



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

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

17 August 2011

AGENDA - ORDINARY MEETING OF COUNCIL 17 AUGUST 2011

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 17 August 2011 at Council Chambers, Community Recreation Centre, Tom Price commencing at 3:00.pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Cr G Musgrave	Shire President, Tom Price Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr K White	Onslow Ward
Cr L Shields	Tom Price Ward
Cr L Corker	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr J Breen	Chief Executive Officer
Mr G Brayford	Executive Manager, Engineering Services
Ms A O'Halloran	Executive Manager, Western Operations
Mr F Ludovico	Executive Manager, Corporate Services
Ms Heather Patmore	A/Executive Manager, Community & Economic Services
Ms J Smith	Executive Assistant CEO
Mr Rob Paull	Principal Town Planner

3.2 APOLOGIES

Cr T Bloem Tom Price Ward

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 20 July 2011 Colin Macartney, President – Paraburdoo Squash Club tabled the following question. The question was taken on notice and a response has been provided in Agenda Item 10.1 – Replacement of Damaged Floor at Paraburdoo Squash Courts.

Q1. Can the Shire please advise me what they intend to do to improve the squash courts in the Sports Pavilion. One court is currently out of service and previous requests for repairs have been declined. The club has decided to proceed to repair the court to ensure the club continues as a sporting option for the town.

4.3 COUNCILLOR UPDATE / QUESTIONS ON STATUS REPORTS

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

Alannah MacTeirnan and David Somerville from Questus Limited will be making a presentation on subsidies rental housing.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 20 JULY 2011

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 20 July 2011, as previously circulated on 2 August 2011, be confirmed as a true and accurate record.

Note: Item 13.07.47 – Development Application – Construction of Oval, Golf and Shade Facilities, Mesa A Camp, Crown Lot 107 (Special Lease 3116/8656) located 60km west of Pannawonica. It was noted that at the Council Meeting the Department of Local Government had emailed advice indicating approval for Crs Bloem and Wright to participate and vote on this item.

The Department of Local Government have subsequently indicated their email advice was incorrect and should not have been given. However, in the light of the Council acting on that advice they have allowed the motion to stand.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. DECLARATION BY MEMBERS

That Councillors 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.

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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10. ENGINEERING SERVICES REPORTS

10.1 REPLACEMENT OF DAMAGED FLOOR AT PARABURDOO SQUASH COURTS

FILE REFERENCE:	PA.DG.0615
AUTHOR'S NAME AND POSITION:	Geoffrey Brayford Executive Manager, Engineering Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Public Question at the Ordinary Meeting of Council, 20 July 2011

Summary

Replacement of a damaged floor in one of two Paraburadoo squash courts is recommended.

Council is requested to allocate \$15,250 from general revenue to fund the replacement of the floor.

Background

The Paraburadoo Squash Courts are owned by Council and leased to the Paraburadoo Squash Club - a community organisation. There are two courts within the complex.

The club leases the premises from Council for \$500 per year + equivalent rates. The lease apparently began in 1994 and expires in 2014.

The floor of one court has deteriorated to a point where it is not useable. The damage has apparently been caused by water ingress, however there is no physical evidence of any major water access pathways. The floor had become so warped that no play can take place and it has been removed by the club.

An engineering report of the building was obtained by the Shire in September 2010. It dealt with cracking of non structural walls of the building, which were in part attributed to the leaking swimming pool which has since been repaired. The report also formed the view that water cooler leakage "is the likely cause of the moisture damage to the flooring". The cooler has been switched off pending repairs. The cracking damage does not pose any significant safety risk and no significant repairs are recommended, at least until the ground moisture stabilises following recent works. The cracking apparently does not significantly interfere with squash games.

Volunteers have arranged for the timber floor to be removed and the under concrete surface to be painted with an epoxy membrane to stop the ingress of any moisture through the slab.

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Quotes have been arranged for a squash court flooring to be delivered,. at a cost of \$15,250 EX GST. A 50% deposit has been paid by the club. The price includes supply and lay.

Comment

This replacement is of a capital nature and is beyond any normal maintenance that the lessee could be expected to cover.

Whilst a new sporting complex has been identified it is only just entering the concept development stage and it would be at least 2 years (minimum) until alternate squash courts were available, if included in the design. That decision will be made by Council when the needs study and the community research is completed.

This time frame is considered to be too long and the floor needs to be replaced now.

