



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

**Ashburton Hall, Ashburton Avenue,
PARABURDOO**

19 October 2011

MINUTES - ORDINARY MEETING OF COUNCIL 19 OCTOBER 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 19 October 2011 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 3:00 pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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MINUTES - ORDINARY MEETING OF COUNCIL 19 OCTOBER 2011

1. **DECLARATION OF OPENING**

Note. As this was the first meeting following the ordinary election conducted on 15 October 2011, in accordance with the Local Government Act 1995 the Chief Executive Officer presided over the opening of the meeting and conducted the election for the Office of the Shire President.

The Chief Executive Officer declared the meeting open at 3.00 pm.

1.1 **SWEARING IN OF COUNCILLORS-ELECT**

In accordance with section 2.29 of the Local Government Act 1995 Councillors-elect were sworn in by making the Declaration by an Elected Members of Council (Electoral Form 7).

Ann Eyre was sworn in as a Councillor for the Ashburton Ward.
Cecilia Fernandez was sworn in as a Councillor for the Tom Price Ward.
Peter Foster was sworn in as a Councillor for the Tom Price Ward.
Linton Rumble was sworn in as a Councillor for the Paraburdoo Ward.
Lorraine Thomas was sworn in as a Councillor for the Tableland Ward.
Kerry White was sworn in as a Councillor for the Onslow Ward.

1.2 **ELECTION OF SHIRE PRESIDENT**

In accordance with Schedule 2.3 of the Local Government Act 1995 the term of the Shire President expired at the Ordinary Election. Therefore, it was necessary to elect the President. This election was conducted by the Chief Executive Officer.

Two nominations were received for Shire President, these being Cr Shields and Cr White. The Chief Executive Officer conducted a ballot in order to establish positions on the ballot paper. Cr White was successful in the subsequent ballot by a vote of 7-2. The CEO declared Cr White elected as Shire President.

Cr White then made a declaration in accordance with Regulation 13(1)(c) of the Local Government (Constitution) Regulations 1996, in the presence of the Chief Executive Officer, Mr Jeff Breen.

Rob Paull and Janyce Smith left the meeting at 3.15 pm.
Janyce Smith entered the meeting at 3.15 pm.
Cr White left the meeting at 3.15 pm.
Amanda O'Halloran and Frank Ludovico left the meeting 3.15 pm.
Jeff Breen left the meeting at 3.16 pm.
Amanda O'Halloran entered the meeting at 3.17 pm.
Jeff Breen, Frank Ludovico and Rob Paull entered the meeting at 3.18 pm.

1.3 **ELECTION OF DEPUTY PRESIDENT**

In accordance with Schedule 2.3 of the Local Government Act 1995 the term of the Deputy Shire President expires at the ordinary election. Therefore it was necessary to elect the Deputy Shire President. This election was conducted by the Shire President.

Three nominations were received, these being Cr Rumble, Cr Fernandez and Cr Foster. The Shire President conducted a ballot to establish the positions on the ballot paper. The result was a three way tie.

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Cr White left the meeting at 3.28 pm.
Frank Ludovico left the meeting at 3.28 pm.
Frank Ludovico entered the meeting at 3.30 pm.
Cr White entered the meeting at 3.31 pm.

In accordance with Schedule 2.3 Cl 9 the Shire President adjourned the meeting.

The Shire President adjourned the meeting at 3.35 pm.

The Shire President re-adjourned the meeting at 3.46 pm.

Three nominations were received, these being Cr Rumble, Cr Fernandez and Cr Foster. The Shire President conducted a ballot to establish the positions on the ballot paper. Cr Rumble was successful in the subsequent ballot with 4 votes, Cr Foster with 3 votes, and Cr Fernandez with 2 votes. The Shire President declared Cr Rumble as the successful nominee.

Cr Rumble made a declaration in accordance in accordance with Regulation 13(1)(c) of the Local Government (Constitution) Regulations 1996, in the presence of the Shire President.

Rob Paull entered the meeting at 3.48 pm.
Frank Ludovico left the meeting at 3.49 pm.
Frank Ludovico entered the meeting at 3.52 pm.

2. ANNOUNCEMENT OF VISITORS

The Shire President welcomed Ian Yull, Government Approvals – Wheatstone Project, Chevron Australia Pty Ltd, Peter Cooper, Hilton Barnett and Sam Robinson from Advanced Dynamics and representatives from Fortescue Metals Group Ltd - Ford Murray, Manager Community Relations, Sean McGunnigle, Manager, Environmental Approvals, and Scott Hansen, Superintendent Community Tom Price.

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 Shields	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Cr L Thomas	Tableland Ward
Mr J Breen	Chief Executive Officer
Mr F Ludovico	Executive Manager, Corporate Services
Ms A O'Halloran	Executive Manager, Strategic & Economic Development
Mr G Brayford	Executive Manager, Technical Services
Ms D Wilkes	Executive Manager, Community Development
Mr Rob Paull	Principal Town Planner
Ms J Smith	Executive Assistant CEO

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3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

There were no Leave of Absences for this meeting.

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

At the Ordinary Meeting of Council held on 19 October 2011, Cr Dias tabled the following question on behalf of Tanya King. The question was taken on notice and a written response will be provided.

Q1. Why is a family pool pass now limited to two adults and two children when the average family within the Pilbara, and in particular Paraburdoo have more than two children? I feel this is unjust and is not supporting family activities.

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 21 September 2011, the following questions were taken on notice and a written response has been provided.

Rochelle & David Kilgariff tabled the following question.

Q1. My question is why has nothing been done about the dog pack that spends its days killing kangaroos around the town of Onslow. I first contacted the Ranger in January and have subsequently had four meetings with him and made at least eight phone calls all to no avail. I have also taken the Ranger across Beadon Creek in my own dinghy and shown him where the dogs swim across the creek and begin their hunt. I have also contacted the Department of Environment and Conservation five times and the Onslow Police twice. I find it extremely offensive because no-one is willing to do anything when kangaroos are dying in vicious and brutal attacks on a daily basis.

The Onslow Ranger has been undertaking some work to alleviate the problem of dogs killing kangaroos across Beadon Creek. He has been hampered by access problems (boat required) and then unsuitability of the normal trapping method in the environment. The issue has been discussed with the Senior Ranger and a program will be put in place to control the problem.

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Pearce Herbert tabled the following question.

Q1. Is it true that the pensioners flats are to be demolished and the residents turned out?

The town of Onslow has been undergoing a redesign to cope with the population increase from the LNG plants and related industry.

In July a visioning exercise was undertaken with the community followed by a major town planning exercise. There has been extensive public consultation at every stage.

The existing pensioner units are not of a sufficient standard or design for the residents and the location presents security issues. However the claims that the units are to be demolished and the residents will have nowhere to go are mischievous and scurrilous and have no foundation in fact.

Any changes to the circumstances of the pensioner units and the residents would not be able to occur without Council approval and consultation with the community as has been done with all other decisions affecting the community of Onslow.

5. APPLICATIONS FOR LEAVE OF ABSENCE

No applications for Leave of Absence was received.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

There were no petitions presented to Council.

6.2 DEPUTATIONS

There were no deputations presented to Council.

6.3 PRESENTATIONS

Sean McGunnigle, Manager – Environmental Approvals from Fortescue Metals Group Limited made a presentation on Fortescue Expansion Plan, (specifically with an environmental focus).

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 21 SEPTEMBER 2011

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr L Thomas

That the Minutes of the Ordinary Meeting of Council held on 21 September 2011, as previously circulated on 3 October 2011, be confirmed as a true and accurate record.

CARRIED 9/0

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7.2 SPECIAL MEETING OF COUNCIL HELD ON 5 OCTOBER 2011

Council Decision

MOVED: Cr D Wright

SECONDED: Cr L Rumble

That the Minutes of the Special Meeting of Council held on 5 October 2011, as previously circulated on 6 October 2011, be confirmed as a true and accurate record.

CARRIED 9/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There were no announcements by the Shire President.

9. DECLARATION BY MEMBERS

Councillors White, Rumble, Shields, Eyre, Dias, Wright, Fernandez, Foster 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.

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

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but they should not be relied on without advice, unless the situation is very clear.

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

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10. CHIEF EXECUTIVE OFFICER REPORTS

10.1 ORDINARY MEETING OF COUNCIL - SCHEDULE OF MEETING DATES, TIMES AND LOCATION FOR 2012

MINUTE: 11042

FILE REFERENCE: OR.MT.00.00

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.07 Ordinary Meeting of Council – Schedule of Meeting Dates, Times and Location.

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 2012.

Background

In October 2010, Council adopted the meeting schedule for the entire 12 month period from February to December 2011. This report sets out a proposed meeting schedule for the 2012 calendar year.

Comment

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

The proposed timetable for Council Meeting dates is:

11am Morning Tea – Workshop / Briefing Sessions – 1 pm Lunch – 2 pm Workshop / Briefing Sessions – 3 pm Council Meeting – 7 pm Dinner.

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

Suggested dates are outlined in the table below. If this proposal is adopted there will be four 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

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Wednesday of the month. The December 2012 meeting has been moved to the second Wednesday of the month due to the close proximity of Christmas.

The proposed schedule is set out below:

DATE	LOCATION	TIME
Wednesday, 15 February 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 21 March 2012	Ashburton Hall Ashburton Avenue, Paraburdoo	3:00pm
Wednesday, 18 April 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	3:00pm
Wednesday, 16 May 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 20 June 2012	Ashburton Hall Ashburton Avenue, Paraburdoo	3:00pm
Wednesday, 18 July 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 15 August 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	3:00pm
Wednesday, 19 September 2012	Barry Lang Centre, Pannawonica	3:00pm
Wednesday, 17 October 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 21 November 2012	Ashburton Hall Ashburton Avenue, Paraburdoo	3:00pm
Wednesday, 12 December 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	3:00pm

Consultation

Chief Executive Officer

Statutory Environment

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

Policy Implications

Council Policy ELM01 – Council and other meetings.

Financial Implications

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

Strategic Implications

There are no strategic implications relevant to this issue.

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Rumble

That Council:

1. Adopt the Schedule of Meeting dates, times and locations for the period February 2012 to December 2012 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 February 2012 to December 2012.

DATE	LOCATION	TIME
Wednesday, 15 February 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 21 March 2012	Ashburton Hall Ashburton Avenue, Paraburdoo	3:00pm
Wednesday, 18 April 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	3:00pm
Wednesday, 16 May 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 20 June 2012	Ashburton Hall Ashburton Avenue, Paraburdoo	3:00pm
Wednesday, 18 July 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
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Wednesday, 19 September 2012	Barry Lang Centre, Pannawonica	3:00pm
Wednesday, 17 October 2012	Meeting Room, Community Recreation Centre, Tom Price	3:00pm
Wednesday, 21 November 2012	Ashburton Hall Ashburton Avenue, Paraburdoo	3:00pm
Wednesday, 12 December 2012	RM Forrest Memorial Hall, Second Avenue, Onslow	3:00pm

CARRIED 6/3

Cr White, Cr Thomas and Cr Wright voted against the motion.

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10.2 APPOINTMENT OF COUNCILLORS AND STAFF TO COMMITTEES

MINUTE: 11043

FILE REFERENCE: OR.EL.02.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Following the Election on the 15 October 2011 Council must appoint Councillors and staff members to various committees on which it is represented.

Background

Being the first Ordinary meeting of Council following the General Local Government Elections on the 17 October, 2009, Council is required to give consideration to appointing Councillors and staff members to various committees on which it is represented.

Comment

Attached to this Agenda is a list of the appointments made at the 20 October 2009 Council meeting.

ATTACHMENT 10.2

Staff have reviewed the these Committees, Working Groups and External Committees and the suggested appointments are detailed in the recommendation.

