.2 New Business of an Urgent Nature - Confidential Item - Applying Shire Common Seal to Deed of Settlement, Wittenoom Litigation.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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

Shire staff were asked by the Shire President to leave the room at 4.21 pm.

Jeff Breen, Frank Ludovico, Keith Pearson, Amanda O'Halloran, Deb Wilkes and Kaylani Cortesi left the room at 4.21 pm.

### **Council Decision**

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That Council re-open the meeting to the public at 4.26 pm pursuant to sub section 5.23 (2) of the Local Government Act 1995.**

**CARRIED 7/0**

Cr Rumble left the meeting at 4.26 pm.

Cr Rumble re-entered the meeting at 4.27 pm.

Kaylani Cortesi re-entered the room at 4.27 pm.

**16. FURTHER NEW BUSINESS OF AN URGENT NATURE  
INTRODUCED BY DECISION OF MEETING  
(CONFIDENTIAL)**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr Shields**

**That Council considers the following late Agenda Items;**

**17.4 NEW BUSINESS OF AN URGENT NATURE - CONFIDENTIAL ITEM - MINUTES OF  
SPECIAL MEETING HELD ON MONDAY 12 NOVEMBER 2012 AT 7PM**

**17.5 NEW BUSINESS OF AN URGENT NATURE – CONFIDENTIAL ITEM – RESPONSE  
TO SHOW CAUSE NOTICE AND ONGOING EMPLOYMENT OF THE SHIRE OF  
ASHBURTON CHIEF EXECUTIVE OFFICER**

**CARRIED BY ABSOLUTE  
MARJORITY 7/0**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Shields**

**That Council close the meeting to the public and staff at 4.30 pm pursuant to sub  
section 5.23 (2) of the Local Government Act 1995.**

**CARRIED 8/0**

Kaylani Cortesi left the meeting at 4.30 pm.



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

### **17.4 NEW BUSINESS OF AN URGENT NATURE - CONFIDENTIAL ITEM - MINUTES OF SPECIAL MEETING HELD ON MONDAY 12 NOVEMBER 2012 AT 7PM**

#### **Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr I Dias**

**That the Minutes of the Special Meeting of Council held on 12 November 2012, at 7 pm, be confirmed as a true and accurate record.**

**CARRIED 6/1**

**Cr's White, Rumble, Foster, Dias, Wright and Thomas voted for the motion.**

**Cr Shields voted against the motion.**

Cr Dias left the meeting at 4.38 pm.

Cr Dias re-entered the meeting at 4.45 pm.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### 17.5 NEW BUSINESS OF AN URGENT NATURE - CONFIDENTIAL ITEM - RESPONSE TO SHOW CAUSE NOTICE AND ONGOING EMPLOYMENT OF THE SHIRE OF ASHBURTON CHIEF EXECUTIVE OFFICER

#### Council Decision

**MOVED: Cr D Wright**

**SECONDED: Cr I Dias**

**That the Council –**

- 1. Summarily terminates the employment of the CEO with immediate effect;**
- 2. Appoints Frank Ludovico to act in the position of CEO on an interim basis (Acting CEO), with immediate effect;**
- 3. Requests the Acting CEO to prepare a report to the Council for its next Ordinary Meeting recommending the process to be used by the Council for the selection and appointment of a new CEO in accordance with regulation 18C of the Local Government (Administration) Regulations 1996;**
- 4. Accepts the recommendations contained in the 2012 Probity Compliance Audit Report and undertakes to give priority to their implementation; and**
- 5. Endorses the draft response to the “Show Cause” notice and authorises the Shire President and the Deputy Shire President to make editorial changes to the draft response and to submit the final version to the Minister by 23 November 2012.**

**CARRIED BY ABSOLUTE MAJORITY 6/1**

**Cr’s White, Rumble, Foster, Dias, Wright and Thomas voted for the motion.**

**Cr Shields voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2012

### Council Decision

**MOVED:** Cr D Wright

**SECONDED:** Cr L Thomas

**That Council re-open the meeting to the public at 5:00 pm pursuant to sub section 5.23 of the Local Government Act 1995.**

**CARRIED 7/0**

Jeff Breen, Frank Ludovico, Keith Pearson, Amanda O'Halloran, Deb Wilkes, Kaylani Cortesi and members of the public re-entered the room at 5.02 pm.

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

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

There were no Councillor Agenda Items for this meeting.

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

There were no Pilbara Regional Council reports for this meeting.

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 12 December 2012, at the RM Forrest Memorial Hall, Second Avenue, Onslow, commencing at 1.00 pm.

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

The meeting was closed at 5.05 pm.