Squash is a year round recreational activity, and the number of members justify at least two courts being operational.

Consultation

Chief Executive Officer
Executive Manager, Corporate Services
Paraburdoo Squash Club

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Project has not been budgeted in the 2011/2012 financial year.
A capital budget adjustment is necessary to undertake this work.

Strategic Implications

Maintenance of sporting facilities.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Approve the reconstruction of the floor of one Paraburdoo Squash Courts at a cost of \$15,250 EX GST.
2. Allocate the amount of \$15,250 in capital works program from general revenue.

Author: Geoffrey Brayford	Signature:
Manager: Jeff Breen	Signature:

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10.2 ASSET MANAGEMENT POLICY

FILE REFERENCE:	FI.AS.00.00
AUTHOR'S NAME AND POSITION:	Geoffrey Brayford Executive Manager, Engineering Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to adopt the Asset Management Policy to manage Shire owned assets in an efficient and sustainable manner.

Background

Shire of Ashburton is the custodian of assets which include roads, bridges, pathways, building and recreational services, park and reserves assets. As custodian of these assets, the Shire has an obligation to manage them in a sustainable manner where a long-term approach must be taken in regards to asset management planning.

In order to develop sound asset management planning and systems and to comply with Department of Local Government (DLG) guidelines (will be a law in future), Council will need to have in place a framework for asset management which will support long term asset and financial planning. This framework comprises an asset management policy, strategy and asset management plans.

This report presents the first component of this framework, the Asset Management Policy.

ATTACHMENT 10.2A

Comment

The Asset Management Policy will be used:

- To develop Asset Management Strategy and Asset Management Plans
- To define the need for future operation/ maintenance, capital renewal, capital rehabilitation or capital upgrade expenditure.
- To make decision for effective financial management by forecasting of asset deterioration and appropriate intervention levels.
- To balance stakeholders needs and expectations.
- To improve corporate governance

ATTACHMENT 10.2B

Consultation

Shire of Ashburton CEO and All Executive Managers

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Statutory Environment

- Department of Local Government, WA Guidelines
- Western Australian Asset Management Improvement Guidelines
- Local Government and Planning Ministers Council-National Asset Management Framework-2010
- Local Government Act-1995 will shortly be amended to include Asset Management Planning

Policy Implications

There are no Council Policies relevant to this issue.

Financial Implications

The Asset Management Policy needs to be incorporated into Shire's long term Financial Plan. The whole life cycle costing of new and existing assets will also need to be incorporated into Shire's long term Financial Plan.

Strategic Implications

Strategic Plan 2008-2011 (Incorporating Plan for the Future)

6 – Well Managed and Contemporary Corporation

"Statutory Compliance, compliance with Shire of Ashburton procedures and policies"

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Adopt the Asset Management Policy.

Author: Geoffery Brayford	Signature:
Manager: Jeff Breen	Signature:

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11. COMMUNITY & ECONOMIC SERVICES REPORTS

12. CORPORATE SERVICES REPORTS

12.1 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE:	AS.AS.00000.000
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Assistant CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report details the use of the Common Seal of the Shire of Ashburton under Delegated Authority.

Background

At the 11 April 2006 Council Meeting, Council noted the contents of a report which outlined a proposal to regularly inform Council of details relating to the use of the Common Seal.

Comment

The Common Seal has been affixed to the following documents since this matter was last reported to Council:

- Seal 371 DEC – Application for access easement for Paraburdoo Landfill site
- Seal 372 Nameless Jarndunmunha Festival Committee – Application for an Order for Road Closure
- Seal 373 Confidential Item – Wittenoom Asbestos Litigation – David Neacy – AS.WI.2

Consultation

Chief Executive Officer

Statutory Environment

Section 9.49 of the *Local Government Act 1995*

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no specific financial implications related to this issue.

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Strategic Implications

Strategic Plan 2008-2011 (Incorporating Plan for the Future)

6 – Well Managed and Contemporary Corporation

“Statutory Compliance, compliance with Shire of Ashburton procedures and policies”

Voting Requirement

Simple Majority Required

Recommendation

That Council note the contents of this “Use of Common Seal under Delegated Authority” report.

Author: Janyce Smith	Signature:
Manager: Jeff Breen	Signature:

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12.2 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JUNE AND JULY 2011

FILE REFERENCE:	FI.RE.00.00
AUTHOR'S NAME AND POSITION:	Linda McCarthy Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

June 2011

- Statements of Financial Activity and associated statements for the Month of June 2011.