In respect to Deputies, it is suggested that Council appoint the Councillors who are not members to the Committee as Deputies so they are able to attend and participate in Committee meetings to ensure quorums.

For the sake of completeness all Committees, Working Groups and delegations have been included.

Committees (eg Land Conservation Committees or Development Assessment Panels) where an appointment is for a particular term, have been included because the existing member has resigned or is a candidate for an election. In this way the vacancy can be filled once the elections results are known.

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Consultation

CEO & Executive Managers

Statutory Environment

Local Government Act 1995, Part 5 Subdivision 2, Sections 5.8 to 5.18

Local Government (Administration) Regulations 1996 – Regulation 4.

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also appoint Councillors to represent it on external committees such as those established by the State Government (e.g., Land Conservation District Committees).

A committee is to have as its member's persons appointed (absolute majority) by the local government to be members of the committee. At any given time each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, the local government is to include that Councillor in the persons appointed to at least one of those committees as the local government decides (section 5.10 Local Government Act 1995).

If at a meeting of the Council a local government is to make an appointment to a committee that has or will have a Councillor as a member and the President informs the local government of his or her wish to be a member of the committee, the local government is to appoint the President to be a member of the committee.

Where a person is appointed as a member of a committee the person's membership of the committee continues until:

- The person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
- The person resigns from membership of the committee;
- The committee is disbanded; or
- The next ordinary election day, whichever happens first.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

Policy Implications

Council Policy ELM01- Council and other Meetings.

Financial Implications

Nil

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

Absolute Majority Required.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Wright

That Council:

1. Revoke all previous appointments of Councillors and Staff to Committees.
2. Make the following appointment to Committees of Council

2.1. Audit Committee

Members: Crs White, Eyre, Shields and Foster.

Deputies: All other Councillors.

Membership: 4 Councillors.

Quorum: 3 Councillors.

Purpose: To provide guidance and assistance to the Local Government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the development of a process to be used to select and appoint a person to be an auditor and may provide guidance and assistance to the Local Government as to matters to be audited, the scope of audits, its functions under Part 6 of the Act and the carrying out of its functions relating to other audits and other matters related to financial management. (Clause 16 Local Government (Audit) Regulations 1996)

Meeting cycle: At least once annually to recommend the adoption of the Annual Report.

3. Make the following appointment to Working Groups of Council

3.1. CEO Performance Review Panel

Members: Crs Shields and Wright.

Deputies: Crs Rumble and Foster.

Purpose: Review the CEO's Performance.

Meeting Cycle: Anniversay of the CEO's contract and then biannually or as required.

3.2. Occupational Safety & Health Committee

No Councillors were appointed.

Purpose: To promote a safe working environment. This committee is required with Statutory Compliance.

Meeting Cycle: Once a month.

All Councillors are to be invited to attend OS&H meeting as relevant to their location.

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- 3.3. Land Use Planning and Townscape Working Group**
Members: Crs Eyre and White, Chief Executive Officer and other Executive Managers as required.
- Purpose:** Working group is to support the development and revitalisation of Onslow over the coming years. Community input is essential to the planning and direction of the Onslow community. The working group will act in an advisory capacity and give direction.
- Meeting Cycle:** To be determined.
- 3.4. Old Onslow Advisory Committee**
Members: Cr Eyre and the Executive Manager, Strategic and Economic Development .
- Purpose:** The Advisory group is made up of supportive members of the Onslow Community that have an interest in keeping the heritage of Onslow Alive. The Old Onslow Advisory Committee is designed to give direction and advise Council on the management of Old Onslow. Its role is to help set priorities in regards to the conservation and maintenance of the ruins.
- Meeting Cycle:** To be determined.
- 3.5. Bush Fire Advisory Committee**
Members: Shire President, Crs Dias and Shields, Executive Manager, Technical Services, Emergency Services Co-ordinator and Fire Control Officers.
- Purpose:** To enable the communication and coordination of Bush Fire related matters within the Shire.
- Meeting Cycle:** As required.
- 3.6. Onslow Local Emergency Management Committee**
Delegates: Cr Eyre, Executive Manager, Technical Services and Emergency Services Co-ordinator.
Deputies: All other Councillors.
Membership: Shire of Ashburton, Emergency Services Co-ordinator (Chairman).
- Other representation as per the Emergency Management Act 2006.**
- Meeting Cycle:** As required
- 3.7. Onslow Local Recovery Committee**
Delegates: Crs White and Eyre, Executive Manager, Technical Services, and Emergency Services Co-ordinator.
Deputies: All other Councillors.
Membership: Shire of Ashburton, Emergency Services Co-ordinator (Chairman).
- Other representation as per the Emergency Management Act 2006.**
- Meeting Cycle:** As required.

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3.8. Tom Price / Paraburdoo Local Emergency Management Committee

Delegates: Crs Dias and Shields, Executive Manager, Technical Services and Emergency Services Co-ordinator.

Deputies: All other Councillors.

Membership: Shire of Ashburton, Emergency Services Co-ordinator (Chairman).

Other representation as per the Emergency Management Act 2006.

3.9. Tom Price/Paraburdoo Local Recovery Committee

Delegates: Crs Dias and Shields, Executive Manager, Technical Services and Emergency Services Co-ordinator.

Deputies: All other Councillors.

Membership: Shire of Ashburton, Emergency Services Co-ordinator (Chairman).

Other representation as per the Emergency Management Act 2006.

3.10. Pannawonica Local Emergency Management Committee

Delegates: Cr Wright, Executive Manager, Technical Services and Emergency Services Co-ordinator.

Deputies: All other Councillors.

Membership: Shire of Ashburton, Emergency Services Co-ordinator (Chairman).

Other representation as per the Emergency Management Act 2006.

3.11. Pannawonica Local Recovery Committee

Delegates: Cr Wright, Executive Manager, Technical Services and Emergency Services Co-ordinator.

Deputies: All other Councillors.

Membership: Shire of Ashburton, Emergency Services Co-ordinator (Chairman).

Other representation as per the Emergency Management Act 2006.

3.12. Pilbara District Emergency Management Committee

Delegates: Emergency Services Co-ordinator and Executive Manager, Technical Services.

Deputies: Cr Dias.

4. External Committees

4.1. Pilbara Regional Council

Delegates: Crs White and Thomas.

Deputies: Crs Fernandez and Foster.

In the absence of the above Councillors all other Councillors.

Meeting Cycle: As required.

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4.2. Western Australian Local Government Association Pilbara Country Zone

Delegate: Cr White.

Deputies: Cr Thomas.

In the absence of the above Councillors all other Councillors.

Meeting Cycle: As required.

NOTE: as this meeting occurs with the Pilbara Regional Council meeting it's preferable the Delegate is the same.

4.3. Development Assessment Panels

Delegate: Crs White and Foster (expiring 26 April 2013).

Deputies: Cr Dias and Cr Wright (expiring 26 April 2013).

4.4. Regional Road Group

Delegates: Crs White and Thomas and Executive Manager, Technical Services.

Deputies: Crs Fernandez and Foster.

In the absence of the above Councillors all other Councillors.

4.5. Consortium of the West Pilbara Communities for Children Committee

Delegates: Crs Fernandez and Foster and Executive Manager Community Development.

Deputies: Cr White.

In the absence of the above Councillors all other Councillors.

4.6. Onslow Tourism and Progress Association

Delegate: Cr Eyre.

Deputies: Cr White.

In the absence of the above Councillors all other Councillors

4.7. Ashburton Land Conservation District Committees (LCDC)

Delegate: Leanne Corker(Red Hill Station) expires 30 June 2014.

4.8. Roebourne/Port Hedland Land Conservation District Committee (LCDC)

Delegate: Cr Thomas expires 30 November 2012.

4.9. Lyndon Land Conservation District Committee (LCDC)

Delegate: Kimberly De Pledge (Yanrey Station) expires 31 March 2014.

4.10. Fortescue Community Working Group

Delegates: Crs Thomas and Fernanedez and Executive Manager, Community Development.

CARRIED BY ABSOLUTE MAJORITY 9/0

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10.3 PILBARA DEVELOPMENT COMMISSION BOARD VACANCY

MINUTE: 11044

FILE REFERENCE: OR.IG.02.07

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

**NAME OF APPLICANT/
RESPONDENT:** Pilbara Development Commission

DATE REPORT WRITTEN: 28 September 2011

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

The Pilbara Development Commission is seeking nominations to fill one Local Government vacancy on the Board of Management. It is for a 12 month term.

Council is requested to nominate one Councillor for the vacant position.

Background

The Pilbara Development Commission is seeking nominations to fill one Local Government vacancy on its Board of Management. The position is for a 12 month term.

In accordance with the *Regional Development Commissions Act*, each of the four Local Government authorities in the Pilbara are invited to nominate one Councillor each.

Comment

Council is requested to forward its nomination together with a completed application form and a brief CV for each of its nominees to the Pilbara Development Commission by 31 October 2011.

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

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

Consultation

Chief Executive Officer

Statutory Environment

Regional Development Commissions Act

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Policy Implications

Nil

Financial Implications

There are no financial implications relevant to this issue.

Strategic Implications

It would be appropriate to have representative of the Shire of Ashburton on the Board of the Regional Development organisation.

Voting Requirement

Simple Majority Required.

Crs Fernandez, Foster and Shields left the meeting at 5.00 pm.

Crs Fernandez, Foster and Shields entered the meeting at 5.00 pm.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Rumble

That Council:

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

CARRIED 6/3

Crs Foster, Shields and Eyre voted against the motion.

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10.4 RECOGNITION OF LOCAL GOVERNMENT IN THE AUSTRALIAN CONSTITUTION

MINUTE: 11045

FILE REFERENCE: OR.IG.03.05

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Australian Local Government Association (ALGA) is campaigning to have local government in Australia recognised by the Australian Constitution.

Council is to consider whether it supports this proposition.

Background

On 19 May 2011, the President of the Australian Local Government Association (ALGA) wrote to all local governments seeking support for the recognition of Australian Local Governments in the Australian Constitution.

Over 80 West Australian Local Governments have supported ALGA's request to date.

Comment

Despite being the third tier of government Australian Local Governments are not recognized by the Australian Constitution. This prevents direct funding of local government by the Australian Government with the State governments acting as intermediaries for the distribution of such funding.

This can be inefficient and may create between states and within local governments in each state.

Local Government can be recognized by the Constitution in a number ways:

1. Be recognised within the preamble of the Constitution; or
2. Within the actual Constitution, in the form of its own section; or
3. Within both the preamble and the actual Constitution.

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- Option number 3 is recommended as the preferred option as simply being recognized in the preamble does not provide Constitutional power for direct Australian government funding to Local Government.

Constitutional reform in Australia is historically difficult with only 8 referendums of 44 since 1906 being successful.

The proposed ALGA recommendation advocates the support of a referendum in 2013.

Consultation

Nil

Statutory Environment

Nil

Financial Implications

Will enable direct funding of Local Government by Australian Government.

Strategic Implications

Nil

Policy Implications

Nil

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Thomas

That Council:

- Resolves to support the recognition of Local Government by the Australian Constitution in both the Preamble to the Constitution and in the actual Constitution and seeks the support of all political parties to support a referendum to support the change to the Constitution.**

CARRIED 9/0

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11. CORPORATE SERVICES REPORTS

11.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF AUGUST AND SEPTEMBER 2011

MINUTE: 11046

FILE REFERENCE: FI.RE.00.00

AUTHOR'S NAME AND POSITION: Linda McCarthy
Finance Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 September 2011

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:

August 2011

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

ATTACHMENT 11.1A

September 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.

ATTACHMENT 11.1B

- Schedule of Accounts paid under delegated authority.

ATTACHMENT 11.1C

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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

Nil

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.

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr L Rumble

That Council:

- 1. Receive the Financial Reports for August 2011 and Schedule of Accounts and Credit Card Statements for September 2011.**

CARRIED 9/0

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11.2 CREDIT CARD - COUNCIL POLICY EMP24

MINUTE: 11047

FILE REFERENCE: FI.BA.00.00

AUTHOR'S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.05.24 Ordinary Meeting of Council 18 May 2011
Agenda Item 12.10.08 Ordinary Meeting of Council 24 October 2006
Agenda Item 12.06.039 Ordinary Meeting of Council 20 June 2006
Agenda Item 12.03.10 Ordinary Meeting of Council March 2008
Agenda Item 12.03.06 Ordinary Meeting of Council 17 March 2009

Summary

The current level of credit card funding allocated to the Chief Executive Officer and Executive Managers is proving inadequate in light of the recent Shire of Ashburton Restructure which has also seen an additional Executive Manager position (Executive Manger – Operations) created.

We are seeking Council's approval to increase the available credit card limit from \$55,000 to \$65,000 and make changes to the current allocation of credit, therefore amend Policy EMP24 "Corporate Credit Card" to reflect these changes.

Background

Council, at its meeting on 18 May 2011 agreed to the following allocations of credit card funds:

Chief Executive Officer	\$10,000
Executive Manager Community & Economic Services	\$ 5,000
Executive Manager Corporate Services	\$ 5,000
Executive Manager Engineering Services	\$10,000
Executive Manager Western Operations	\$10,000
Manager Building Services	\$ 5,000
HR Manager	\$10,000
	\$55,000

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Comment

There are increasing pressures on the current credit card allocation for a variety of reasons including and expanding workforce and increased costs of flights. There is an ongoing need to participate in meetings in Perth regarding development projects occurring in the Shire.

The benefits of using credit cards for booking flights and accommodation are not just in the convenience but also cost saving as there are no commissions charged to transact in this manner.

The recent implementation of the Shire of Ashburton Structure Plan has not only seen a change in duties for some Executive Managers, and also the addition of a new Executive Manager – Operations.

It proposed that a total pool of \$65,000 is required and that the Executive Manager - Operations is allocated a balance of \$5,000 while the Executive Manager Community Development balance is set at \$10,000.

The new allocations would be as follows:

Chief Executive Officer	\$10,000
Executive Manager Community Development	\$10,000
Executive Manager Corporate Services	\$ 5,000
Executive Manager Engineering Services	\$10,000
Executive Manager Strategic & Economic Development	\$ 5,000
Executive Manager Operations	\$10,000
Manager Building Services	\$5,000
HR Manager	\$10,000
	\$65,000

Consultation

Executive Management Group

Statutory Environment

Local Government Act (1995) Section 6.5 (a) and Section 2.7 (2)(a) and (b).

Local Government (Financial Management) Regulations 1996, Regulation 11(1)(a)

Financial Implications

There are financial implications associated with the use of any purchasing authority.

Strategic Implications

Strategic Plan 2004-1009, result Area – Best Practice Local Government “Develop sound financial management and reporting systems”.

Policy Implications

Council Policy EMP24 (Corporate Credit Card) will need to be updated to reflect changes.

Voting Requirement

Absolute Majority Required.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council:

- 1. Approve the increase in the overall card limit from \$55,000 to \$65,000;**
- 2. Approve allocation of \$10,000 to the Executive Manager Community Development and an allocation of \$5,000 to the Executive Manager – Operations.**
- 3. Approve amendments to Council Policy EMP24 “Corporate Credit Card” (ATTACHMENT 11.2); and**
- 4. Direct the Chief Executive Officer to ensure that proper use declarations are made by every cardholder.**

CARRIED BY ABSOLUTE MAJORITY 7/2

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12. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

There were no Strategic & Economic Development Reports.

13. TECHNICAL SERVICES REPORTS

13.1 NEW BUILDING ACT 2011

MINUTE: 11048

FILE REFERENCE: LE.AC.21.00

AUTHOR'S NAME AND POSITION: Bernard Smith
Manager, Building Services

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

To provide Council, with an overview of the new building legislation and its potential impact on the Shire of Ashburton.

Background

Under the current *Local Government (Miscellaneous Provisions) Act 1960*, local Governments are empowered to administer building control. This legislation identifies local Governments as the sole authority to assess applications and issue building approvals for the construction of buildings and associated applications.

In this legislation, a building owner can only submit a building licence application to the relevant local government. The building owner can only begin construction when the application is assessed and approved by the local government by the issuing of a building licence. Staff who has delegated authority are the approving officers for the building licence. The legislated building licence fees are then retained by the local government.

In June 2011, the State Parliament passed the final bill (*Building Act 2011*) which is to come into effect on the 1st January 2012. With the new Building Act, the *Building Services (Registration) Act 2011*, the *Building Services (Complaint Resolution and Administration) Act 2011* and the *Building Services Levy Act 2011*, together constitute the new building legislation.

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Among the four bills, the Building Act will have the greatest impact on all local governments. The Act replaces *Parts VII, IX and XV* of the current *Local Government (Miscellaneous Provisions) Act 1960* that deal with:

- Private swimming pool safety barriers;
- Smoke alarm installation into existing dwellings;
- The setting of building standards;
- Licences for erection, modification or demolition of buildings and other structures;
- Enforcement of building control;
- The accreditation of building surveyors; and
- The Building Regulations 1989.

The new Act will alter some of the traditional duties and responsibilities of local government building and compliance officers. For the first time, private certification is introduced removing the sole role of local government as the building licence assessor.

Detail

This section consists of a brief summary of each Act.

Building Services Levy Act 2011

The levy is a legislated fee that funds the operation of the Building Commission Western Australia and the cost of the State Administrative Tribunal (SAT) in dealing with building disputes referred to it by the Building Commission WA. The levy is to be collected by local governments, when issuing building occupancy or demolition permits and is to be forwarded to the Building Commission WA. The levy rate is 0.09% of the construction value (for all permit applications) and has a fixed rate of \$41.50 per permit for building, occupancy and demolition.

On the 5 August 2011, the Building Commission released a paper *Building Act: Proposed fee modelling for permit authorities*. As there is a shift in focus from building control to enforcement, the Building Commission has decided to abolish the current building licence fee structure [as per the *Local Government (Miscellaneous Provisions) Act*]. In the *Building Act 2011*, the only local government levy legislated by the Building Commission is the proposed fee for local government to cover the administrative costs of the permit and enforcement function. The following table compares the existing common fees to the proposed fees:

Act provision	Current fee	Proposed fee
Building Permit application minimum fee	\$85.00	\$90.00
Building Permit application Class 1 & 10- uncertified	0.35% of 10/11ths of the building/structure's construction value	0.318% of the building/structures construction value including the commission levy.
Building Permit application Class 1 & 10- certified	No current equivalent	0.19% of the building /structures construction value
Building Approval Certificate for unauthorised Class 1 & 10- certified	No current equivalent. For uncertified application- 0.7% of 10/11ths of the building/structures construction value.	0.38% of the building/structures construction value

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Building Permit Application Class 2 to 9- certified	No current equivalent. For uncertified application- 0.2% of 10/11ths of the building/structures construction value	0.09% of the building/structures construction value
Application for Occupancy Permit for unauthorised Class 2 to 9 buildings certified	Certificate of Classification is the closest equivalent	\$90.00

The Building Commission will review these fees once the new Act has been in operation for a sufficient period to ensure the fees align accurately with the actual costs associated with providing the permit authority functions. Therefore, the fees in the paper are to be seen as interim until more accurate actual information on costs becomes available post the operation of the Building Act.

Building Services (Complaint Resolution and Administration) Act 2011

This Act empowers the Commission to regulate building services in Western Australia e.g. inspect and investigate buildings and building services and provide orders to remedy unsatisfactory building services. The Act also deals with complaints regarding building services e.g. work of painters and builders, when they are not being carried out in a proper or proficient manner, or workmanship being faulty or unsatisfactory. In cases of dispute, the Commission can refer the matter to the SAT for determination. The existing Building Disputes Tribunal is to be abolished.

Building Services (Registration) Act 2011

Responsibilities and duties of local government Building Officers are delegated by a council Chief Executive Officer (CEO) under the *Local Government Act 1995*. The impact of the new Act will require all (local government or non-local government) practising Building Surveyors to be registered with the Building Commission WA. Without proper accreditation and registration from the Building Commission WA, a person will not be permitted to practice as a Building Surveyor in Western Australia.

Building Act 2011

The Building Act reforms the building approval process and will introduce significant changes for local governments. One of the most significant changes is the introduction of private certification of building applications. Though local government building services units can continue to provide certifying services, this process is now open to private certifiers. Application assessments are not required to be carried out by a local authority's Building Officer. Consumers now have the option of engaging the services of a private building certifier.

Nevertheless, local governments may choose to compete freely with the private sector and other local governments in providing a commercial building surveying service, or they may choose to restrict their activities to only those required of a permit authority. Some mandatory duties remain with local governments. They are still required to provide certification and approval services for domestic buildings and structures and maintain its enforcement role, within its own boundaries.

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They are to take on the role as the permit authority for its own district. The permit authority is required to accept applications and issue building, occupancy and demolition permits for all applications, certified and uncertified. In addition, the permit authority is required to keep and maintain records of these applications in its own district.

Comment

The Building Act and private certification will come into effect on the 1st January 2012. It may take time for this form of certification to be accepted and understood by the broader community. Keeping this in mind it is not expected that the impact of private certification on the Shire will be significant in the short-term (6 to 12 months). Though most of the fees the Shire receives under the new Act are still prescriptive, fees for uncertified Class 2 to 9 applications are not legislated. Therefore, it is crucial for the City to advertise the fees and charges for applications post 1st January 2012. This will enable the Shire to operate its building services as per normal, assessing domestic and non-domestic applications.

Though this Act allows the Shire to provide certification services across local government boundaries, the risk associated with such a venture can be high, especially when the Shire does not have any jurisdiction over land outside its boundaries. Nevertheless, the option of providing certification services outside the vicinity of the Shire can be explored at a later stage.

Under the provisions of the Building Act, building surveyors are required to be registered with the Building Commission WA to practice professionally. The Act also replaces the current provisions relating to enforcement. Though there are no major changes from the current *Local Government (Miscellaneous Provisions) Act*, this new Act is more detailed in compliance enforcement e.g. identify the powers of the authorised person, the use of entry warrants from a Justice of the Peace and issuing of a notice of proposed building order.

With the implementation of this legislation, the four Acts will affect some daily operations of the Shire, especially Building Services. The table below provides a summary of the changes caused by the Acts.

Item	Act Titles	Changes
1	<i>Building Services (Registration) Act 2011</i>	Building surveyors are to be registered with the Building Commission; - Their role is no longer by delegated authority
2	<i>Building Services (Complaint Resolution and Administration) Act 2011</i>	- Abolishment of the Building Disputes Tribunal; - Building Commission and the State Administrative Tribunal established to deal with complaints.
3	<i>Building Services Levy Act 2011</i>	- Levy to be collected on behalf of the Building Commission for every building permit (0.09% of construction value), occupancy permit (\$41.50 per permit) and demolition permit (\$41.50 per permit), issued by the Shire; - A legislated fee (fix or percentage) for local Council's administration duties have yet to be finalised. The fee structure as per the existing <i>Building Regulations 1989</i> will be superseded.

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4	<i>Building Act 2010</i>	<p>2010 - Reduction in revenue due to the introduction of private certification;</p> <ul style="list-style-type: none"> - Increase in the local council's enforcement and compliance responsibilities; - Mandatory for local councils to provide certification and approval services for domestic buildings within their area of control. <p>- Decrease in Building Control measures within the Shire;</p> <p>- High penalties for non-compliance cases.</p>
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Interestingly, the Building Commission has legislated a fee for uncertified domestic Applications, but not for uncertified non-domestic applications. Therefore, it is expected that local governments are to provide their own Fees and Charges to assess uncertified nondomestic applications if they intend to provide such services.