ATTACHMENT 12.2A

July 2011

- Credit Card Statements for Chief Executive Officer, Executive Managers of Engineering Services, Community & Economic Services, Western Operations and Corporate Services, and Manager of Building Services.
- Schedule of Accounts paid under delegated authority.

**ATTACHMENT 12.2B
ATTACHMENT 12.2C**

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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.

Policy Implications

There are no Council Policies relevant to this issue.

Financial Implications

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

Strategic Implications

There are no strategic implications relevant to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council receive the Financial Reports for June 2011 and Schedule of Accounts and Credit Card Statements for July 2011.

Author: Linda McCarthy	Signature:
Manager: Frank Ludovico	Signature:

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12.4 STRUCTURE REVIEW

FILE REFERENCE:	OR.CM.09.00
AUTHOR'S NAME AND POSITION:	Jeffrey Breen Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 July 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has an interest in this matter as it pertains directly to the assessment by Council of his performance.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.10.23 Ordinary Meeting of Council October 2010 Agenda Item 12.07.36 Ordinary Meeting of Council July 2011

Summary

Consultant Morrison Low has completed the Structure Review of Council.

Council is requested to endorse the report to enable implementation of the recommendations.

Background

At the Ordinary meeting of Council in October 2010, Council accepted the proposal to undertake a Structure Review.

Morrison Low was the successful consultant.

All staff has had the opportunity for input and over one hundred have been spoken to directly by the consultant.

In February 2011 a presentation was made to Council on the draft Structure Review report.

The report has since been modified and updated to reflect comments from Councillors and staff.

ATTACHMENT 12.4

Comment

Consultant Morrison Low, has completed the Structure Review report which is now presented to Council for endorsement.

The Executive Summary outlines the recommendations from the report.

The recommended corporate structure is provided as two options.

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Option 2 is considered to be the preferred option at this time. It allows for a more structured and controlled approach to private works without the complications and legalities of setting up a company structure.

Some new positions are created including two new Executive Manager roles, (Technical Services and Strategic and Economic Development) and one is removed (Western Operations).

It is proposed that these roles will be filled by current Executive Managers on the basis of redeployment and the new roles being substantially similar to the previous roles. Geoff Brayford will fill the Technical Services role and Amanda O'Halloran will fill the Strategic and Economic Development role.

Engineering will be divided into "specifier and doer" roles.

The Technical Services Department will be responsible for planning, building and health and all technical (feasibility, design, etc) aspects of engineering as well as asset management which will, amongst other things, specify service levels.

Operations will act as a contractor providing construction and maintenance services to the "client", Technical Services, or for private works to an actual client. A pseudo board will be established to oversee operations related to private works. This model may require further refinement and formalisation if private work increases and/or a mechanism for establishing a company is realised.

The proposed corporate structure will provide a greater focus on community with the economic services aspect being removed from the Community Development role.

Three new community roles will be created, one in each town (Pannawonica and Onslow to share a role) to provide an interface between the Council and community.

Strategic and Economic Development will be bolstered by the creation of a new department. This is particularly necessary during the period of rapid growth that is being experienced and with the introduction of the mandatory Integrated Planning Framework by the state government.

Corporate Services remains relatively unchanged.

The long term financial plan needs further consideration particularly in light of recent events related to social infrastructure in Onslow and other opportunities identified for income such as Tom Price and Onslow redevelopment, industrial land sales and private works. Further refinement of the model will occur over the next six months.

The recommended structure will allow for a greater integration of services across departments, improved community consultation and information and stronger internal control and reporting of projects.

Consultation

Councillors

Executive Managers

Statutory Environment

Not Applicable

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Policy Implications

None at this stage however a review and reformatting of all policies will result from the acceptance of the report.

Financial Implications

The stage one restructure costs are accounted for in the 2011/12 Budget.

Strategic Implications

Strategic Objective 6 - A Well Managed and Contemporary Corporation

Voting Requirement

Simple Majority Required

Recommendation

That Council:

Raise the item from the table.

That Council:

1. Endorses the Structure Review Report by Morrison Low.
2. Directs the CEO to implement the recommendations.
3. Directs the CEO to develop an implementation time line.
4. Directs the CEO to report to Council on a quarterly basis on progress of the implementation.