If the Shire intends to provide services for uncertified non-domestic applications, Council approval and public notice will be required for the proposed Fees and Charges. The crucial timeframes are outlined in the table once Council approves the Fees and Charges. This proposed timeframe is intended to meet the implementation date of the Building Act on the 1st January 2012.

Item	Event	Due Date	Comments	Statutory compliance
1	Council Meeting	Oct Meeting	Council to adopt Fees and charges.	Local government Act 1995 Section 3.59
2	Public Consultation for fees and charges ONLY	2 nd November 2011	Advertise for 7 days in The Pilbara News Wednesday 9 th November 2011	Local Government Act 1995 Section 6.19 and Section 1.7.
3	Implementation of the Building Act	1 st January 2012	Fees not legislated by the Commission will apply.	

Consultation

As of 1st January 2012, the current fees in the Local Government (Miscellaneous Provisions) Act will no longer apply. It is therefore imperative that the Shire adopt a new fee structure to come into effect on 1st January 2012. In preparation for this deadline, consultation has been undertaken within the Shires Finance and Building Approvals areas to determine a fee structure for uncertified Class 2 to 9 applications that will ensure the Shire competitiveness with private certifiers and maintain a market share of building approvals within the Shire of Ashburton.

Statutory Environment

This proposal will align the Shires obligations and requirements with the new building legislation and the *Local Government Act 1995 Section 6.19- Notice of Fees and Charges*:

"If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed."

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Policy Implications

Though the Building Act does not have a direct impact on any existing Building Services policies, changes are required in the standard conditions typically attached to building licences and the information sheets on the Shires website.

For any future reference, the following are some terminology used in the Building Act:

Current term used:	New term to be used:	Comments
Building Licence	Building Permit	Under the new <i>Building Act 2011</i> , a Certificate of Design Compliance is required before a building permit can be issued.
Certificate of Classification	Certificate of Occupancy	Under the new <i>Building Act 2011</i> , a Notice of Completion is required before the certificate of occupancy can be issued.
Nil	Notice of Completion	For all classes of buildings, the builder must provide a Notice of Completion to the Permit Authority within 7 days of the completion of the building. Currently, there are no closing documents for Class 1 and 10 buildings.

Financial Implications

Though local governments do receive legislated fees for their new responsibilities, it is expected that the amount of revenue local government normally receives from building licence applications will be affected. With the introduction of private certification, local governments will cease to be the sole permit approving authority. Undoubtedly private certification will have an impact on the Shires revenue in relation to building approval fees and charges.

Proposed Fees and Charges

The proposed fee structure set by the Commission does not include uncertified commercial applications, being predominantly office, warehouses, retail shops and factories. New fees and charges are then required to be implemented for such applications received by the Shire after 1st January 2012. As there is no benchmark to this date, the fees and charges are based on what is considered to be a realistic fee, to cover business unit costs and still maintain market share.

The following table shows the proposed fees for uncertified commercial applications. The fees in this table are in addition to the statutory charges, as outlined in the Detail section of this report. Both fees will be the total fee chargeable to the consumer. It is proposed that up to two site inspection will be included in the costs.

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<i>Uncertified Applications (ex GST)</i>	
Commercial (nondomestic) Construction Value	Proposed fee
Up to \$150,000	\$270
\$150,001 to \$500,000	\$270 plus 0.15% in excess of \$150,000 value
\$500,001 to \$1m	\$795 plus 0.14% in excess of \$500,000 value
\$1,000,001 and above	\$1,495 plus 0.13% in excess of \$1,000,000 value
Unauthorised Structures	Double the above fees, this fee is consistent with the current and new legislated fee structure
Other Fees (ex GST)	
Issue Permit or Certificate	\$90.00
Application for copies of permits, building approval certificates in register (per)	\$60.00
Application to inspect and obtain a copy of building records	\$60.00

Statutory fees as proposed under the Building Act 2011 [shaded in pink]. See attachment.

ATTACHMENT 13.1

Strategic Implications

Nil

Voting Requirement

Absolute Majority Required.

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

That Council:

1. **Adopts the proposed Fees and Charges for uncertified assessment of commercial building applications and any other related fees as of the 1st January 2012, as per the following table:**

<i>Uncertified Applications (ex GST)</i>	
Commercial (Classes 2- 9) Construction Value	Proposed fee
Up to \$150,000	\$270
\$150,001 to \$500,000	\$270 plus 0.15% in excess of \$150,000 value
\$500,001 to \$1m	\$795 plus 0.14% in excess of \$500,000 value
\$1,000,001 and above	\$1,495 plus 0.13% in excess of \$1,000,000 value
Unauthorised Structures	Double the above fees, this fee is consistent with the current and new legislated fee structure
Other Fees (ex GST)	
Issue Permit or Certificate	\$90.00
Application for copies of permits, building approval certificates in register (per)	\$60.00
Application to inspect and obtain a copy of building records	\$60.00

2. **Approves the giving of Local Public Notice of the fees and charges in (1) above with effect 1 January 2012; and**
3. **Notes the Shire of Ashburton Building Surveyors registration under the provisions of the Building Services (Registration) Act 2011; and**
4. **Notes statutory fees as proposed under the Building Act 2011 as per attachment. (ATTACHMENT 13.1)**

CARRIED BY ABSOLUTE MAJORITY 9/0

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13.2 REQUEST FOR ADOPTION OF CONCEPT DESIGN OF TOM PRICE SKATE PARK

MINUTE: 11049

FILE REFERENCE: OR.CM.10.09

AUTHOR'S NAME AND POSITION: Sharon Morley
Administration Assistant Tom Price Town Revitalisation

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton
(Owner Applicant)

DATE REPORT WRITTEN: 7 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The purpose of this agenda item is to seek Council's approval and adoption of the Concept Design for a new Tom Price Skate Park. These designs are currently with the skate park construction company Convic International so that they can be formatted to a technical engineering standard on AutoCAD. Convic International is experienced in all aspects of skate facility construction and has completed parks recently for Exmouth and Mt Newman. Both Shires have given positive recommendations for the use of this company.

The process for the redesign, revitalisation and building of the Skate Park has been led by the Shire of Ashburton in conjunction with a Skate Park designers, architects, and engineers with the main focus and aim of creating a comprehensive amenity that is high-tech, stimulating and challenging and durable and will have flow on benefits for many years to come.

Background

Elements of the community vision for the revitalisation project will be articulated in the desired outcomes of a new refurbished Skate Park and are summarised in the vision statement below:

"Our Tom Price town centre is a bustling heart with a range of amenities, shops, places to meet and spaces to celebrate our unique community, Indigenous heritage and natural environment."

The existing Skate Park in Tom Price is rundown, inadequate and unattractive. The new design concept is to transform the existing Skate Park into a safer, more challenging, interesting and inviting community asset. The aim is to ensure that the Skate Park is an aesthetically pleasing feature for the town. It will create a setting that will bring the community closer while creating an outdoor environment that has a positive, up-beat, trendy

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atmosphere that can be used by the children, youth and adults alike. A new design will offer a jaunty and attractive outdoor facility that is up-to-date and inviting, encouraging more use.

The existing Skate Park is on the corner of Central and Willow Roads and is a main feature as the first point of contact to the town. The new Skate Park will be built on the same location and will be new, modern and revitalised. The facility intends to not only attract increased usage of the park but be aesthetically complementary to the town and supporting the vision towards:

“Establishing a town heart is the first step in creating a place where people can feel a sense of belonging and a place that reflects the identity and character of the local community.”

The new design concept uses concrete as the main ingredient, replacing the existing wooden construction. This is a far more durable medium for construction. Concrete has a longer life expectancy and less maintenance costs. Additionally skaters prefer this medium as it offers a better flow for skating. The concrete will be utilised to ensure that the design is smoother to which will assist users to master tricks and skating challenges. This will also create a uniformed look and provide better flow and allow intricate designs such as Aboriginal patterns to be sand blasted onto the side surfaces of the skate ledges. This will contribute to an aesthetically attractive and culturally fitting feature. Local students and Indigenous community members of Tom Price will be assisting with the artwork features. This will give a sense of pride and ownership to the park while contributing towards enhancing skills in the arts.

Comment

The Premier of WA has a Physical Activity Taskforce. This Taskforce recognises an increase in physical activity, especially in children and young adults will have a significant long term health benefit. Increased physical activity does not only benefit the individual but also contributes to the overall health of the wider community.

This project will have the potential to increase the use of the Skate Park as well as providing the opportunity for young people to maintain an active healthy lifestyle and social connections. This will then contribute towards positive outcomes for overall health and well-being. The Skate Park will be larger, more inviting and adventurous. It has the ability to appeal to the community on all age levels which will increase participation and physical activity.

The Department of Sport and Recreation, Youth Sport Good Practice Guide indicates that 42% of young people drop out of sport in years 7 and 8. Skateboarding and other mediums used at Skate Parks are considered to be unstructured sport. This is due to skating considered as not typically confined to training session times, membership and general club like conditions. This has a strong appeal to young people who may not hold an interest in the more formalised team sports and be more inclined to participate in their own time frames.

An innovative design for the Skate Park will provide a space for young people to meet. The aesthetically attractive design will incorporate various opportunities for active and passive use, beyond the provisions of the existing Skate Park. The central location of the facility makes it highly visible to tourists entering the town ensuring maximum exposure to visitors.

The existing Skate Park will be demolished and the new facility be built on the same location. It is situated amongst trees and considerable grass areas which are considered to be a family friendly environment especially for picnics and outdoor relaxation. An attractive

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park surrounding will encourage families to spend time watching their children participate in an exciting and action filled sporting activity.

The development of a new Skate Park will contribute to the promotion of the “Healthy Lifestyle” message that the Shire of Ashburton supports. An aim of the Shire is to provide a family friendly environment for residents and visitors to enjoy sporting and recreational activities. A new Skate Complex will give a boost to the community in its endeavours to increase the health and wellbeing of children combating childhood obesity and diabetes. This is a community issue and as a whole providing modern, attractive, usable facilities will encourage and motivate children, youth and young adults to participate in sports.

A new revitalised Skate Park also has the potential to attract skating competitions and other sporting events associated with the park on both a local and regional basis which would draw more tourism into the town and promote the town. This would also provide motivation for young people to continue to enhance their skating skills towards achieving recognition within the community.

Attached are some of the Skate Park Item photos plus a bird’s eye view of the concept design. All of the item designs are available for viewing if required.

ATTACHMENT 13.2

Consultation

Executive Manager, Technical Services
Relevant Shire of Ashburton Staff
Skate Boarding Association of Australia
Skate Park Designers
Architects
Engineers

Statutory Environment

A building licence will be required to commence with this projects build.

Policy Implications

Nil

Financial Implications

Funding allocated in the SOA budget. Grant application with CSRFF is in process.

Strategic Implications

The proposed project aligns with the Shire of Ashburton 2007-2011 Strategic Plan in the following areas:

- Diversify and strengthen the economy; and
- Include and engage our community.
-

It also aligns with the Pilbara Regional Development Commission 2010-2015 Strategic Plan in addressing Goal 2 – Sustainable and Vibrant Pilbara Cities.

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Rumble

That Council:

- 1. Accepts the concept design for the Tom Price Skate Park as per Attachment 13.2.**

CARRIED 9/0

Amanda O'Halloran left the meeting at 5.13 pm.
Amando O'Halloran entered the meeting at 5.16 pm.

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Declaration of Interest

Prior to consideration of this Agenda Item Crs White, Rumble, Dias and Wright declared an interest in Agenda Item 13.3 in accordance with Section 5.60A of the Local Government Act. The interest being Crs White and Rumble own shares in Rio Tinto Pty Ltd, Cr Wright is an employee of Rio Tinto Pty Ltd, and Cr Dias is an employee and owns shares in Rio Tinto Pty Ltd.

Crs White, Rumble, Dias and Wright left the meeting at 5.18 pm.

The Chief Executive Officer announced that as the President and Deputy President have declared a financial interest in the following item/s and left the Council Meeting it is required to elect a Presiding Officer.

Council Decision

MOVED: Cr Eyre

SECONDED: Cr Foster

That Council elect Cr Shields to be the Presiding Officer for the following item.

CARRIED 5/0

Council Decision

MOVED: Cr Eyre

SECONDED: Cr Thomas

That Council allow Crs Rumble and Dias to discuss Item 13.3 but not vote.

CARRIED 3/2

Crs Rumble and Dias entered the meeting at 5.21 pm.

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13.3 PARABURDOO CARAVAN PARK

MINUTE: 11050

FILE REFERENCE: PA.CM.0001

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 6 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The report seeks to obtain direction from Council for the establishment of a caravan/RV stop at Paraburadoo. Council has budgeted for the provision of this facility this year.

The recommendation identifies a different alternative other than being provided directly by Council. This involves forming a memorandum of understanding with Rio Tinto for the provision of a 10 year service for public access to a Caravan/RV site in Paraburadoo.

Background

There is currently no caravan service at Paraburadoo. Tourists and visitors needing overnight accommodation have found it necessary to use recreation and any other open space areas to stay overnight. This is generally unacceptable and Council has long identified that alternate arrangements need to be made for occasional accommodation and for waste disposal services for caravans and RVs.

Previously a caravan park was operational at Paraburadoo however it has not functioned for many years. Whilst the internal roads and underground services are still present there are no toilet facilities or any buildings on site.

Council obtained a lease of the former caravan park site from Rio Tinto in November 2008 for a period of 15 years for a peppercorn rent. Clause 8 of the lease allowed for early termination by the lessor with three months notice. This clause was removed by agreement in August 2010.

In August 2008 Council appointed Gumala Aboriginal Corporation (GAC) as the preferred tenderer in relation to the proposed development and operation of a caravan park. Two tenders were received.

Gumala Aboriginal Corporation applied for planning approval to construct a tourist/caravan park on the site in May 2009. Approval was granted with conditions. Council was keen, in

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that approval; to ensure that transient workforce accommodation was ancillary to any tourist development.

Council accepted the tender from GAC in June 2009, subject to a number of conditions.

In November 2009 GAC sought extensions of time to the 31 January 2010 for the provision of amended conceptual plans.

In December 2009 Council decided not to grant an extension and also resolved to call new tenders to develop and operate the site.

The project appears to have then lapsed.

Council allocated a sum of \$65,000 in the 2011/2012 capital budget to provide for a Hard Stand, Dump Point, Water Point and Trees for a Paraburdoo RV stop.

Comment

Council has sought to establish a private caravan operation in Paraburdoo, with little success. The service is desired and ought to be available. In consultation for a strategic plan parts of the community did express a need to be able to cater for friends and relatives to visit full time residents with caravan and RVs in the Pilbara towns.

In delivering this services however Council needs to be mindful of the overheads and operating costs of manning, booking and managing, cleaning and operating the facility.

An opportunity has arisen whereby Council can ensure the service is available, yet can isolate itself from any operating financial cost or risk.

RIO Tinto has identified a need to provide a site for accommodation trailers for staff required to undertake various temporary projects and activities. Rio Tinto would likely move the trailers around the Pilbara depending on where the need arose. These trailers can be fully self contained and could not be compared to transportable accommodation cabins or "dongers". They fit more appropriately into the caravan/RV category.

Rio Tinto intend to build an ablutions block that would provide Male and Female showers, toilets and washing machines fully connected to the sewer facilities in Paraburdoo; sewer services are reasonably available on this site.

The previous caravan park is an ideal site for this service. Discussion has been held between Rio Tinto and the Shire of Ashburton about how this site could be used for the transportable accommodation trailers, given the lease currently held by the Shire.

These discussions have progressed to a point where Rio Tinto would be willing to allow public use of these facilities for Caravans and RVs.

The proposal is that the Council agrees to hand the lease of the site back to Rio Tinto, on condition that an agreement is entered into to ensure that Rio Tinto:

- Applies for and receives a development permit for a Caravan/RV site that includes an ablution block with shower, toilet and washing facilities and a public sewer dump point for caravans and RVs;
- Undertakes the development of the site within six months of the agreement;
- Provides an area of the land that caters for a minimum of 10 private caravan or RV sites;

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- Will allow advertising of the availability to the public and will manage bookings for the site;
- Allow public bookings to be up to a maximum of 14 days, unless by separate arrangements or agreements, but does not allow any permanent accommodation; and
- Agrees to provide a public caravan/RV service for a period of no less than 10 years.

A plan of the site is attached.

ATTACHMENT 13.3

Consultation

Chief Executive Officer
Executive Manager Engineering Services
Rio Tinto
Council

Statutory Environment

A development permit will be required to advance this project.

Policy Implications

There are no policy implications.

Financial Implications

Council allocated a sum of \$65,000 in the 2011/2012 capital budget to provide for a Hard Stand, Dump Point, Water Point and Trees for a Paraburdoo RV stop. If the proposal is acceptable these funds could be re-allocated.

Strategic Implications

Enhancing the availability of services for tourists.

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr A Eyre

SECONDED: Cr L Thomas

That Council:

1. **By mutual agreement with the landlord, agrees to hand back the lease of 1 Camp Road Paraburdoo, subject to Rio Tinto:**
 - **Developing a caravan/RV/transportable accommodation trailer facility on the property, including ablution facilities for toilets, showers and washing services;**
 - **Applying for and receiving a development permit for the facility;**
 - **Agreeing to provide a minimum of 10 public caravan park sites and a public sewerage dump points for tenants and non tenants, with Rio Tinto to manage all bookings and able to recover reasonable costs;**
 - **Allowing advertising of the public use, and for accommodation duration of up to 14 days;**
 - **Not permitting permanent accommodation on the site;**
 - **Agreeing to have the facility operational within six months of Council agreement or such other extension as Council reasonably allows;**
 - **Agrees to make the public sites available for a minimum of 10 years; and**
 - **Entering into a memorandum of understanding with the CEO catering for the above services.**

CARRIED 4/1

Change to Recommendation

Point 2. was removed.

Reason for Change to Recommendation

The passing of Resolution 1 gives the authority to the CEO to progress the matter and therefore recommendation 2 was not required.

Crs White and Wright entered the meeting at 5.36 pm.

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13.4 RFT 13/11 PROVISION OF LANDSCAPE DESIGN, SUSTAINABILITY & COMMUNITY ENGAGEMENT SERVICES

MINUTE: 11051

FILE REFERENCE: AS.TE.11.13

AUTHOR'S NAME AND POSITION: Megan Walsh
Project Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire of Ashburton has been working hard to increase the sustainability of its water practices and better plan landscaping projects. With considerable opportunities in this area opening up with the projected growth of the Onslow Community it was time to formalise the Shire's arrangements in this area.

Tenders were called for the provision of landscaping design, sustainability and community engagement services initially in Onslow with outreach across the whole of the Shire, on the 20th August 2011. The tender period closed at 4.00pm on Wednesday 7th September 2011.

Twelve tenders were received. Following assessment of the tenders is recommended that Josh Byrnes & Associates be awarded the tender.

Background

There is a considerable amount of activity within the Shire that requires development of master plans and concept plans. The work mainly relates to a diverse range of activities such as the cemetery upgrade, Onslow foreshore, main street revitalizations, sporting precinct planning, street, trees to name a few. Equally, water wise initiatives and waste water reuse project planning is required throughout the Shire.

These projects will all require an element of landscaping design, sustainability and community engagement services.

Recent town surveys and planning has highlighted the need for creative and innovative approaches to future landscape design and water management in the Shire of Ashburton as a whole. Each town is distinct and needs to be treated in a manner particular to its needs, whilst continuing so have some connection to the Shire.

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Due to the diversity of consultants in this area, assessment criteria was weighted more predominately on relevant experience and the knowledge and innovation of the key personnel team. There needed to be demonstrated experience that related directly to the Shires projected scope of works. This demonstrated experience was a major component of the appraisal process.

Council should note that the contract will be awarded for 12 months, with the option for further extensions over 2 consecutive 12 month periods. Council should also note that the contract will not preclude Council from seeking design and sustainability input or services from another contractor should circumstances allow.

Comment

In total 12 tenders were received.

- Workroom
- Cardno Splat
- GHD
- Urbis
- Aecom
- Eco Spare
- RPS
- Emerge
- Blackwell & Assoc
- Syrinx
- Josh Byrne & Assoc
- Gerard Healey

Tenders were evaluated on the following criteria –

Note – *Price comparisons were difficult to achieve due to the inconsistency between each organizations staff structures and many utilized consultants for facets of the works. The tender assessment certainly took price schedules into consideration and ensured Council was achieving a best value for money outcome.*

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1. Non-Priced Items 80% of assessment criteria

<p>A) Relevant Experience 30%</p> <p>Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it “Relevant Experience”:</p> <ul style="list-style-type: none">(a) Provide details of similar work, including examples that reflect the Respondent’s capability across the range of likely initiatives, as well as experience working in the North-West of WA;(b) Provide scope of the Tenderer’s involvement including details of outcomes;(c) Provide details of issues that arose during the project and how these were managed;(d) Demonstrate sound judgement and discretion; and(e) Demonstrate competency and proven track record of achieving outcomes.(f) Provide a minimum of three referees that can account for the Respondent’s experience and capacity across the likely initiatives identified under “Scope of Works”

<p>B) Key Personnel skills and experience 30%</p> <p>Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <ul style="list-style-type: none">(a) Their role in the performance of the Contract;(b) Curriculum vitae;(c) Membership to any professional or business association;(d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and(e) An organisational chart illustrating the structure of key staff (note: sub-consultants/contractors must be clearly identified);(f) Any additional information. <p>Supply details in an attachment and label it “Key Personnel”.</p>
--

D) Demonstrated Understanding 20%

Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:

- (a) Demonstrated understanding of the scope of work, as well as the opportunities and challenges in the North-West of WA and Shire of Ashburton generally, as well as specific to Onslow;
- (b) The process for the delivery of the services;
- (c) Ability to meet delivery timeframes

Supply details and provide an outline of your proposed methodology in an attachment labelled "**Demonstrated Understanding**".

C) Fees 20%

Tenderers must complete a "Fee Schedule". Before completing the Fee Schedule, tenders should ensure they have read this entire Request for Tender.

The "Fee Schedule" must include the following information

- (a) A Schedule of rates for each of the Respondent's personnel;
- (b) A schedule detailing fees, disbursements and any other relevant charges not reflected in the personnel schedule of rates.