Author: Jeff Breen	Signature:
Manager: Jeff Breen	Signature:

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12.5 ELECTED MEMBERS SITTING FEES AND ALLOWANCES

FILE REFERENCE:	OR.CR.03.00
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager, Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.06.36 Ordinary Meeting of Council held 19 June 2007 Agenda Item 12.05.21 Ordinary Meeting of Council held 20 May 2008 Agenda Item 21 Ordinary Meeting of Council held 20 July 2011

Summary

The *Local Government Act 1995* provides for the payment of fees and allowances for elected members. The allowances may be adopted by either a meeting fee or an annual attendance fee within a minimum and maximum range as determined by the Local Government (Administration) Regulations 1996.

Council has requested a review the Elected Members Sitting Fees and Allowances.

Background

Under the Local Government Act 1995 and Local Government (Administration) Regulations 1996, Council needs to determine, on an annual basis, the fees and allowances paid to Councillors.

At the 20 July 2011 Council Meeting, when considering the 2011/2012 Budget, Council requested a review of Elected Member Sitting Fees & Allowances.

Attached are tables showing Prescribed Limits and a comparison of other Local Governments within Western Australia.

ATTACHMENT 12.5

Consultation

Chief Executive Officer

Statutory Environment

Sections 5.98, 5.98A and 5.99 of the Local Government Act 1995 applies.

Regulations 30, 33, 33A, and 34 of the Local Government (Administration) Regulations 1996 apply.

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Councillors should note that meetings fees are assessable income for the purposes of assessable income under the Income Tax Assessment Act 1997.

Policy Implications

There are no Policy implications relative to this issue.

Financial Implications

Council has allowed for the following in the 2011/12 Budget:

Fee	Budget
Members Attendance Fee S5.99 Admin Reg 34	
President	\$14,000
Councillor (each)	\$7,000
Annual LG Allowance S5.98(5) Admin Reg 33	
President	\$5,000
Annual LG Allowance S5.98A Admin Reg 33A (25% of Presidents)	
Deputy President	\$1,250

Any changes to these fees will affect the Budget.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Absolute Majority Required

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Recommendation

That for the 2011/2012 year Council adopts the following:

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

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

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

President \$_____

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

Deputy President \$_____

4. That the change to Sitting Fees and Allowances be recognised as over budget expenditure.

Author: Frank Ludovico	Signature:
Manager: Jeff Breen	Signature:

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13. DEVELOPMENT SERVICES REPORTS

13.1 DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION - SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7

FILE REFERENCE:	PS.TP.07.00
AUTHOR'S NAME AND POSITION:	Denae French Administration Assistant to Building Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Details of approvals issued by the Manager Building Services since the last Council Meeting are set out in this report.

Background

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

Details of approvals issued by the Manager Building Services since the last Council Meeting are set out below.

Comment

One (1) approval has been issued under delegation up until the date of this report. This was for:

Bruce Andrew Thomas	Lot 601 and 602 Burt Close, Onslow	Planning Application - Group Dwellings
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Details of the approval may be obtained from the Manager Building Services.

Statutory Environment

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No.7.
Sections 5.45, 5.46, 5.70 and 5.71 of the Local Government Act 1995.
Shire Code of Conduct.

Policy Implications

There are no policy implications relative to this matter.

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Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

- Economic growth and diversity
- Quality lifestyle and social well being
- Ecological sustainability and best practice environmental management
- Improved services and infrastructure
- Best practice local government

Critical Success Factors:

- Sound management practices
- Determination and implementation of the agreed levels of services and service delivery

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

Voting Requirement

Simple Majority Required

Recommendation

That Council note the Development Approvals issued under delegation – Shire of Ashburton Town Planning Scheme No. 7.

Author: Denaë French	Signature:
Manager: Bernie Smith	Signature:

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13.2 REVISED LOCAL PLANNING POLICY - TRANSIENT WORKFORCE ACCOMMODATION FOR ADOPTION

FILE REFERENCE:	PS.DV.13.00
AUTHOR'S NAME AND POSITION:	Rob Paull Council's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	8 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.02.04 Ordinary Meeting of Council 16 February 2011 Agenda Item 13.10.58 Ordinary Meeting of Council 15 October 2010

Summary

At Council meeting of 16 February 2011, Council resolved to adopt for community consultation, revised *"Local Planning Policy - Transient Workforce Accommodation"*.

The revised Policy was published in the Pilbara News (twice) along with notification at the Shire offices and Shire Website. No submissions were received.