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QUALITATIVE CRITERIA

RFT 13/11 Provisions for Landscape Design, Sustainability and Community Engagement Services

		TENDERER 1 Josh Byrne & Assoc		TENDERER 2 Cardno Splat		TENDERER 3 GHD		TENDERER 4 Urbis		TENDERER 5 Aecom	
	Weighting	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted
Relevant Experience	30%	8.3	249	3.3	99	5	150	6.3	189	8.3	249
Key Personnel skills & experience	30%	9	270	3.6	108	6.6	198	5.6	168	8.6	258
Demonstrated understanding	20%	8.3	166	5.3	106	5	100	6.3	126	8	160
Fees	20%	4.57	91.4	4.57	91.4	1.64	32.8	5.24	104.8	5.9	118
TOTALS	100%	30.17	776.4	16.77	404.4	18.24	480.8	23.44	483	30.8	667

		TENDERER 6 Eco Spare		TENDERER 7 RPS		TENDERER 8 Emerge		TENDERER 9 Blackwell & Assoc		TENDERER 10 Syrinx	
	Weighting	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted
Relevant Experience	30%	6.6	198	5.6	168	7	210	5.6	168	6.3	189
Key Personnel skills & experience	30%	5	150	6	180	7.3	219	5	150	5.6	168
Demonstrated understanding	20%	5.6	112	5.6	112	8.3	166	5.6	112	7	140
Fees	20%	6.56	131.2	3.91	78.2	4.95	99	3.82	76.4	6.56	131.2
TOTALS	100%	23.76	460	21.11	460	27.55	595	20.02	430	25.46	497

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Fee Comparison

**** *Three key roles were compared to carry out assessment*

Tender Name	Senior Landscape architect - 1hr	landscape architect- 1hr	Environmental consultant - 1hr	Total amount for 1 hr	Cost Score
Josh Byrne & Assoc	\$125.00	\$110.00	\$200.00	\$430.00	6.85
Cardno	\$165.00	\$105.00	\$280.00	\$550.00	4.57
GHD	\$205.00	\$170.00	\$330.00	\$705.00	1.64
Urbis	\$160.00	\$125.00	\$230.00	\$515.00	5.24
Aecom	\$150.00	\$150.00	\$210.00	\$480.00	5.90
Eco Spare	\$160.00	\$125.00	\$160.00	\$445.00	6.56
RPS	\$200.00	\$145.00	\$240.00	\$585.00	3.91
Emerge	\$150.00	\$130.00	\$250.00	\$530.00	4.95
Blackwell & Assoc	\$220.00	\$160.00	\$210.00	\$590.00	3.82
Syrinx	\$150.00	\$120.00	\$175.00	\$445.00	6.56
Total				\$ 5,275.00	
Average				\$ 527.50	

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Consultation

The Tender panel consisted of Project Manager - Western Operations, Executive Assistant – Strategic & Economic Development and the Shire’s Land Development and Marketing Coordinator.

Executive Manager, Strategic and Economic Development
LandCorp Project Manager
CEO Shire of Ashburton
Executive Manager Technical Services

Statutory Environment

Section 3.57, Local Government Act 1995 and Part 4, Local Government Act (Functions and General) Regulations 1996.

Financial Implications

All projects undertaken will be budgeted for as per the Shire’s annual budgetary process.

Strategic Implications

Shire of Ashburton Strategic Plan 2007-2011

Strategic Objective 1; Project 4 – Townscape plans – *“Implement Townscape Plans for Tom Price and Paraburdoo; Progress and review the existing Onslow Townscape Plan.”*

Strategic Objective 4, Strategies – Sustainable Water Planning, Increase in Water Wise Initiatives by residents and businesses, Reduction in Municipal use of Water – Project 3 *“Investigate and design reuse facilities – Tom Price, Paraburdoo and Onslow.”*

Policy Implications

Consistent with Purchasing and Tendering Policy FIN12

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr L Shields

SECONDED: Cr A Eyre

That Council:

- 1. Award RFT 13/11 Provisions of Landscaping design, sustainability and community engagement services to Josh Byrne & Associates for a period of 12 months with the option of exercising and extension for two additional 12 month periods.**

CARRIED BY ABSOLUTE MAJORITY 9/0

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13.5 DRAFT AMENDMENT NO. 19 TO THE SHIRE OF ASHBURTON LOCAL PLANNING SCHEME NO. 7 - REQUEST TO INITIATE REZONING OF VARIOUS SITES IN ONSLOW TO RESIDENTIAL R12.5/30 AND R20

MINUTE: 11052

FILE REFERENCE: PS.TP.7.19

AUTHOR'S NAME AND POSITION: Rob Paull
Shire's Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 11 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

LandCorp has undertaken an investigation of land within the Onslow township that could have 'infill' development potential, but generally either reserved under the Shire of Ashburton Local Planning Scheme No. 20 as either 'Parks, Recreation and Drainage', or 'Public Purposes – Water and Drainage' or 'road'. The land subject of this scheme amendment request are:

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

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

It is recommended that the Amendment No. 19 be initiated by the Shire and referred to the EPA before advertising the Amendment. Once the Agencies have responded, the Amendment would be advertised for 42 days and referred back to Council for consideration.

Background

LandCorp has undertaken an investigation of land within the Onslow township that could have 'infill' development potential, but generally either reserved under the Shire of Ashburton

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Local Planning Scheme No. 20 as 'Parks, Recreation and Drainage' or 'road'. The land subject of this scheme amendment request is:

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

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

ATTACHMENT 13.5

Comment

The sites subject of this proposed amendment represent infill parcels that can be provided as developable residential lots in the shortest possible timeframe, with a minimum of development constraints. Future scheme amendment requests will be made to the Shire for larger and more constrained parcels of land in and around the Onslow townsite.

LandCorp advise that the primary objective of this amendment is to deliver the identified priority sites as readily developable residential lots, without being associated with larger parcels that may involve lengthier periods to resolve the development constraints. The proposed zoning and density coding for each of the parcels is as follows:

Parcel A

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

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

Parcel B

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

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

Parcel C

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

This proposed zoning and R Code of 12.5/30 is consistent with the zoning and density coding of the adjacent lot to fronting Simpson Street.

Onslow Salt buffer

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

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

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

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

Acoustic assessment

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

Drainage reserve

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

Water supply

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

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

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Based on this, it is considered that the sites subject of this proposed scheme amendment can be adequately provided with water supply at the future time of the creation and development of the lots, when service connection is to be provided.

Wastewater

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

Stormwater drainage

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

Electricity

The State Government announced on 29 January 2010 that it has committed the funds required to complete the \$130 million Pilbara Underground Power Project, funded through the Royalties for Regions. The Onslow undergrounding projects is scheduled to commence in 2012 and completed by the end of 2012. This will provide power for the sites subject of this amendment at the time of their future development, following the gazettal of this amendment and the resolution of the associated land assembly processes.

Conclusions

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

Consultation

Chief Executive Officer
Executive Manager Western Operations

Statutory Environment

Planning and Development Act 2005

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

The decision on whether to adopt an amendment is solely that of Council. Upon adoption by Council the amendment is referred to the Environmental Protection Authority (EPA) after which public advertising of the proposal occurs (this is where this 'draft Amendment' currently sits in the process).

After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon recommendation from the Western Australian Planning Commission.

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

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

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

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

Policy Implications

None anticipated

Financial Implications

None anticipated

Strategic Implications

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

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

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr L Shields

SECONDED: Cr L Rumble

That Council in Pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 19 ("draft Amendment") to the Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") which proposes:

1. Rezoning of land as follows:
 - i. Unallocated Crown Land Lot 570 from 'Parks, Recreation and Drainage' reserve, a portion of Lot 647 (Reserve 33782) from 'Public Purposes – Water and Drainage' reserve and Unallocated Crown Land Lot 975 from 'Urban Development' zone all to Residential zone with a density coding of R12.5/30 as set out in the Amendment Map.
 - ii. A portion of Unallocated Crown Land Lot 649 from 'Parks, Recreation and Drainage' reserve to Residential zone with a density coding of R12.5/30 as set out in the Amendment Map.
 - iii. Portions of excess road reserve associated with Simpson Street, First Street, Forrest Court and Clarke Place from 'road' reserve to Residential zone with a density coding of R20 as set out in the Amendment Map.
2. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and Regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.
3. Following advertising of draft Amendment No. 19 or a response from the EPA requiring formal environmental assessment, the matter is referred back to Council for consideration.

CARRIED 9/0

Change to Recommendation

- iii. Was changed from R12.5/30 to R20.

Reason for Change to Recommendation

This is a correction of a typographical to ensure the Recommendation reflects the R coding in the draft Local Planning Scheme.

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13.6 APPLICATION FOR PLANNING APPROVAL - BEADON CREEK SALTWATER INTAKE FACILITY, BEADON CREEK, ONSLOW

MINUTE: 11053

FILE REFERENCE: RD.OG.02.05

AUTHOR'S NAME AND POSITION: Rob Paull
Shire's Town Planning Consultant

NAME OF APPLICANT/RESPONDENT: Chevron Australia Pty Ltd

DATE REPORT WRITTEN: 11 October 2011

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

PREVIOUS MEETING REFERENCE: No Applicable

Summary

Chevron Australia is seeking approval to construct a 'temporary' seawater extraction facility at Lot 561, Beadon Creek Road, Onslow. Chevron advise that it holds a lease from the Department of Transport (DoT) for a portion of Lot 561 and is in the final stages of re-negotiating the terms of this lease, extending it for another 10 years (until 2021). Water from the extraction is to be carted along Beadon Creek Road for approximately 8 months. After this period, a pipeline is proposed whereby water will be pumped to a standpipe and accessed directly from Onslow Road.

The Shire of Ashburton Town Planning Scheme No. 7 reserves the land for 'Public Purposes – Port Facilities'. The Shire does have the opportunity to lessen the impacts of the development however, 'Port Facilities' is a wide-ranging purpose whereby port related uses would not normally require the approval of the Shire. The proposal however is not directly Port related and therefore planning approval is required from the Shire.

The Shire does not generally support the proposed pumping from Beadon Creek due to the impacts of trucking of the water along Beadon Creek Road. It is recommended that Chevron be advised that:

- due to the impacts on Beadon Creek Road and potential conflicts with other users, Chevron's proposed pumping of water from Beadon Creek and trucking of the water along Beadon Creek Road is not generally support;
- alternatives such as utilizing BHPB's bore at the Macedon development is strongly recommended;
- Chevron need to clarify why alternatives to pumping of water from Beadon Creek and trucking of the water along Beadon Creek Road are not acceptable; alternatives such as
- should Chevron seek to pursue access on Beadon Creek road for water cartage, that Council will require a separate agreement with the Shire that clearly requires the operator to contribute to the reconstruction of Beadon Creek Road once the transportation ceases.

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Should the Chief Executive Officer consider that there is no reasonable alternative for Chevron to gain access to a water supply as outlined in the Shire Report, then the Chief Executive Officer be requested to:

- i. Sign the Application for Planning Approval that would allow the pipeline to cross Lot 500 that part of Reserve 19291 that is managed by the Shire of Ashburton for 'Common' purposes.
- ii. Issue Planning Approval for 'temporary' seawater extraction facility at Lot 561, Beadon Creek Road, Onslow subject to the matters raised in the Shire Report including, but not limited to including a requirement for a separate agreement with the Chevron that clearly requires the operator to contribute to the reconstruction of Beadon Creek Road once the transportation ceases.

Background

Chevron advise that it holds a lease from the Department of Transport (DoT) for a portion of Lot 561 and is in the final stages of re-negotiating the terms of this lease, extending it for another 10 years (until 2021). The leased portion of Lot 561 is currently used by Chevron Australia as a marine and maintenance support facility for its existing WA Oil ventures associated with oil facilities on Barrow and Thevenard Islands. The leased site contains a boat mooring and launching facility, a large shed and some now redundant fuel storage facilities that are proposed for demolition under the new lease terms being negotiated with the DoT.

Proposal

Chevron Australia is seeking approval to construct a 'temporary' seawater extraction facility at Lot 561, Beadon Creek Road, Onslow. Permitted uses of Lot 561 have been agreed with the DoT and include, but are not limited to, the extraction and trucking of seawater from the site.

The purpose of this application is to seek approval for:

- i) A seawater extraction facility at Lot 561 Beadon Creek Road, Onslow; and
- ii) A temporary high-density polyethylene (HDPE) above-ground pipeline extending from the seawater extraction facility at Lot 561 to the existing truck turnaround on Onslow Road. The truck turnaround is located ~900m South East of the intersection of Beadon Creek Road and Onslow Road.
- iii) Holding tanks and loading facilities located at or adjacent to the truck turnaround area facilitating the storage and loading of seawater into water tankers for transport to the Ashburton North Strategic Industrial Area (ANSIA).
- iv) Trucking of seawater from the truck turnaround area to the ANSIA.

ATTACHMENT 13.6

These proposed facilities will provide the initial water source for early construction activities associated with the Wheatstone LNG and Domestic Gas (Domgas) Plant in the Ashburton North Strategic Industrial Area (ANSIA).

Water extracted from the proposed Beadon Creek Lot 561 seawater intake facility is intended to be transported by truck to the ANSIA and used for:

- i) Bulk earthworks soil conditioning
- ii) Soil compaction and dust suppression.

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- iii) As initial supply to a reverse osmosis (RO) desalination facility capable of treating seawater to a potable standard to supply the accommodation village located within the ANSIA.

It is understood that in the short term (during the first 12 months of construction) it is proposed to utilise water extracted from Beadon Creek in accordance with this application until a more permanent water source is constructed via a compaction phase seawater intake facility to be located in the Common User Coastal Area (CUCA).

The leased portion of Lot 561 is currently used by Chevron Australia as a marine and maintenance support facility for its existing WA Oil ventures associated with oil facilities on Barrow and Thevenard Islands. The leased site contains a boat mooring and launching facility, a large shed and some now redundant fuel storage facilities that are proposed for demolition under the new lease terms being negotiated with the DoT.

Seawater Intake Facility

The land subject to this application comprises three separate lots and a portion of the Onslow Road reserve. These lots comprise:

Lot/Reserve No.	Management	Purpose of Reserve
561/30711	Department of Transport	Harbour
500/19291	Shire of Ashburton	Common
957/220439	N/A	Crown

The Seawater Intake Facility will be located on Lot 561 this lot is reserved for 'Harbour Purposes' with a management order held by the Minister for Transport (L473556). The management order grants the Minister the power to lease, sub-lease, or license the land or portion of the land for the designated purpose for any term.

Temporary Pipeline and Truck Loading

The pipeline will traverse land the following landholdings:

- i) Lot 561 on Plan 174170 (LR3152 – 109). This lot comprises Reserve 30711 and is managed by the Department of Transport.
- ii) Lot 973 on Deposited Plan 220439 (LR3115 – 262). This area is denoted as unallocated Crown Land and controlled by the Department for Regional Development and Lands.
- iii) Lot 500 on Plan 53870 (LR3152 – 109). This lot comprises a portion of Reserve 19291 with Management Order to the Shire of Ashburton to be used for 'Common' purposes.
- iv) The truck turnaround within the Onslow Road reserve that is controlled by Main Roads WA.

The final location of the water loading and storage infrastructure is to be determined in consultation with the Shire of Ashburton and MRWA with this facility located at or adjacent to the existing truck turnaround on Onslow Road immediately south of the Onslow Townsite.

Regardless of the final location of the loading facility, the pipeline will need to cross Lot 500 that is part of Reserve 19291 that is managed by the Shire of Ashburton for 'Common' purposes. In this regard, the Shire will need to sign off the Application insofar as it affects Reserve 19291.

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Phase 1 - Seawater Intake Facilities at Lot 561, Beadon Creek

Chevron advise that the precise layout of the proposed seawater extraction facility is yet to be determined and is generally described in Attachment 1 and will include:

- i) diesel powered electric pumps;
- ii) bunded fuel oil tanks;
- iii) a suction line running to a flexible intake to be located to the east of the existing boat wharf;
- iv) two (2) large self elevating water storage tanks capable of rapidly filling water trucks; and
- v) two (2) large sea containers to act as a site construction office and a storage facility for maintenance spares and miscellaneous equipment.

The intake is not be a fixed structure and will be constructed of flexible material. The seawater intake is designed with a marine life protection intake screen with the self-bunded fuel oil tanks filled on a daily basis by mobile fuel trucks. A spill management plan would need to be prepared but not to the requirements of the Shire. The seawater will be pumped into onshore, mobile, self-elevating storage tanks that will provide for rapid loading of water trucks that will access the leased site through the existing entrance gate on the north side. Pumps are intended to operate for a maximum of 10 hours per day, 13 days per fortnight. Water trucks using this facility will similarly operate a maximum of 10 hours per day, on a 13-day fortnight. Trucking of water to the ANSIA directly from Beadon Creek, Lot 561 will be require from 'start up' for up to 8 months.

Chevron advise that upon completion of water extraction activities at Beadon Creek, the facilities will be decommissioned and all temporary extraction equipment removed. The temporary pipeline could be retained and used by other agencies, but this would be determined closer to the time of decommissioning.

Phase 1 - Traffic Movement/Management

Chevron advise that delivery volumes are still being finalised, however it is anticipated that water will initially (up to 8 months) be delivered from Lot 561 to the ANSIA, via Beadon Creek Road, at a rate of 35 return truck loads per day (~70 single direction truck movements per day) increasing to an anticipated 60 return truck loads per day (~120 single direction truck movements per day). It is anticipated that water trucks may be capable of carrying up to 30m³, but this will depend on availability.

A Traffic Impact Assessment (TIA) prepared for Chevron concluded that the existing road network was capable of accommodating the truck movements proposed, subject to improvements to Onslow Road and Beadon Creek Road intersection and Beadon Creek Road. Chevron notes in the Application that:

"....during the duration of the water trucking along Beadon Creek road, should the road show signs of deterioration, Chevron will liaise with the Shire regarding the maintenance of the road and to ensure the safety of all road users."

Phase 2 - Temporary Water Pipeline and Facilities

In addition to the facilities outlined in Phase 1, Chevron advise that the following will be added:

- i) An above ground pipeline installed over existing scrub adjacent to an existing beaten track. The existing track will be used to lay the pipeline.

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- The pipeline will exit the leased site on the North West corner and traverse Lot 561, Lot 973, Lot 500 and the Onslow Road on an alignment that generally follows an existing beaten track already in the area.
 - The pipeline will be ~10" in diameter and of HDPE (High density polyethylene) construction.
- ii) Two rapid fill storage tanks to be located to the East of the truck turnaround. Once all appropriate approvals are in place, construction of the pipeline is expected to take 3-6 weeks and subject to final engagement with approved pipeline installation contractors. Phase 2 is anticipated to commence from month 8 to month 12.

Phase 2 - Traffic Movement/Management

Once the water pipeline to Onslow Road is constructed, trucks will no longer need to use BeadonCreek Road and the 120 truck movements will merely utilise Onslow Road (which is controlled by MRWA). Trucks will be equipped with communication equipment, and protocols will be established to ensure that traffic stacking is restricted to a maximum of two trucks at any time. It is anticipated that the truck fleet will grow to approximately 15 trucks, with these trucks parked overnight at the ANSIA Transient Workforce Accommodation site area. Trucking will occur for a maximum of 10 hours per day, mainly during daylight hours and will be based on a 13-day fortnight.

Comment

The Shire of Ashburton Town Planning Scheme No. 7 (LPS7) reserves the land subject to this application for 'Public Purposes – Port Facilities'. The Shire does have the opportunity to lessen the impacts of the development however, 'Port Facilities' is a wide-ranging purpose whereby port related uses would not normally require the approval of the Shire. The proposal however is not directly Port related and therefore planning approval is required from the Shire.

It is the Shire's understanding that a bore-water supply can be made available to Chevron from BHPB's Macedon development. Chevron has been advised of this (by the Shire) but no advice is provided from Chevron as to the suitability of this arrangement. This is the preferred arrangement for the Shire, however it is not available to the Shire to require Chevron or any other operator to share the bore-water supply.

The proposal has been discussed at length between the Shire and Chevron and the Shire has advised Chevron that it prefers the shared bore-water supply at the ANSIA rather than the proposed pumping from Beadon Creek and trucking of the water along Beadon Creek Road. It is noted that Chevron's need for the water is to provide the initial water source for early construction activities associated with the Wheatstone LNG and Domgas Plant in the ANSIA.

Should the arrangement of pumping water from Beadon Creek be necessary, the impacts of trucking the water will result in significant impacts on the Beadon Creek road surface and in relation to the Onslow Road and Beadon Creek Road intersection. This is somewhat acknowledged by Chevron however the suggestion that it can be dealt with simply through liaison with the Shire is somewhat problematic, as the onus would be on the Shire to prove that the deterioration of the road was due to Chevron usage.

It is important to note that the vehicles sought to be used for transporting the water will be standard six-wheeler trucks that don't normally require any specific approvals. In this regard, it is not the type of vehicle that will impact Beadon Creek Road, but rather the sheer volume specific to the proposal.

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Accordingly, the traffic impacts should be dealt with as a separate agreement with the Shire that clearly requires the operator to contribute to the reconstruction of Beadon Creek Road once the transportation ceases.

Approval of 'Phase 2' the application as sought will impact the use of Onslow Road, however this is a matter for MRWA.

Consultation

Chief Executive Officer
Executive Manager, Technical Services

Statutory Environment

The Shire of Ashburton Town Planning Scheme No. 7 (LPS7) reserves the land subject to this application for 'Public Purposes – Port Facilities'. This proposed development is considered consistent with the purpose of the Scheme reserve. The land is also included in the 'Onslow Coastal hazard Area under the Scheme which has limitations placed on minimum floor heights for certain uses and developments.

The potential for flood and storm surge impact to development is addressed in Clause 6.2 of LPS7 where Council is required to consider whether a proposed development may be incompatible with flood or storm events and refuse or condition any approval accordingly. Given the requirement of this development to be located close to a water source, and its temporary nature, it is submitted that further assessment is not required for this application and that no significant risk is presented in approving the application.

LPS7, Clause 7.3 further regulates development in coastal areas within the Shire. With regard to this section, we submit that this application should be considered in accordance with Clause 7.3.8 (c) that states that non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.

Accordingly, as the structures subject to this application do not have 'habitable rooms' they will not require floor levels to be raised. Under Clause 7.3.8 (e), it is appropriate that the any Planning Approval include the following Scheme condition:

"The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events."

Financial Implications

There are no financial implications relevant to this matter.

Strategic Implications

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

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

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

- "New Industry
Measures and Targets*
- » Increase in major investment enquiries*
 - » Increase in building activity*

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- » *Community satisfaction with economic development*
- » *Increased employment opportunities”.*

Policy Implications

There are no policy implications relevant to this matter.

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council:

1. Request The Chief Executive Officer to sign the Application for Planning Approval that would allow the pipeline to cross Lot 500 that part of Reserve 19291 that is managed by the Shire of Ashburton for ‘Common’ purposes.
2. Issue Planning Approval for ‘temporary’ seawater extraction facility at Lot 561, Beadon Creek Road, Onslow Shire of Ashburton, in accordance with the submitted plans and subject to the following conditions:
 - a) This Approval will expire on 20 October 2012 and all approved works shall be removed within 28 days of the date of expiry or other period as agreed by the Chief Executive Officer.
 - b) Prior to commencement of the ‘temporary’ seawater extraction facility, Chevron Australia Pty Ltd shall enter into a signed agreement with the Shire of Ashburton to the requirements of the Chief Executive Officer, Chevron Australia Pty Ltd will:
 - i. Upgrade Beadon Creek Road in relation to ‘Phase 1 of the Application – Transportation by Vehicle along Beadon Creek Road’ as follows:
 - a) That the pavement and seal widths of Beadon Creek road is increased to avoid drop off formation and edge fragmentation – resulting in a minimum width of pavement and seal of 7.5 metres; and
 - b) That intersection improvements are undertaken in Second Avenue to enable undertaking area for trucks and vehicles waiting to turn into Beadon Creek Road; and
 - c) That commencement of transporting water from the ‘temporary’ seawater extraction facility is only to occur following the approval of road upgrade plans and specifications by the Shire; and
 - d) That the applicant and the Shire may form a separate agreement to enable use to commence prior to the completion of the road works; and
 - ii. Undertake to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events.