It is recommended that the revised *"Local Planning Policy - Transient Workforce Accommodation"* be adopted in accordance with the Planning Scheme.

Background

The current *"Local Planning Policy - Transient Workforce Accommodation"* was originally adopted in 2008 and reviewed in November 2009. The 2009 Policy included the following policy Statement:

"The Council of the Shire of Ashburton does not support "fly- in, fly-out" mining as Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole.

The Council does acknowledge that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps to be established. This Policy seeks to address the establishment of such camps. It also addresses matters of amenity, both for camp residents and those who live in proximity of such establishments."

The Shire presented a *'Position Paper on Fly-In Fly-Out Workforce and Accommodation'* to the Council meeting in October 2010. As an outcome, Council resolved (in part) as follows:

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“That Council:

2. *Instructs the Chief Executive Officer to:*

a) *Prepare a further Report to Council concerning:*

i) *A revision to the Shire’s Local Planning Policy – Transient Workforce Accommodation based on the following ‘policy’ position:*

“The Council of the Shire of Ashburton acknowledges that “fly- in, fly-out” workforce operations are an important factor in developing the resources of the Pilbara. Transient workforce accommodation generally falls into two workforce categories:

- construction workforce; and*
- operational workforce.*

The Council acknowledges that there will be circumstances such as remoteness and limited life of a particular activity that result in a need for transient workforce accommodation camps to be established outside of the townsites.

These camps will normally be construction workforce transient workforce accommodation and for a limited time period. Construction workforce transient workforce accommodation will usually be for a limited time (short term construction period) and reasonably be placed in close proximity to the specific development. Normally the construction workforce is much larger than an operational workforce. An operational workforce however is normally for an indefinite period of time and therefore should as far as practical, be housed within an existing town. The desire is to incorporate the workforce with the community thus adding to the vibrancy and economic sustainability of the towns of Tom Price, Onslow Paraburdoo and Pannawonica.

Operational transient workforce accommodation within townsites will be of a very high quality for the benefit of occupiers, as well as the community, generally motel style development, with significant landscaping, quality design and materials, will be encouraged. The Council may seek to place a limit on the overall proportion (%) of transient workforce accommodation within a development.”

Comment

Council resolved on 16 February 2011 to adopt for community consultation revised *“Local Planning Policy - Transient Workforce Accommodation”* modified in light of Council’s resolution from the *‘Position Paper on Fly-In Fly-Out Workforce and Accommodation’* in October 2010.

ATTACHMENT 13.2

The revised Policy was advertised for 21 days in accordance with the Shire of Ashburton Local Planning Scheme No. 7 (‘Scheme’) and no submissions were received during advertising. The matter is referred back to Council for consideration. No submissions were received during advertising.

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It is recommended that the revised "*Local Planning Policy - Transient Workforce Accommodation*" be adopted in accordance with the Planning Scheme.

Consultation

Chief Executive Officer

The public consultation provisions of the Scheme have been observed.

Statutory Environment

Planning and Development Act 2005

Council of Ashburton Town Planning Scheme No. 7

Policy Implications

None anticipated.

Financial Implications

None anticipated.

Strategic Implications

None anticipated.

Voting Requirement

Simple Majority Required.

Recommendation

That Council:

1. Adopt "*Local Planning Policy - Transient Workforce Accommodation*" as amended (**Attachment 13.2**) as a Local Planning Policy under the provisions of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme').
2. Give public notice of Council's decision as is required by the Scheme.

Author: Rob Paul	Signature:
Manager: Jeff Breen	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 17 AUGUST 2011

13.3 PLANNING APPLICATION - TRANSIT LOUNGE AND GYMNASIUM FACILITY LOT 61 ROCKLEA ROAD, PARABURDOO PART LOT 61, ROCKLEA ROAD PARABURDOO

FILE REFERENCE:	PA.MC.0061
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	TBB Town Planning on behalf of RTIO
DATE REPORT WRITTEN:	9 August 2011
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.07.54 Ordinary Meeting of Council 20 July 2011

Summary

A development application has been received for the construction of a communal transit lounge, gymnasium and ablutions facility for RTIO's Rocklea Palms complex, Rocklea Road/Ashburton Avenue, Paraburdo.

The proposed development consists of a single storey 900m² communal facility (incorporating a transit lounge, gymnasium, lockers and change rooms, shower and toilet facilities). The lounge is to provide RTIO employees a temporary space between accommodation shifts, and allow the RTIO Facilities Services team to prepare the accommodation units for the alternating shift.

The applicant has advised that the facilities will be available for use by the wider community. Its proximity to the function centre, swimming pool and landscaped gardens, which are visible and accessible from Ashburton Avenue, serves to enhance this communal and civic precinct created within the Rocklea Palms site.

It is recommended that the application be approved, subject to appropriate conditions.

Background

A development application has been received for the construction of a communal transit lounge, gymnasium and ablutions facility for RTIO's Rocklea Palms complex at Rocklea Road/Ashburton Avenue, Paraburdo.

The proposed development consists of a single storey 900m² communal facility (incorporating a transit lounge, gymnasium, lockers and change rooms, shower and toilet facilities). The siting of the new facility adjacent to the existing function centre, administration and mess, and recreational area (including swimming pool and barbecue area) will allow the creation of a community precinct to service the development and broader area.

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The planning consultant on behalf of RTIO advise that the primary purpose of the lounge is to service the additional 84 units (approved by Council) currently under construction, to provide RTIO employees a temporary space between accommodation shifts, and allow the RTIO Facilities Services team to prepare the accommodation units for the alternating shift. Importantly, the Application states:

“The facilities will be available for use by the wider community, in a similar manner to the existing function centre adjacent to the site. Its proximity to the function centre, swimming pool and landscaped gardens, which are visible and accessible from Ashburton Avenue, serves to enhance this communal and civic precinct created within the Rocklea Palms site.”

The following reflects the applicant’s key design elements and justification for the proposal:

Building design

The proposed 900m² single storey building is a steel framed structure with metal wall cladding and metal deck roofing. A building materials and colours schedule is to be provided at the time of a building licence being submitted, however the applicant advises that the building colours will blend with the natural landscape and the surrounding town using earth brown, vegetation green and other local landscape colours.

Car Parking

The proposed new building will result in a loss of approximately 48 parking bays from the site. The applicant advises that:

“..... these bays are not presently in use, due to the construction works being undertaken on the north eastern portion of the site and have little impact on the practical availability of parking on the site.

As the facility will be accessible to the wider community and therefore serve a civic/community use, it is noted that are parking areas are available on Ashburton Avenue (under both the existing and reconfigured plans) to cater for associated parking. Ongoing monitoring and review of parking on the site will be undertaken by RTIO to ensure appropriate provision of parking during both the construction and operation of the various site development stages.”

Landscaping

A landscaping plan has been prepared for the subject area surrounding the proposed new communal facility consistent with the existing landscape on the site. The plan proposes the retention of some existing mature vegetation which is significant, complemented by a selection of robust indigenous shrubs. This landscaping will assist the integration of the new development into the site, and complement the surrounds.

Lighting

As part of the development of the communal facility, RTIO will provide necessary security lighting and safe walking paths to link with the existing on-site network. A lighting plan is proposed to be submitted at the time of building licence application.

ATTACHMENT 13.3

Comment

The subject site is partly zoned 'Civic and Commercial' and partly zoned 'Residential R50' under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').

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'Transient Workforce Accommodation' (TWA) is a discretionary use under the 'Residential' zone, allowing for the Shire to exercise its discretion in granting approval. TWA is not a permissible use under the 'Civic and Commercial' zone. On its own, the proposed communal facility could be considered for TWA purposes only and therefore prohibited under the Scheme. However, the application clearly explains that the facility will be available for community use. If this was not the case, the proposal would be prohibited. It is recommended, that should an Approval issue that a condition requiring a written agreement with the Shire and RTIO be required before the issue of a Building Licence that clearly addresses the extent of community access to the community building and gym.

With respect to car parking, submitted plan ref DA-SK-0003 (**ATTACHMENT 13.3**) has three separate references to '*existing carpark to be removed during future site upgrades*'. It is recommended that the removal of these car parks not be supported. This should only occur when specific development proposals are sought and considered by Council. Although alternative parking is shown, there is a clear shortfall with that currently provided. The reference to the removal of parking should therefore be deleted and the applicant advised that the issue of parking will need to be addressed in a holistic fashion for the overall development of the site.

The loss of 48 car spaces is of concern and needs to be addressed in any Planning Approval. In this regard, the Agreement should require the ongoing monitoring and review of parking on the site and that should parking be required by Council, the possible replacement parking be the areas shown on plans (Ashburton Avenue frontage) and constructed at RTIO's cost.