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- c) The land use and development shall be undertaken generally in accordance with the approved plans, in a manner that is deemed to comply with the satisfaction of the Chief Executive Officer.

Advise the applicant as follows:

- i. Rights of appeal are also available to you under the Planning and Development Act 2005 (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).
- ii. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following web site <http://www.dia.wa.gov.au/Heritage/default.aspx>.
- iii. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
- iv. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or on <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

CARRIED 9/0

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13.7 TOM PRICE LAY DOWN AREA

MINUTE: 11054

FILE REFERENCE: RE.TI.R.39084

AUTHOR'S NAME AND POSITION: Antony Cox
Coordinator of Building and Health

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Rubbish skip operators in Tom Price have, for some time, have been operating their waste transport businesses in various locations, none of which have any approvals.

It is recommended that the old tip site, subject to appropriate approvals, be used as a lay down area.

Background

Rubbish skip operators in Tom Price have been using sports club grounds, residential areas and various bush sites on the edge of town and inappropriate commercial sites in order to store and sort their skip operations. All of this has been carried out without the benefit of Home Occupation Licences, Building or Planning Approvals.

Other operators in Tom Price have also requested assistance with lay down areas from time to time. Some use will be casual and some longer term.

Comment

This situation is unsatisfactory from the Shire's point of view in that it is illegal, however it is acknowledged that the services provided by the three rubbish skip operators is of benefit to the community.

Other industry may also require temporary lay down facilities. There is a current lack of options for lay down areas in Tom Price and casual use of a lay down area may be attractive to some commercial operators.

The old tip site is adjacent to the current site. It is fenced and would require some leveling and importation of hard stand.

All works would be performed at the cost of users.

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The Local Government Regulations 1996 allows for the disposal of land (ie renting or leasing is considered a disposal under the Local Government Act) if:

“the leasing of land is for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land.”

It is proposed, if agreed by Council, to call for expressions of interest from operators in Tom Price prior to proceeding with any approvals, lease documents, etc.

Consultation

Chief Executive Officer

Statutory Environment

Local Government (Functions and General) Regulations 1996 Part 6 Clause 30 2(e)

Financial Implications

Maybe some minor income

Strategic Implications

Assist economic development of Tom Price.

Policy Implications

Nil

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Shields

That Council:

1. Approve in principle, the use of the Old Tom Price Tip Site for a lay down area subject to:
 - a. Approval of the Chief Executive Officer.
 - b. All statutory approvals being in place including road access.
 - c. The user entering into a written agreement which will, inter alia, require;
 - i. Liability insurance
 - ii. Maintenance of site
 - iii. Security
 - iv. Payment of fees
 - v. No on site manufacturing or processing
 - vi. Renewal and termination provisions
 - vii. Any conditions specific to the relevant user.

CARRIED 9/0

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14. OPERATIONS REPORTS

There were no Operations Reports.

15. COMMUNITY DEVELOPMENT REPORTS

15.1 DONATION OF LIGHTS TO ONSLOW RODEO CLUB

MINUTE: 11055

FILE REFERENCE: RE.OA.R.30127

AUTHOR'S NAME AND POSITION: Megan Walsh
Project Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 October 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Onslow Rodeo Club has expressed an interest in the two decommissioned oval lights. No other community groups in Onslow have suitable facilities for these lights and the Shire Officers support this request.

Background

As part of the Onslow Sporting Precinct upgrade the two lights on the town oval were replaced with a complete new sports lighting system. At the time of removal the lights were still in working order and are now currently stored at the Onslow Shire Depot with no intended use.

Comment

The Onslow Rodeo Club has expressed an interest in acquiring the two lights to help improve the inadequate lighting problem at the grounds. Being a not for profit, small organisation the committee has always struggled in obtaining funds to buy more lighting. The Onslow Rodeo Club hosts an annual rodeo meeting which requires them to hire lighting towers which funds must be sourced for. To be able to install the two lights would be a fantastic asset for the Onslow community as it also enables the grounds to be utilized for other special events if required.

The value of the lights is questionable due to their age and inadequacy for night sports and precision activities. The Shire has been advised that they don't currently meet sporting industry standards and would therefore only be valued in a minor monetary sense. Therefore it is considered that they would be valued at less than \$20,000 and this donation would therefore be exempt of any statutory regulation.

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Local Government Act 1995
Local Government (functions and General) Regulations 1996
Part 6, r30:3(a)

Consultation

Bob Harris – Onslow Rodeo Committee
Dean Hathaway- local Electrician
Michael Brown- Morley Electrical
Amanda O'Halloran – Shire of Ashburton

Statutory Environment

Local Government Act 1995
Local Government (functions and General) Regulations 1996
Part 6, r30:3(a)

Policy Implications

Nil

Financial Implications

Lights have very little resale, they are approximately 15 years old. The rodeo club will assume all moving, upgrade and installation costs.

Strategic Implications

Strategic Plan 2007-2011
Strategic Object 2: include and engage our community
Project 5: Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability.

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr C Fernandez **SECONDED:** Cr A Eyre

That Council:

- 1. Approve the donation of the two decommissioned oval sports lights to the Onslow Rodeo Club.**

CARRIED 9/0

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15.2 CLOSED CIRCUIT TELEVISION (CCTV) POLICY

MINUTE: 11056

FILE REFERENCE: OR.CM.01.00

AUTHOR'S NAME AND POSITION: Megan Walsh
Project Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 October 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.12.19 from the Ordinary Meeting of Council 15 December 2009

Summary

In December 2009 Council adopted a policy covering the usage and management of CCTV in the town of Onslow by the Shire of Ashburton. The policy was developed from other Local Government policies across Australia and reflected current best practice in risk management, community expectations and legal obligations. With the increase of facilities and infrastructure in Onslow there is a need to expand the authority of the current policy to incorporate all Shire facilities.

Background

The Shire of Ashburton previously identified a number of areas within the town of Onslow and the Shire that were consistently requiring cleaning and maintenance due to an escalating graffiti problem. The Onslow basketball courts and the undercover playground were the main targets for graffiti and vandalism, and were the focus of the previous policy.

The amended policy will simply read to allow CCTV coverage of all Shire facilities and infrastructure without listing them individually.

Comment

The amendment to the current policy is to incorporate new Shire facilities as they come on line without having to individually list them and amend the policy each time.

There is no change to the overall position of the Shire on the grounds of privacy and all previous legal requirements will continue to be upheld.

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Amendments to policy are:

1. Insertion of objective 4 – Identify any persons who uses Shire facilities, such as recreational centres, without any right to do so.
2. Addition to definitions - “Situation of concern” means a situation, which involves or may lead to a breach of the law, a situation where it appears that a person may be in physical distress or a situation likely to cause a public disturbance or a situation which may involve the unauthorised use of a Shire facility.

ATTACHMENT 15.2

Consultation

Executive Manager, Strategic and Economic Development
Peter Kyle – Solicitor
Human Resources Manager

Statutory Environment

Misc Acts – Legal advice was sort by the Shire Solicitor Peter Kyle.

Policy Implications

Closed Circuit Television (CCTV) System REC10 Policy.

Financial Implications

Nil

Strategic Implications

Strategic Plan 2007 to 2011 Key result area 5
- Community Safety & Security

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Wright

That Council:

1. Accepts the amendments:

- (a) **Insertion of objective 4 – Identify any persons who uses Shire facilities, such as recreational centres, without any right to do so.**
- (b) **Addition to definitions - “Situation of concern” means a situation, which involves or may lead to a breach of the law, a situation where it appears that a person may be in physical distress or a situation likely to cause a public disturbance or a situation which may involve the unauthorised use of a Shire facility.**

CARRIED 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 19 OCTOBER 2011

15.3 TOM PRICE BMX CLUB LIGHT TOWER UPGRADE

MINUTE: 11057

FILE REFERENCE: FI.AG.00.00

AUTHOR'S NAME AND POSITION: Mabel Gough
Community Services Project Officer

NAME OF APPLICANT/RESPONDENT: Tom Price BMX Club Incorporation – c/- Jamie Johnson

DATE REPORT WRITTEN: 12 October 2011

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

PREVIOUS MEETING REFERENCE:

Summary

The Tom Price BMX Club Incorporation is requesting the support and endorsement of Council to submit a Community, Sporting and Recreation Facilities Fund Grant (CSRFF) to the Department of Sport and Recreation (DSR) for \$55,000 to install new flood lighting.

This funding request is the only application that has been received by the Shire for the 2011 funding round, and will offer significant benefit to children and adults in the Tom Price community.

Background

The Tom Price BMX Club Incorporation is a vibrant, self determined community club actively engaging the Tom Price community. The Club is located on land leased from the Shire, and is seeking to install new repositioned light towers as a result of both racing track redesign and the desire to increase the usability and functionality of its premises. The Club has already raised \$20 000.00 to input into the project and has successfully secured \$90 000.00 from Royalties for Regions – Pilbara Regional Grants Scheme.

Requested amount from DSR:	\$ 55 000.00
BMX Clubs Input:	\$ 20 000.00
Royalties for Regions have granted:	\$ 90 000.00
<u>TOTAL COST OF PROJECT:</u>	<u>\$165 000.00</u>

Comment

New flood lighting will increase the usability of the venue and will improve track visibility, thereby improving safety for track users. With member numbers increasing each year and spectator numbers reaching 150 to 200 per race meet, the need to upgrade is imperative. BMX race meets in Tom Price draw consistently high numbers putting pressure on the club to improve the venue and the safety of the sport.

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Consultation

Consultation has taken place with:

- Department of Sport & Recreation – Peter Myers
- Royalties for Regions
- Shire of Ashburton – Jeffrey Breen & Larry Softley (before his departure)
- Tom Price BMX Club President – Jamie Johnson
- Tom Price BMX Club Committee

Statutory Environment

Local Government Act 1995

Financial Implications

There will be no financial implications for the Shire.

Strategic Implications

The Tom Price BMX Club Incorporation is in line with:

- The Shires Strategic Plan 2007 - 2011, Objective 2: Include and Engage our Community, specifically Objective 2.5 *“Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability.”*

Policy Implications

Nil

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

1. Supports and endorses the Tom Price BMX Club Incorporation as the Shire of Ashburton's CSRFF Funding application for the 2011 round.

CARRIED 9/0

17. CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That Council close the meeting to the public at 6.09 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

Frank Ludovico, Amanda O'Halloran, Geoff Brayford, Deb Wilkes, Rob Paull and Janyce Smith left the meeting at 6.09 pm.

17.1 CONFIDENTIAL ITEM - EXECUTIVE MANAGER, WESTERN OPERATIONS PERFORMANCE ASSESSMENT

MINUTE: 11058

FILE REFERENCE: OR.MT.2
PE.EM.000.00

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

NAME OF APPLICANT/RESPONDENT: Amanda O'Halloran
Executive Manager, Western Operations

DATE REPORT WRITTEN: 11 October 2011

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

PREVIOUS MEETING REFERENCE:

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council endorse the recommendation made in this Confidential Item - Executive Manager, Western Operations Performance Assessment report.

CARRIED BY ABSOLUTE MAJORITY 9/0

MINUTES - ORDINARY MEETING OF COUNCIL 19 OCTOBER 2011

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council re-open the meeting to the public at 6.37 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 9/0

Frank Ludovico, Amanda O'Halloran, Geoff Brayford, Deb Wilkes, Rob Paull and Janyce Smith left the meeting at 6.09 pm.

18. COUNCILLOR AGENDA ITEMS

There were no Councillor Agenda Items.

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 16 November 2011, at the RM Forrest Memorial Hall, Second Avenue, Onslow, commencing at 11.00 am.

20. CLOSURE OF MEETING

The Shire President declared the meeting closed at 6.31 pm.