On the basis of the above, it is recommended that planning approval issue subject to matters raised in this report and standard conditions.

Consultation

This application has not been advertised as it is not required under the Scheme.

It is open for Council to advertise any application, however on the basis of the proposal before Council it is not recommended that advertising take place.

Statutory Environment

Shire of Ashburton Local Planning Scheme No 7

Policy Implications

There are no policy implications relative to this issue.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

It is noted that at the meeting of Council of Council 20 July 2011 (Agenda Item 13.07.54) that when considering the application for a Local Planning Policy for a concept plan over the 'Rocklea Palms' site, that Council resolved:

- “1. *Not adopt draft 'Local Planning Policy - "Rocklea Palms, Paraburdoo Concept Plan" as a Local Planning Policy until RTIO, the Department of State Development, Department Regional Development and Lands have meet with the Shire in order to develop a Paraburdoo Townsite Strategy in accordance with the Resolution of Council Item 15.10.20 of 20 October, 2010 to guide future decision making in relation to the town.*

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2. *Request the Chief Executive Officer to advise RTIO, the Department of State Development, Department Regional Development and Lands and report the responses back to Council."*

Clearly the desire of Council is to achieve a strategic planning direction for Paraburdoo in the form of a Townsite Strategy.

It is considered that the approval of the Application before Council will not impede or restrict the establishment of such a policy. Indeed, there is benefit for the community through access to the facility.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Approve Planning Application from TBB Town Planning for Hamersley Iron Pty Ltd for communal transit lounge, gymnasium and ablutions facility (available to be accessed by the public) at Lot 61, McRae Avenue, Paraburdoo in accordance with the submitted plans be approved, subject to the following conditions:
 - a. Prior to the issue of a Building Licence, a legal agreement prepared at the Owner's expense (including legal expenses incurred by the Shire of Ashburton) all to the requirements and satisfaction of the Chief Executive Officer shall be submitted for the purposes of the following:
 - i) acknowledging that the community will have access to the community building and gymnasium;
 - ii) defining the extent of community access in i) above;
 - iii) noting the loss of 48 car spaces associated with the development;
 - iv) requiring the ongoing monitoring and review of all parking on the site as a result of the loss of 48 car spaces; and
 - v) acknowledging that should Council as a result of the monitoring referred to in iv) above resolve that the parking is deficient, arrangements shall be established for parking to be required generally in the areas shown on submitted plan ref DA-SK-0003 (Ashburton Avenue frontage) and constructed at RTIO's cost.
 - b. A building licence for the development should be obtained prior to 17 August 2013. This Planning Approval lapses if a building licence for the development has not been obtained by 17 August 2013. Further to this, if the development is not substantially commenced in accordance with the building licence by 17 August 2013, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.
 - c. All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Shire. Plans must be submitted prior to issue of a building licence showing details of the drainage

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- layout, showing the pipes direction, invert levels, grade size and the locations of any pits.
- d. The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy, the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
 - e. A landscaping plan must be submitted and approved for the area immediately surrounding the subject buildings and on the boundary prior to the issue of a Building Licence or any works commencing. For the purpose of these conditions a detailed landscaping plan shall show the following:
 - i) the location and type of proposed trees and shrubs;
 - ii) any lawns to be established;
 - iii) those areas to be reticulated or irrigated.
 - f. The landscaping and those areas to be reticulated or irrigated landscaping area shall be installed within thirteen (13) weeks of the use commencing or occupation of the development, and shall be maintained thereafter by the owner/occupier to the satisfaction of the Shire.

Advice

- 1) Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building licence.
- 2) The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
- 3) Please note for future reference that levels, contours, drainage and sewer lines, etc must be shown on development plans to ensure a proper assessment can be made. Failure to provide this information may require design changes at the building licence stage, resulting in possible delays and inconvenience.
- 4) Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).
- 5) The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website <http://www.dia.wa.gov.au/Heritage/default.aspx>.

Author: Rob Paul	Signature:
Manager: Jeff Breen	Signature:

- 14. WESTERN OPERATIONS REPORTS
- 15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 16. 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.*

- 17. COUNCILLOR AGENDA ITEMS
No Councillor Agenda Items were received.

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18. NEXT MEETING

The next Ordinary Meeting of Council will be held on 21 September 2011 at the RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 3.00 pm.

19. CLOSURE OF MEETING